Pages 9643–9690

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
1934
OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 29 NUMBER 139

Washington, Friday, July 17, 1964

Contents

(*Continued on next page*)

Codification Guide

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1964, and specifies how they are affected.

3 CFR

PROCLAMATION:

3599---- 9645

EXECUTIVE ORDERS:

Mar. 3, 1913 (Revoked by PLO 3421)---- 9665

Sept. 5, 1916 (Revoked by PLO 3421)---- 9665

1032 (Revoked in part by PLO 3422)---- 9666

7 CFR

70---- 9655

401---- 9655

728---- 9655

917 (2 documents)---- 9655, 9656

1068---- 9657

1464---- 9657

PROPOSED RULES:

948---- 9671

1063---- 9671

1070---- 9671

1078---- 9671

1079---- 9671

8 CFR

103---- 9660

212---- 9660

264---- 9660

14 CFR

11 [New]---- 9661

71 [New] (8 documents)---- 9662–9664

75 [New]---- 9664

91 [New]---- 9665

507---- 9665

PROPOSED RULES:

71 [New] (5 documents)---- 9672, 9673, 9675

507---- 9675

16 CFR

13 (5 documents)---- 9658–9660

31 CFR

10---- 9647

41 CFR

60–80---- 9657

43 CFR

PUBLIC LAND ORDERS:

3421---- 9665

3422---- 9666

47 CFR

73 (2 documents)---- 9666, 9670

48 CFR

13---- 9670

49 CFR

95---- 9670

FEDERAL REGISTER

Area Code 202 Phone 963-3261

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration (mail address National Archives Building, Washington, D.C. 20408), pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15 cents) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements are listed in the first FEDERAL REGISTER issue of each month.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER or the CODE OF FEDERAL REGULATIONS.

Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3599

NATIONAL SCHOOL LUNCH WEEK, 1964

By the President of the United States of America

A Proclamation

WHEREAS our Nation produces food in an abundance greater than any nation in history—an abundance more than sufficient to provide every American today with a tasty, nutritious, and healthful diet; and

WHEREAS adequate nutrition is essential if our Nation's youth is to achieve optimum health and physical fitness and enhance its ability to derive maximum benefit from the educational process; and

WHEREAS, under the national school lunch program, national, State, and community efforts are being made to insure that an adequate and nutritious school lunch is available, each day, to school children, regardless of family or neighborhood income; and

WHEREAS, on each school day, some 17 million youngsters now eat well-balanced lunches in more than 68,000 school lunchrooms operated for them by local people; and

WHEREAS the operation of this school lunch program is made possible by the employment of the unexcelled skills and techniques of a highly developed marketing system and results in the consumption of tremendous quantities of foods produced by our farmers; and

WHEREAS, in order to give deserved recognition to the role of the the school lunch program in building a stronger America through serving its youth, the Congress, by a joint resolution approved October 9, 1962 (76 Stat. 779), has designated the seven-day period beginning on the second Sunday of October in each year as National School Lunch Week, and has requested the President to issue annually a proclamation calling for the observance of that week:

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, call upon the people of the United States to observe the week beginning October 11, 1964, as National School Lunch Week, with ceremonies and activities designed to promote public understanding and awareness of the significance of the school lunch program to the child, to the home, to the farm, to industry, and to the Nation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this fourteenth day of July in the year of our Lord nineteen hundred and sixty-four, and [SEAL] of the Independence of the United States of America the one hundred and eighty-ninth.

LYNDON B. JOHNSON

By the President:

Dean Rusk,
Secretary of State.

[F.R. Doc. 64-7172; Filed, July 16, 1964; 10:15 a.m.]

Rules and Regulations

Title 31—MONEY AND FINANCE: TREASURY

Subtitle A—Office of the Secretary of the Treasury

[Dept. Circular 230 (Rev.)]

PART 10—PRACTICE OF ATTORNEYS AND AGENTS BEFORE THE TREASURY DEPARTMENT

This publication consolidates the revision of Department Circular No. 230, dated November 26, 1958, appearing in 23 F.R. 9261, dated November 29, 1958, and includes the following amendments:

Amendment dated January 29, 1959, appearing in 24 F.R. 1157, dated February 14, 1959, which adds subparagraph (7) to § 10.7(a).

Amendments dated October 9, 1962, appearing in 27 F.R. 9919 dated October 9, 1962, amending § 10.3(d) (1) and (2); deleting §§ 10.4(d) and 10.29; and amending § 10.51(b) (28).

Amendments dated September 20, 1963, appearing in 28 F.R. 10294 dated September 20, 1963, amending §§ 10.1(a), 10.5(a) and 10.5(b), 10.58(c), and 10.91.

Amendments dated March 20, 1964, appearing in 29 F.R. 3622 dated March 21, 1964, amending § 10.30 by adding paragraph (b); amending § 10.32 by revising paragraphs (a) and (b) and adding paragraph (c); amending § 10.33; amending § 10.34; and adding § 10.40.

Sec.

AUTHORITY: The provisions of this Part 10 issued under sec. 3, Act of July 7, 1884, 23 Stat. 258, 5 U.S.C. 261; R.S. 161, 5 U.S.C. 22; secs. 2 to 12, 60 Stat. 237 et seq. (5 U.S.C. 1001 to 1011); Reorg. Plan No. 26 of 1950, 64 Stat. 1280. 15 F.R. 4935. Statutes giving special authority are cited to text in parenthesis.

§ 10.0 Scope of part.

This part contains rules governing the recognition of attorneys, agents and other persons representing clients before the Internal Revenue Service. Customhouse brokers are licensed by the Commissioner of Customs under other regulations. See 19 CFR Part 31. Subpart A of this part sets forth rules relating to authority to practice before the Internal Revenue Service. Subpart B prescribes the duties and restrictions relating to enrolled practitioners. Subpart C of this part contains rules relating to disciplinary proceedings. Subpart D of this part contains general provisions, including provisions relating to availability of official records.

Subpart A—Rules Governing Authority to Practice

§10.1 Director of Practice.

(a) *Establishment of office.* There is established in the Office of the Secretary of the Treasury the office of Director of Practice. The Director of Practice shall be appointed by the Secretary of the Treasury.

(b) *Duties.* The Director of Practice shall receive and act upon applications for enrollment to practice as attorneys or agents before the Internal Revenue Service; institute and provide for the conduct of disciplinary proceedings relating to enrolled attorneys and agents; make inquiries with respect to matters under his jurisdiction; and perform such other duties as are necessary or appropriate to carry out the provisions of this part or as are prescribed by the Secretary of the Treasury. Decisions of the Director of Practice in individual cases relating to enrollment, disbarment, or disciplinary measures shall not be subject to change by the Commissioner of Internal Revenue.

(c) *Acting Director.* The Secretary of the Treasury will designate an officer or employee of the Treasury Department to act as Director of Practice in the event of the absence of the Director or of a vacancy in that office.

§ 10.2 Regulation of practice.

(a) *In general.* Except as provided by § 10.7 or other sections of this part no person shall be recognized or permitted to practice before the Internal Revenue Service unless he is enrolled as an attorney or agent pursuant to this part. An enrollment card issued pursuant to the regulations superseded by this part will be recognized to evidence enrollment to practice pursuant to the regulations in this part and subject to the limitations specified by that card.

(b) *Definition of practice.* Practice before the Internal Revenue Service comprehends all matters connected with presentations to the Internal Revenue Service or any of its officers or employees relating to a client's rights, privileges or liabilities under laws or regulations administered by the Internal Revenue Service. Such presentations include the preparation and filing of necessary documents, correspondence with and communications to the Internal Revenue Service, and the representation of a client at conferences, hearings, and meetings. Neither the preparation of tax returns nor the furnishing of information at the request of the Internal Revenue Service or any of its officers or employees is considered practice before the Service, and enrollment is not necessary for either of such activities.

§ 10.3 Eligibility for enrollment.

(a) *In general.* Persons applying for enrollment to practice before the Internal Revenue Service must show to the satisfaction of the Director of Practice that they are of good character and in good repute, possessed of the necessary qualifications to enable them to render valuable service to clients, and otherwise competent to advise and assist clients in the presentation of their interests to the Internal Revenue Service. Applicants for enrollment have the burden of establishing that they possess a good character and reputation, an adequate education, knowledge and understanding of the laws and regulations relating to

tax matters and other subjects administered by the Internal Revenue Service, and a knowledge of the rules governing practice before the Internal Revenue Service.

(b) *Character and reputation.* Good character and good reputation are not identical requirements. The former is determined by the applicant's actual qualities; the latter depends upon the opinion entertained of the applicant by those who have had the opportunity of knowing him in the community in which he resides or in which he practices his profession. It follows that evidence of any act or omission which tends to establish lack of integrity or untrustworthiness or other qualities reprehensible in a professional man, is material as bearing upon the character of the applicant, notwithstanding there is clear proof that his reputation is good.

(c) *Citizens; natural persons.* Enrollment to practice may be granted only to natural persons who are citizens of the United States and who are over the age of 21 years.

(d) *Attorneys and certified public accountants.* If found to possess the qualifications provided for in this part, the Director of Practice may grant enrollment to practice before the Internal Revenue Service to persons of the following classes:

(1) Any attorney at law who is a member in good standing of the bar of the highest court of a State, Territory, or possession of the United States, or of the courts of the District of Columbia.

(2) Any certified public accountant who has duly qualified to practice as a certified public accountant in a State, Territory, possession of the United States, or in the District of Columbia.

(e) *Persons not attorneys or certified public accountants.* With respect to applicants other than attorneys or certified public accountants, the Director of Practice, in his discretion, may grant special enrollment to practice if the applicant demonstrates special competence by written examination or as provided in paragraph (f) of this section. Persons interested in obtaining special enrollment pursuant to this paragraph should apply to the Director of Practice for information as to requirements.

(f) *Special enrollment for former Internal Revenue Service employees.* Former employees of the Internal Revenue Service may be granted special enrollment by the Director of Practice under paragraph (e) of this section, in cases where their service and technical experience in the Internal Revenue Service has qualified them for such enrollment, as follows:

(1) Application for special enrollment on account of former employment in the Internal Revenue Service shall be made to the Director of Practice. Each applicant will be supplied a form by the Director, which shall indicate the information required respecting the applicant's qualifications. In addition to the applicant's name, address, citizenship, age, educational experience, etc., such information shall specifically include a detailed account of the applicant's employment in the Internal Revenue Service, which account shall show (i) positions held, (ii) date of each appointment and termination thereof, (iii) nature of services rendered in each position, with particular reference to the degree of technical experience involved, and (iv) name of supervisor in such positions, together with such other information regarding the experience and training of the applicant as may be relevant.

(2) Upon receipt of each such application, it shall be transmitted to the appropriate officer of the Internal Revenue Service with the request that a detailed report of the nature and rating of the applicant's services in the Internal Revenue Service, accompanied by the recommendation of the superior officer in the particular unit or division of the Internal Revenue Service that such employment does or does not qualify the applicant technically and otherwise for the desired authorization, be furnished to the Director of Practice. (Such report shall be requested in addition to the usual reports requested in cases of application for enrollment.)

(3) In examining the qualifications of an applicant for special enrollment on account of employment in the Internal Revenue Service, the Director of Practice will be governed by the following policies:

(i) Special enrollment on account of such employment may be of the same scope as enrollment granted pursuant to paragraph (d)(2) of this section or the scope may be limited to permit the presentation of matters only of the particular class or only before the particular unit or division of the Internal Revenue Service for which his former employment in the Internal Revenue Service has qualified the applicant.

(ii) In the case of employees separated from employment in the Internal Revenue Service, application for special enrollment on account of such employment must be made within 3 years after the termination thereof.

(iii) It shall be requisite for special enrollment on account of such employment for practice before the Internal Revenue Service that the applicant shall have had a minimum of 7 years continuous employment in the Internal Revenue Service during at least 5 years of which service he shall have been regularly engaged in applying and interpreting the provisions of the Internal Revenue Code and the regulations thereunder relating to income, estate, gift, employment, or excise taxes.

(iv) For the purposes of subdivision (iii) of this subparagraph, an aggregate of 10 or more years of employment, at least three of which occurred within the 5 years preceding the date of application, shall be deemed the equivalent of 7 years continuous employment.

§ 10.4 Ineligibility for enrollment.

(a) *In general.* No person shall be eligible for enrollment to practice before the Internal Revenue Service if he fails in any particular to show to the satisfaction of the Director of Practice that he is possessed of the qualities contemplated by section 3 of the Act of July 7, 1884, 23 Stat. 258 (5 U.S.C. 261) and the regulations contained in this part, or if such practice by him would be inconsistent with any of the laws of the United States.

(b) *Particular grounds.* Among the causes sufficient to justify denial of an application for enrollment are failure to show good character or reputation; any conduct or practices which would constitute a violation of any of the provisions of this part if the applicant were enrolled; any conduct which would be a ground for disbarment or suspension from practice pursuant to this part; and any conduct which would be deemed grossly improper in commercial transactions by accepted standards.

(c) *Government officers and employees; judges.* Officers and employees of the United States or of the District of Columbia, Members of Congress or a Delegate or Resident Commissioner thereto, and judges of the Tax Court or any courts of record, unless such judges are permitted by law to practice their profession, shall be ineligible for enrollment. Officers and employees of any State, or subdivision thereof, whose duties require them to pass upon, investigate, or deal with tax matters of such State or subdivision, shall be ineligible for enrollment, provided such employment may disclose facts or information applicable to Federal tax matters.

(d) [Deleted (27 F.R. 9919, Oct. 9, 1962)]

(e) *Violation by Internal Revenue Service employee of tenure agreement.* Application for enrollment may be denied in any case in which it appears that the applicant without reasonable cause has terminated his employment with the Internal Revenue Service in violation of an obligation assumed as a condition of employment to remain in the service of the Internal Revenue Service for a specified period or for a reasonable time.

(f) *Oath of allegiance.* No person shall be enrolled to practice if he is unable for any reason to take the oath of allegiance, and to support the Constitution of the United States, as required of persons prosecuting claims against the United States by section 3478 of the Revised Statutes (31 U.S.C. 204).

§ 10.5 Application for enrollment.

(a) *Form; fee.* An applicant for enrollment shall file with the District Director an application on Form 23, properly executed under oath or affirmation. Such application shall be accompanied by a check or money order in the amount of $25.00, payable to the Treasurer of the United States, which amount shall constitute a fee which shall be charged to each applicant for enrollment. The fee shall be retained by the United States whether or not the applicant is granted enrollment. Attorneys at law shall apply for enrollment as attorneys, and all other applicants shall apply for enrollment as agents, except that an applicant who is qualified to enroll either as an attorney at law or as an agent may elect whether to apply as attorney or agent.

(b) *Additional information; examination.* The Director of Practice, as a condition to consideration of an application for enrollment, may require the ap-

plicant to file additional information and to submit to any written or oral examination under oath or otherwise. Upon request of the Director of Practice an applicant shall endeavor to stipulate with an officer or employee of the Department of the Treasury facts pertaining to the application to the fullest extent to which either complete or qualified agreement can be reached. The Director shall grant a hearing on an application at the applicant's written request.

(c) *Temporary recognition.* Upon receipt of a properly executed application, the Director of Practice may grant the applicant temporary recognition to practice pending investigation of the applicant and a determination as to whether enrollment to practice should be granted. Such temporary recognition shall not be granted if the application is not regular on its face; if the information stated therein, if true, is not sufficient to warrant enrollment to practice; or if there is any information before the Director of Practice which indicates that the statements in the application are untrue or that the applicant is not of good character or reputation. Issuance of temporary recognition shall not constitute enrollment to practice or a finding of eligibility for enrollment, and the temporary recognition may be withdrawn at any time by the Director of Practice.

(d) *Appeal from denial of application.* Decisions of the Director of Practice denying enrollment to practice before the Internal Revenue Service may be appealed to the Secretary of the Treasury.

(Sec. 501, 65 Stat. 290; 5 U.S.C. 140)

§ 10.6 Enrollment.

(a) *Roster.* The Director of Practice shall maintain rosters of all attorneys and agents who are enrolled to practice, of all attorneys and agents who have been disbarred or suspended from practice before the Internal Revenue Service, and of persons whose applications for enrollment have been denied.

(b) *Enrollment cards.* The Director of Practice shall issue an enrollment card to each attorney or agent who is enrolled to practice before the Internal Revenue Service. Unless advised to the contrary by the Director of Practice, any officer or employee of the Internal Revenue Service may consider the holder of an unexpired enrollment card to be duly authorized to practice before the Internal Revenue Service.

(c) *Period of enrollment card.* Every enrollment card shall by its terms become void five years after the date of its issuance. A holder of a void card is not entitled to practice before the Internal Revenue Service.

(d) *Application for renewal.* Application for renewal of enrollment card may be made at any time during a twenty-four month period commencing twelve months before and ending twelve months after the expiration of an enrollment card. Such application shall be filed on Form 23A at such place or places as may be designated by the Director of Practice and there shall be annexed thereto the enrollment card last outstanding. Copies of Form 23A may be obtained from the Director of Practice and at the offices of District Directors of Internal Revenue. Each application shall be accompanied by a check or money order in the amount of $5.00, payable to the Treasurer of the United States, which amount shall constitute a fee which shall be charged each person who applies for issuance of a new enrollment card pursuant to the provisions of this paragraph.

(e) *Expiration of enrollment.* Unless application for a new enrollment card is filed with the Director of Practice within twelve months after the expiration date of an enrollment card, the enrollment of the holder of the card shall automatically terminate, his name shall be stricken from the roster of enrollees, and he shall not be authorized to practice before the Internal Revenue Service except by filing a new application for enrollment, as provided by § 10.5, and obtaining authority to practice from the Director of Practice.

(Sec. 501, 65 Stat. 290; 5 U.S.C. 140)

§ 10.7 Practice without enrollment.

(a) *In general.* Individuals may appear on their own behalf, and individuals who are qualified, of good character and reputation, and are not under disbarment or suspension from practice before the Internal Revenue Service or from practice of their profession by any other authority, may be permitted to appear without enrollment, provided they present satisfactory identification, in the following classes of cases:

(1) An individual may represent another individual who is his regular full-time employer, may represent a partnership of which he is a member or a regular full-time employee, or may represent without compensation a member of his immediate family.

(2) Corporations (including a parent, subsidiary or affiliated corporation), trusts, estates, associations, or organized groups may be represented by a bona fide officer or regular full-time employee.

(3) Trusts, receiverships, guardianships, or estates may be represented by their trustees, receivers, guardians, administrators or executors or their regular full-time employees.

(4) Any governmental unit, agency, or authority may be represented by an officer or regular employee in the course of his official duties.

(5) Unenrolled persons may participate in rule making as provided by section 4 of the Administrative Procedure Act, 60 Stat. 238 (5 U.S.C. 1003).

(6) Enrollment is not required for representation outside of the United States before personnel of the International Operations Division of the Internal Revenue Service.

(7) Any person who signs a return, other than an estate or gift tax return or an income tax or excess profits tax return of a corporation, as having prepared it for the taxpayer may appear, without enrollment, as the taxpayer's representative, with or without the taxpayer, before revenue agents and examining officers of the Audit Division in the offices of District Directors (but not at the Informal Conference in a District Director's office) with respect to the tax liability of the taxpayer for the taxable year or period covered by that return; provided that any person who prepared the income tax return of a corporation and the individual returns of any of the corporate officers for the same taxable year or period, or any part thereof, covered by such corporate return, may also so appear as the corporation's representative. Proper authorization from the taxpayer will be required. Any person who prepared a return with respect to which the instructions or regulations do not require that it be signed by the person who prepared the return for the taxpayer may likewise appear as the taxpayer's representative when properly authorized. Unless the taxpayer is present, such persons must present satisfactory identification. All such persons will be subject to such rules regarding standards of conduct, the extent of their authority, and other matters as the Director of Practice, with approval of the Commissioner of Internal Revenue, shall prescribe. Such persons will be permitted to represent taxpayers within those limits without enrollment.

(b) *Special appearance.* The Director of Practice, subject to such conditions as he deems appropriate, may authorize any person to represent another without enrollment for the purpose of a particular matter.

§ 10.8 Customhouse brokers.

Nothing contained in the regulations in this part shall be deemed to affect or limit the right of a customhouse broker, licensed as such by the Commissioner of Customs in accordance with the regulations prescribed therefor, in any customs district in which he is so licensed, at the office of the District Director of Internal Revenue or before the National Office of the Internal Revenue Service, to act as a representative in respect to any matters relating specifically to the importation or exportation of merchandise under the customs or internal revenue laws, for any person for whom he has acted as a customhouse broker.

Subpart B—Duties and Restrictions Relating to Enrolled Attorneys and Agents

§ 10.20 Loss of status.

Loss of status to practice as an attorney, as a certified public accountant, or as a public accountant shall constitute good cause for disbarment.

§ 10.21 Ethics.

(a) *Professional ethics.* Enrolled attorneys shall conduct themselves and their practice before the Internal Revenue Service in accordance with recognized ethical standards applicable to attorneys generally. Enrolled agents who are certified public accountants or public accountants shall conduct themselves and their practice before the Internal Revenue Service in accordance with recognized ethical standards applicable to certified public accountants or public accountants generally.

(b) *Observance of regulations.* Enrolled attorneys and agents shall conduct themselves and their practice before the Internal Revenue Service in such manner as not to commit any act of disreputable conduct referred to in § 10.51 or to violate any other provisions of this part.

§ 10.22 Information to be furnished.

(a) *To the Internal Revenue Service generally.* No enrolled attorney or agent shall neglect or refuse to submit records or information in any matter before the Internal Revenue Service, upon proper and lawful request by a duly authorized officer or employee of the Internal Revenue Service, unless the information or testimony is privileged or such attorney or agent has reasonable grounds to believe and does believe that the said demand is of doubtful legality; and no such attorney or agent shall interfere, or attempt to interfere, with any proper and lawful efforts by the Internal Revenue Service or its officers or employees to obtain information relative to any matter before the Internal Revenue Service.

(b) *To Director of Practice.* It shall be the duty of an enrolled attorney or agent, when requested by the Director of Practice, to provide the Director with any information he may have concerning violation of the regulations in this part by any person, and to testify thereto in any proceeding instituted under this part for the disbarment or suspension of an enrolled attorney or agent, unless such information is privileged.

§ 10.23 Knowledge of client's omission.

Each enrolled attorney or agent who knows that a client has not complied with the law, or has made an error in or omission from any return, document, affidavit, or other paper which the client is required by law to execute in connection with any matter administered by the Internal Revenue Service, shall advise the client promptly of the fact of such noncompliance, error, or omission.

§ 10.24 Diligence as to accuracy.

(a) *In general.* Each enrolled attorney or agent shall exercise due diligence in preparing or assisting in the preparation of, approving, and filing returns, documents, affidavits, and other papers relating to Internal Revenue Service matters.

(b) *Representations to service.* Each enrolled attorney or agent shall exercise due diligence to determine the correctness of representations made by him to the Internal Revenue Service.

(c) *Representations to clients.* Each enrolled attorney or agent shall exercise due diligence to determine the correctness of representations made by him to clients with reference to any matter administered by the Internal Revenue Service.

§ 10.25 Moneys received from or for a client.

Each enrolled attorney or agent shall promptly pay over to the United States when due all sums received for the payment of any tax, duty, or other debt or obligation owing to the United States, and shall promptly account to a client for funds received for him from the United States, or received from a client in excess of the charges properly payable in respect of the client's business.

§ 10.26 Endorsement of client's checks.

No enrolled attorney or agent shall, without authority of his client, accept or endorse any Government draft, check, or warrant drawn to the order of such client.

§ 10.27 Prompt disposition of pending matters.

No enrolled attorney or agent shall unreasonably delay the prompt disposition of any matter before the Internal Revenue Service.

§ 10.28 Assistance from unenrolled persons.

No enrolled attorney or agent shall in any Internal Revenue Service matter knowingly and directly or indirectly:

(a) Employ or accept assistance from any unenrolled person who is disbarred from practice before the Internal Revenue Service or any other department or agency of the Federal Government or before any court of record; who is under suspension from practice before any such department, agency, or court; who has been deprived of his certificate as a certified public accountant or public accountant; or who to the knowledge of the enrolled attorney or agent solicits business, obtains clients, or otherwise conducts his practice in a manner forbidden under the regulations in this part to enrolled persons; or

(b) Accept employment as associate, correspondent, or sub-agent from, or share fees with, any such person, or any person who is not an attorney, a certified public accountant, or a public accountant. Nothing in this section shall be construed to authorize the acceptance of employment or the sharing of fees contrary to recognized ethical standards which are to be followed pursuant to § 10.21.

§ 10.29 [Deleted (27 F.R. 9919, Oct. 9, 1962)]

§ 10.30 Partnerships.

(a) *Certain partnerships prohibited.* No enrolled attorney or agent shall maintain a partnership for the practice of law, accountancy, or other related professional service with a person who is under disbarment from practice before the Internal Revenue Service or any other department or agency of the Federal Government, or with an unenrolled person who is neither an attorney legally practicing law nor a certified public accountant or a public accountant legally practicing accounting. Nothing in this section shall be construed to authorize the maintenance of a partnership contrary to recognized ethical standards which are to be followed pursuant to § 10.21.

(b) *Partners of Government employees.* No partner of an officer or employee of the executive branch of the United States Government, of any independent agency of the United States, or of the District of Columbia, shall represent anyone in any matter administered by the Internal Revenue Service in which such officer or employee of the Government participates or has participated personally and substantially as a Government employee or which is the subject of his official responsibility. See 18 U.S.C. 207(c).

§ 10.31 Employees of Agricultural Cooperative Associations.

Nothing contained in the regulations in this part shall prevent an enrolled person from being employed by agricultural cooperative associations (which are on a nonprofit basis and not subject to Federal income taxes) to represent before the Service the groups or units constituting membership of such associations: *Provided,* That individuals may not be so represented.

§ 10.32 Practice by former Government employees.

(a) *In general.* No former officer or employee of the United States Government, of any independent agency of the United States, or of the District of Columbia, whether or not enrolled to practice before the Internal Revenue Service, shall represent anyone in any matter administered by the Internal Revenue Service if the representation would violate any of the laws of the United States.

(b) *Personal and substantial participation.* No former officer or employee of the executive branch of the United States Government, of any independent agency of the United States, or of the District of Columbia, whether or not enrolled to practice before the Internal Revenue Service, shall represent anyone in any matter administered by the Internal Revenue Service, involving a specific party or parties, in which he participated personally and substantially as an officer or employee. See 18 U.S.C. 207(a).

(c) *Official responsibility.* No former officer or employee of the executive branch of the United States Government, of any independent agency of the United States, or of the District of Columbia, whether or not enrolled to practice before the Internal Revenue Service, shall, within one year after his employment has ceased, appear personally as agent or attorney for anyone before the Internal Revenue Service in any matter administered by the Internal Revenue Service, involving a specific party or parties, which was under his official responsibility as an officer or employee of the Government at any time within a period of one year prior to the termination of such responsibility. See 18 U.S.C. 207(b).

§ 10.33 Practice by former Internal Revenue Service employees.

(a) *Form 901 Declaration.* No former officer or employee of the Internal Revenue Service shall, within one year after the termination of his Internal Revenue Service employment, practice or in any manner act as attorney or agent or as the employee of an attorney or agent in any matter involving a specific party or parties which was pending in the Internal Revenue Service during the period of his employment therein, unless he shall first file a declaration stating that he did not participate personally and

substantially in such matter and that he is not and will not knowingly be associated with any former officer or employee who participated personally and substantially in such matter while employed by the Internal Revenue Service and that his employment is not prohibited by law or by the regulations of the Internal Revenue Service. If the declarant desires to appear personally before the Internal Revenue Service, his declaration must also state that the matter was not under his official responsibility as an officer or employee of the Government at any time within a period of one year prior to the termination of such responsibility. Declarations shall be submitted on Form 901 and filed with the office of the Director of Practice. The declaration should state the declarant's former connection with the Internal Revenue Service, identify the matter in which he intends to act and specify whether or not he desires to appear personally in the matter before the Internal Revenue Service. The declarant will be advised whether or not investigation of the declaration has disclosed any information indicating that his representation in the matter would be violative of § 10.32. False statements on the Form 901 declaration shall be cause for suspension or disbarment.

(b) *Pending matter.* For the purpose of this section, a matter shall not be deemed pending in the Internal Revenue Service merely by virtue of the filing of a tax return, but it shall be considered as pending from the time an examination was commenced by interviewing, corresponding with, or examining the books and records of, a taxpayer, or from the time a taxpayer made a presentation or inquiry to the Internal Revenue Service which is related to the matter.

§ 10.34 Assistance from or to former employees.

In connection with any matter involving practice before the Internal Revenue Service, no enrolled attorney or agent shall knowingly assist, accept assistance from, or share fees with, any person who participated personally and substantially in the matter as a Government officer or employee, or knowingly assist, accept assistance from, or share fees with, any person appearing personally before the Internal Revenue Service within one year after his Government employment in any matter which was under his official responsibility within one year prior to the termination of such responsibility.

§ 10.35 Enrollees as notaries.

No enrolled attorney or agent as notary public shall take acknowledgments, administer oaths, certify papers, or perform any official act in connection with matters in which he is employed as counsel, attorney, or agent, or in which he may be in any way interested before the Internal Revenue Service. Under the provisions of this section an enrolled person who is a notary public is prohibited from taking any acknowledgment, oath, or certification as a notary public in connection with any tax return, protest, or other document which he has prepared or in the preparation of which he has assisted. (26 Op. Atty. Gen. 236.)

§ 10.36 Attempting to obtain information.

No enrolled person shall procure, or attempt to procure, directly or indirectly, from Government records or other Government sources information of any kind which is not made available by proper authority.

§ 10.37 Fees.

(a) *In general.* An enrolled attorney or agent shall not charge a manifestly unreasonable fee for representation of a client in any matter before the Internal Revenue Service. The reasonableness of a fee is within limits a matter of judgment and depends upon all the facts and circumstances of the case, including its complexity and difficulty, the time and effort required, the amount involved, and the professional standing and experience of the enrolled attorney or agent.

(b) *Contingent fees.* An enrolled attorney or agent shall not enter into a wholly contingent fee agreement with a client for representation in any matter before the Internal Revenue Service unless the client is financially unable to pay a reasonable fee on any other terms. Partially contingent fee agreements are permissible where provision is made for the payment of a minimum, substantial in relation to the possible maximum fee, which minimum fee is to be paid and retained irrespective of the outcome of the proceeding.

§ 10.38 Solicitation and advertising.

(a) *Solicitation.* No enrolled attorney or agent shall, in any manner whatsoever not warranted by personal relations, directly or indirectly solicit employment in matters related to the Internal Revenue Service.

(b) *Advertising special relationships.* No enrolled attorney or agent shall use, directly or indirectly, signs, printing or other written matter indicating some past or present connection with, or relationship to, the Internal Revenue Service, nor shall he represent in any manner that he possesses influence or a special relationship with officers or employees of the Internal Revenue Service.

(c) *Letterheads and announcements.* The following shall not be presumed to constitute a violation of this paragraph:

(1) Letterheads, professional cards, and the customary professional insertions in telephone, and city directories, or in newspapers, trade or professional journals, or other publications admitted to second-class mailing privileges, provided they set forth only the name and address of the attorney or agent, or the name of the firm of which he is a member or with which he is associated, and a notation of the nature of his practice, to wit, whether he practices as an attorney, certified public accountant, or public accountant (there is no objection to the use of the words "Enrolled to practice before the Internal Revenue Service"); and the customary professional insertions in professional directories provided they set forth only the above information and customary biographical and professional data;

(2) The distribution by former officers or employees of the Government of cards briefly stating the fact of their former official status and announcing their new status or association, provided the cards are adressed only to personal or business acquaintances and provided such cards are distributed only once, within a reasonable time after severance of official connection with the Government, and within 30 days after the creation of the new status or the formation of the new association.

§ 10.39 Rights and duties of agents.

An agent enrolled before the Internal Revenue Service shall have the same rights, powers, and privileges and be subject to the same duties as an enrolled attorney: *Provided,* That an enrolled agent shall not have the privilege of drafting or preparing any written instrument by which title to real or personal property may be conveyed or transferred for the purpose of affecting Federal taxes, nor shall such enrolled agent advise a client as to the legal sufficiency of such an instrument or its legal effect upon the Federal taxes of such client: *And provided further,* That nothing in the regulations in this part shall be construed as authorizing persons not members of the bar to practice law.

§ 10.40 Definition of terms.

For purposes of §§ 10.30, 10.32, 10.33, and 10.34 the term "officer or employee" includes a "special Government employee" as defined in 18 U.S.C. 202. The term "official responsibility" has the meaning as provided in 18 U.S.C. 202.

Subpart C—Rules Applicable to Disciplinary Proceedings

§ 10.50 Authority to disbar or suspend.

Pursuant to section 3 of the Act of July 7, 1884, 23 Stat. 258 (5 U.S.C. 261), the Secretary of the Treasury, after due notice and opportunity for hearing, may suspend or disbar from further practice before the Internal Revenue Service any enrolled attorney or agent shown to be incompetent, disreputable or who refuses to comply with the rules and regulations in this part, or who shall, with intent to defraud, in any manner willfully and knowingly deceive, mislead, or threaten any claimant or prospective claimant, by word, circular, letter, or by advertisement.

§ 10.51 Disreputable conduct.

(a) *Nature.* Disreputable conduct, for which any enrolled attorney or agent may be disbarred or suspended from practice before the Internal Revenue Service, includes any conduct violative of the ordinary standards of professional obligation and honor.

(b) *Forms.* Among other forms of disreputable conduct, the following are deemed to constitute such conduct:

(1) Conviction of any criminal offense prescribed by the internal revenue laws or conviction of any crime involving moral turpitude;

(2) Making false answers in an application for enrollment or for renewal of an enrollment card with knowledge that such answers are false;

(3) Preparing or filing for himself or another a false Federal tax return or other statement on which Federal taxes may be based, knowing the same to be false;

(4) Willful failure to make a Federal tax return in violation of provisions of the internal revenue laws and the regulations issued thereunder;

(5) Suggesting to a client or a prospective client an illegal plan for evading Federal taxes or the payment thereof, knowing the same to be illegal;

(6) Giving false testimony in any proceeding before the Internal Revenue Service or before any tribunal authorized to pass upon Federal tax matters, knowing the same to be false;

(7) Filing any false or fraudulently altered document or affidavit in any case or other proceeding before the Internal Revenue Service, or procuring the filing thereof, knowing the same to be false or fraudulently altered;

(8) Using, with intent to deceive, false or misleading representations to procure employment in any case or proceeding before the Internal Revenue Service;

(9) Knowingly giving false or misleading information relative to a matter pending before the Internal Revenue Service to any officer or employee of the Internal Revenue Service;

(10) Preparing a false financial statement for a corporation, partnership, association, or individual, or certifying the correctness of such false statement, knowing the same to be false;

(11) Imparting to a client false information relative to the progress of a case or other proceeding before the Internal Revenue Service, knowing the same to be false;

(12) False representations by an enrolled agent that he is an attorney or a certified public accountant;

(13) Preparing or assisting in the preparation of, or filing, a false claim against the United States, knowing the same to be false;

(14) Approving, for filing, a false Federal tax return prepared by some other person, or advising or aiding in the preparation of such a false tax return, knowing the same to be false;

(15) Misappropriation of, or failure properly and promptly to remit, funds received from a client for the purpose of payment of taxes or other obligations due the United States, or misappropriation of funds or other property belonging to a client;

(16) Improper retention of a fee for which no services have been rendered;

(17) Obtaining or attempting to obtain money or other thing of value from a client or other person by false representations, knowing the same to be false;

(18) Obtaining or attempting to obtain money or other thing of value from a client or other person by duress or undue influence;

(19) Concealing or attempting to conceal assets of himself or another in order to evade or assist in evading Federal taxes or the payment thereof;

(20) Representing to a client or prospective client that the attorney or agent can improperly obtain special consideration or action from the Internal Revenue Service or an officer or employee thereof, or that he has access to unusual sources of information within the Internal Revenue Service;

(21) Soliciting or procuring the false testimony of any person in any proceeding before the Internal Revenue Service;

(22) Directly or indirectly attempting to influence, or offering or agreeing to attempt to influence, the official action of any officer or employee of the Internal Revenue Service by the use of threats, false accusations, duress, or coercion, by the offer of any special inducement or promise of advantage, or by the bestowing of any gift, favor or thing of value;

(23) Failure of an enrolled attorney to conduct himself and his practice before the Internal Revenue Service in accordance with recognized ethical standards applicable to attorneys generally;

(24) Failure of an enrolled agent to conduct himself and his practice before the Internal Revenue Service in accordance with recognized ethical standards;

(25) Disbarment or suspension from practice as an attorney, certified public accountant, or public accountant by any duly constituted authority of any State, Territory, possession of the United States, the District of Columbia, or by any department or agency of the Federal Government;

(26) In connection with practice before the Internal Revenue Service, using intemperate and abusive language, making false accusations or statements knowing them to be false, or circulating or publishing malicious and libelous matter;

(27) Knowingly aiding or abetting another by any means to defraud or attempt to defraud the United States, as by affirmatively assisting or participating in any way in the concealment of or failure to report income, receipts, or other property subject to taxation by the United States;

(28) Solicitation of practice in any unethical or unprofessional manner, including, but not limited to, employment unethically arranged directly or indirectly by or through any individual, partnership, association, corporation or employee thereof;

(29) Representing, as an agent or associate, an attorney, accountant, or other person known by the enrollee to solicit practice in any unethical or unprofessional manner;

(30) Knowingly aiding and abetting another person to practice his profession during a period of disbarment of such other person.

§ 10.52 Violation of regulations in this part.

Any enrolled attorney or agent may be disbarred or suspended from practice before the Internal Revenue Service for willful violation of any of the regulations contained in this part.

§ 10.53 Authority to reprimand.

The Director of Practice is authorized to reprimand any enrolled attorney or agent for conduct which is not the subject of a complaint and hearing before an Examiner. The Examiner may reprimand any enrolled attorney or agent in cases heard by him upon a complaint filed by the Director of Practice.

§ 10.54 Receipt of information concerning enrolled attorneys and agents.

If an officer or employee of the Internal Revenue Service has reason to believe that an enrolled attorney or agent has violated any provision of the laws or regulations governing practice before the Internal Revenue Service, or if any such officer or employee receives information to that effect concerning any enrolled attorney or agent, he shall promptly make a written report thereof, which report or a copy thereof shall be forwarded to the Director of Practice. If any other person has information of such violations, he may make a report thereof to the Director of Practice or to any officer or employee of the Internal Revenue Service.

§ 10.55 Institution of proceeding.

Whenever the Director of Practice has reason to believe that any enrolled attorney or agent has violated any provision of the laws or regulations governing practice before the Internal Revenue Service, he may institute a proceeding for disbarment or suspension of the enrolled attorney or agent. The proceeding shall be instituted by a complaint which names the respondent and is signed by the Director of Practice and filed in his office. Except in cases of willfulness, or where time, the nature of the proceeding, or the public interest does not permit, a proceeding will not be instituted under this section until facts or conduct which may warrant such action have been called to the attention of the proposed respondent in writing and he has been accorded opportunity to demonstrate or achieve compliance with all lawful requirements.

§ 10.56 Conferences.

(a) *In general.* The Director of Practice may confer with an enrolled attorney or agent concerning allegations of misconduct irrespective of whether a proceeding for disbarment or suspension has been instituted against him. If such conference results in a stipulation in connection with a proceeding in which the attorney or agent is the respondent, the stipulation may be entered in the record at the instance of either party to the proceeding.

(b) *Resignation or voluntary suspension.* An enrolled attorney or agent, in order to avoid the institution or conclusion of a disbarment or suspension proceeding, may offer his resignation or consent to suspension from practice before the Internal Revenue Service. The Director of Practice, in his discretion, may accept the offered resignation and may suspend an attorney or agent in accordance with his consent.

§ 10.57 Contents of complaint.

(a) *Charges.* A complaint shall give a plain and concise description of the al-

legations which constitute the basis for the proceeding. A complaint shall be deemed sufficient if it fairly informs the respondent of the charges against him so that he is able to prepare his defense.

(b) *Demand for answer.* In the complaint, or in a separate paper attached to the complaint, notification shall be given of the place and time within which the respondent shall file his answer, which time shall be not less than fifteen days from the date of service of the complaint, and notice shall be given that a decision by default will be rendered against the respondent in the event he fails to file his answer as required.

§ 10.58 Service of complaint and other papers.

(a) *Complaint.* The complaint or a copy thereof may be served upon the respondent by registered mail, or first-class mail as hereinafter provided; by delivering it to the respondent or his attorney or agent of record either in person or by leaving it at the office or place of business of the respondent, attorney or agent; or in any other manner which has been agreed to by the respondent. Where the service is by registered mail, the return post office receipt duly signed by or on behalf of the respondent shall be proof of service. If the registered matter is not claimed or accepted by the respondent and is returned undelivered, complete service may be made upon the respondent by mailing the complaint to him by first-class mail, addressed to him at the address under which he is enrolled or at the last address known to the Director of Practice. If service is made upon the respondent or his attorney or agent of record in person or by leaving the complaint at the office or place of business of the respondent, attorney or agent, the verified return by the person making service, setting forth the manner of service, shall be proof of such service.

(b) *Service of papers other than complaint.* Any paper other than the complaint may be served upon an enrolled attorney or agent as provided in paragraph (a) of this section or by mailing the paper by first-class mail to the respondent at the address under which he is enrolled or at the last address known to the Director of Practice, or by mailing the paper by first-class mail to the respondent's attorney or agent of record. Such mailing shall constitute complete service. Notices may be served upon the respondent or his attorney or agent of record by telegraph.

(c) *Filing of papers.* Whenever the filing of a paper is required or permitted in connection with a disbarment or suspension proceeding, and the place of filing is not specified by this subpart or by rule or order of the Examiner, the paper shall be filed with the Director of Practice, Treasury Department, Washington, D.C. All papers shall be filed in duplicate.

§ 10.59 Answer.

(a) *Filing.* The respondent's answer shall be filed in writing within the time specified in the complaint or notice of institution of the proceeding, unless on application the time is extended by the Director of Practice or the Examiner. The answer shall be filed in duplicate with the Director of Practice.

(b) *Contents.* The answer shall contain a statement of facts which constitute the grounds of defense, and it shall specifically admit or deny each allegation set forth in the complaint, except that the respondent shall not deny a material allegation in the complaint which he knows to be true, or state that he is without sufficient information to form a belief when in fact he possesses such information. The respondent may also state affirmatively special matters of defense.

(c) *Failure to deny or answer allegations in the complaint.* Every allegation in the complaint which is not denied in the answer shall be deemed to be admitted and may be considered as proved, and no further evidence in respect of such allegation need be adduced at a hearing. Failure to file an answer within the time prescribed in the notice to the respondent, except as the time for answer is extended by the Director of Practice or the Examiner, shall constitute an admission of the allegations of the complaint and a waiver of hearing, and the Examiner may make his decision by default without a hearing or further procedure.

§ 10.60 Supplemental charges.

If it appears that the respondent in his answer, falsely or in bad faith, denies a material allegation of fact in the complaint or states that the respondent has no knowledge sufficient to form a belief, when he in fact possesses such information, or if it appears that the respondent has knowingly introduced false testimony during proceedings for his disbarment or suspension, the Director of Practice may thereupon file supplemental charges against the respondent. Such supplemental charges may be tried with other charges in the case, provided the respondent is given due notice thereof and is afforded an opportunity to prepare a defense thereto.

§ 10.61 Reply to answer.

No reply to the respondent's answer shall be required, and new matter in the answer shall be deemed to be denied, but the Director of Practice may file a reply in his discretion or at the request of the Examiner.

§ 10.62 Proof; variance; amendment of pleadings.

In the case of a variance between the allegations in a pleading and the evidence adduced in support of the pleading, the Examiner may order or authorize amendment of the pleading to conform to the evidence: *Provided,* That the party who would otherwise be prejudiced by the amendment is given reasonable opportunity to meet the allegations of the pleading as amended; and the Examiner shall make findings on any issue presented by the pleadings as so amended.

§ 10.63 Motions and requests.

Motions and requests may be filed with the Director of Practice or with the Examiner.

§ 10.64 Representation.

A respondent or proposed respondent may appear in person or he may be represented by counsel or other representative who need not be enrolled to practice before the Internal Revenue Service. The Director may be represented by an attorney or other employee of the Internal Revenue Service.

§ 10.65 Examiner.

(a) *Appointment.* An Examiner, appointed as provided by section 11 of the Administrative Procedure Act, 60 Stat. 244 (5 U.S.C. 1010), shall conduct proceedings upon complaints for the disbarment or suspension of enrolled attorneys or agents.

(b) *Powers of Examiner.* Among other powers, the Examiner shall have authority, in connection with any disbarment or suspension proceeding assigned or referred to him, to do the following:

(1) Administer oaths and affirmations;

(2) Make rulings upon motions and requests, which rulings may not be appealed from prior to the close of a hearing except, at the discretion of the Examiner, in extraordinary circumstances;

(3) Determine the time and place of hearing and regulate its course and conduct;

(4) Adopt rules of procedure and modify the same from time to time as occasion requires for the orderly disposition of proceedings;

(5) Rule upon offers of proof, receive relevant evidence, and examine witnesses;

(6) Take or authorize the taking of depositions;

(7) Receive and consider oral or written argument on facts or law;

(8) Hold or provide for the holding of conferences for the settlement or simplification of the issues by consent of the parties;

(9) Perform such acts and take such measures as are necessary or appropriate to the efficient conduct of any proceeding; and

(10) Make initial decisions.

§ 10.66 Hearings.

(a) *In general.* The Examiner shall preside at the hearing on a complaint for the disbarment or suspension of an enrolled attorney or agent. Hearings shall be stenographically recorded and transcribed and the testimony of witnesses shall be taken under oath or affirmation. Hearings will be conducted pursuant to section 7 of the Administrative Procedure Act, 60 Stat. 241 (5 U.S.C. 1006).

(b) *Failure to appear.* If either party to the proceeding fails to appear at the hearing, after due notice thereof has been sent to him, he shall be deemed to have waived the right to a hearing and the Examiner may make his decision against the absent party by default.

§ 10.67 Evidence.

(a) *In general.* The rules of evidence prevailing in courts of law and equity are not controlling in hearings on complaints for the disbarment or suspension of enrolled attorneys and agents. However, the Examiner shall exclude evidence

which is irrelevant, immaterial, or unduly repetitious, and he may exclude evidence which is not of the kind which would affect reasonable and fair-minded men in the conduct of their daily affairs.

(b) *Depositions.* The deposition of any witness taken pursuant to § 10.68 may be admitted.

(c) *Proof of documents.* Official documents, records and papers of the Internal Revenue Service shall be admissible in evidence without the production of an officer or employee to authenticate them. Any such documents, records and papers may be evidenced by a copy attested or identified by an officer or employee of the Internal Revenue Service.

(d) *Exhibits.* If any document, record or other paper is introduced in evidence as an exhibit, the Examiner may authorize the withdrawal of the exhibit subject to any conditions which he deems proper.

(e) *Objections.* Objections to evidence shall be in short form, stating the grounds of objection relied upon, and the record shall not include argument thereon, except as ordered by the Examiner. Rulings on such objections shall be a part of the record. No exception to the ruling is necessary to preserve the rights of the parties.

§ 10.68 Depositions.

Depositions for use at a hearing may, with the written approval of the Examiner, be taken by either the Director of Practice or the respondent or their duly authorized representatives. Depositions may be taken upon oral or written interrogatories, upon not less than ten days' written notice to the other party before any officer duly authorized to administer an oath for general purposes or before an officer or employee of the Internal Revenue Service who is authorized to administer an oath in internal revenue matters. Such notice shall state the names of the witnesses and the time and place where the depositions are to be taken. The requirement of ten days' notice may be waived by the parties in writing, and depositions may then be taken from the persons and at the times and places mutually agreed to by the parties. When a deposition is taken upon written interrogatories, any cross-examination shall be upon written interrogatories. Copies of such written interrogatories shall be served upon the other party with the notice, and copies of any written cross-interrogatories shall be mailed or delivered to the opposing party at least five days before the date of taking the depositions, unless the parties mutually agree otherwise. A party upon whose behalf a deposition is taken must file it with the Examiner and serve one copy upon the opposing party. Expenses in the reporting of depositions shall be borne by the party at whose instance the deposition is taken.

§ 10.69 Transcript.

In cases where the hearing is stenographically reported by a government contract reporter, copies of the transcript may be obtained from the reporter at rates not to exceed the maximum rates fixed by contract between the government and the reporter. Where the hearing is stenographically reported by a regular employee of the Internal Revenue Service, a copy thereof will be supplied to the respondent either without charge or upon the payment of a reasonable fee. Neither of the parties shall have the right to receive any copies of exhibits introduced at the hearing or at the taking of depositions, but they shall have the right to examine all exhibits.

§ 10.70 Proposed findings and conclusions.

Except in cases where the respondent has failed to answer the complaint or where a party has failed to appear at the hearing, the Examiner, prior to making his decision, shall afford the parties a reasonable opportunity to submit proposed findings and conclusions and supporting reasons therefor.

§ 10.71 Decision of the Examiner.

As soon as practicable after the conclusion of a hearing and the receipt of any proposed findings and conclusions timely submitted by the parties, the Examiner shall make the initial decision in the case. The decision shall include (a) a statement of findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and (b) an order of disbarment, suspension, or reprimand or an order of dismissal of the complaint. The Examiner shall file the decision with the Director of Practice and shall transmit a copy thereof to the respondent or his attorney of record. In the absence of an appeal to the Secretary of the Treasury, or review of the decision upon motion of the Secretary, the decision of the Examiner shall without further proceedings become the decision of the Secretary of the Treasury thirty days from the date of the Examiner's decision.

§ 10.72 Appeal to the Secretary.

Within 30 days from the date of the Examiner's decision, either party may appeal to the Secretary of the Treasury. The appeal shall be filed with the Director of Practice in duplicate and shall include exceptions to the decision of the Examiner and supporting reasons for such exceptions. If an appeal is filed by the Director of Practice, he shall transmit a copy thereof to the respondent. Within 15 days after receipt of an appeal or copy thereof, the other party may file a reply brief in duplicate with the Director of Practice. If the reply brief is filed by the Director, he shall transmit a copy of it to the respondent. Upon the filing of an appeal and a reply brief, if any, the Director of Practice shall transmit the entire record to the Secretary of the Treasury.

§ 10.73 Decision of the Secretary.

On appeal from or review of the initial decision of the Examiner, the Secretary of the Treasury will make the agency decision. In making his decision the Secretary of the Treasury will review the record or such portions thereof as may be cited by the parties to permit limiting of the issues. A copy of the Secretary's decision shall be transmitted to the respondent by the Director of Practice.

§ 10.74 Effect of disbarment or suspension; surrender of card.

In case the final order against the respondent is for disbarment, the respondent shall not thereafter be permitted to practice before the Internal Revenue Service unless and until authorized to do so by the Director of Practice upon application by the person disbarred. In case the final order against the respondent is for suspension, the respondent shall not thereafter be permitted to practice before the Internal Revenue Service during the period of suspension. If disbarred or suspended from practice, the respondent shall surrender his enrollment card to the Director of Practice for cancellation, in the case of disbarment, or for retention during the period of suspension.

§ 10.75 Notice of disbarment or suspension.

Upon the issuance of a final order disbarring or suspending an enrolled attorney or agent, the Director of Practice shall give notice thereof to appropriate officers and employees of the Internal Revenue Service and to interested departments and agencies of the Federal Government. Notice in such manner as the Director of Practice may determine may be given to the proper authorities of the State by which the disbarred or suspended person was licensed to practice as an attorney or accountant.

Subpart D—General Provisions

§ 10.90 Official records.

(a) *Availability.* There are made available to public inspection at the office of the Director of Practice the roster of all persons enrolled to practice and the roster of all persons disbarred or suspended from practice.

(b) *Direct interest.* Matters of official record pertaining to the enrollment of persons to practice are available at the office of the Director of Practice to persons properly and directly concerned.

(c) *Confidential records.* There are held confidential the official records of the investigation of applicants for enrollment, of proceedings to suspend or disbar, and of the grounds for suspension or disbarment. Publication is capable of injuring enrollees and former enrollees without furthering the public interest. Much of the information is elicited without the aid of the subpoena power on the assurance that the sources will be protected. Much of the information contained in these official records is subject to the secrecy statutes pertaining to tax returns.

(Sec. 3, 60 Stat. 238, 5 U.S.C. 1002)

§ 10.91 Information, requests, and submittals.

The public may secure information from, or make submittals or request to,

the Director of Practice, Treasury Department, Washington, D.C. Requests for information contained in official records of the office of the Director of Practice should be addressed to the Director in writing, should clearly state the information desired, and should set forth the interest of the applicant in the subject matter and the purpose for which the information is desired. If the applicant is an attorney or agent acting for another, he should attach to the application evidence of his authority to act for his principal.

§ 10.92 Effective date of regulations in this part.

The regulations in this part, as reconstituted and amended, supersede the regulations promulgated by Treasury Department Circular No. 230 effective from and after October 1, 1936, relating to the recognition of attorneys, agents, and others, as heretofore amended and supplemented. The regulations in this part, as reconstituted and amended, shall become effective on the thirty-first day after the date of their publication in the FEDERAL REGISTER; shall apply to all unsettled matters then pending in the Internal Revenue Service or which may thereafter be presented or referred to the Internal Revenue Service or offices thereof for adjudication; and shall be applicable to all those enrolled to practice before the Treasury Department as attorneys or agents immediately prior to the effective date of such regulations. All proceedings within the purview of section 3 of the Act of July 7, 1884, 23 Stat. 258 (5 U.S.C. 261), commenced after the effective date of such regulations, shall in all procedural matters be governed by the provisions of such regulations and such supplementary rules as may from time to time be adopted pursuant to the regulations. Violations of the regulations committed prior to the effective date thereof shall in all substantive matters be dealt with according to the provisions of the regulations in force at the time when the act or acts alleged to constitute such violations occurred.

§ 10.93 Saying clause.

No amendment of this part shall affect any proceeding for the disbarment or suspension of an enrolled attorney or agent which was instituted prior to the date of publication of the amendment in the FEDERAL REGISTER.

§ 10.94 Special orders.

The Secretary of the Treasury reserves the power to issue such special orders as he may deem proper in any cases within the purview of this part.

[SEAL] G. D'ANDELOT BELIN,
General Counsel.

JULY 10, 1964.

[F.R. Doc. 64-7116; Filed, July 16, 1964; 8:48 a.m.]

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

SUBCHAPTER C—REGULATIONS AND STANDARDS UNDER THE AGRICULTURAL MARKETING ACT OF 1946

PART 70—GRADING AND INSPECTION OF POULTRY AND EDIBLE PRODUCTS THEREOF; AND UNITED STATES CLASSES, STANDARDS, AND GRADES WITH RESPECT THERETO

Miscellaneous Amendments; Correction

On June 17, 1964, there was published in the FEDERAL REGISTER (29 F.R. 7709) an amendment which included changes in the hourly rate for voluntary inspection and grading performed on a fee basis and in the charge for the final survey of poultry plants. This amendment became effective July 1, 1964.

On June 20, 1964, there was published in the FEDERAL REGISTER (29 F.R. 7857) an amendment to become effective July 20, 1964, which inadvertently included changes which would, as of the effective date, supersede the charges made effective as of July 1, 1964, and would restore such charges to the rates applicable prior to July 1, 1964.

In order to conform the amendments to become effective July 20 with those now in effect as of July 1, the amendments are corrected as follows:

1. Section 70.131(b) and the last paragraph of the chart immediately following footnote 1 in § 70.133 are hereby amended by deleting the figure "$5.60" and substituting in lieu thereof "$6.40."

2. Section 70.141(a)(1) is hereby amended by deleting the figure "$125" and substituting in lieu thereof "$150."

The charges necessary to cover such cost are not available to the industry but are peculiarly within the knowledge of the Department. Affected persons do not need time in which to conform their operations to the new requirements. The foregoing fees and charges have recently been published in the FEDERAL REGISTER and are only being republished because they were inadvertently changed. Therefore, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that publication of a notice and public participation in rule-making procedure with respect to the foregoing amendments would be impracticable and unnecessary and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 14th day of July 1964, to become effective July 20, 1964.

G. R. GRANGE,
Deputy Administrator, Marketing Services.

[F.R. Doc. 64-7128; Filed, July 16, 1964; 8:49 a.m.]

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

LANCASTER COUNTY, PA.; DELETION FROM LISTS OF COUNTIES DESIGNATED FOR BARLEY CROP INSURANCE FOR 1965

Lancaster County, Pennsylvania, is hereby deleted from the list of counties published in the FEDERAL REGISTER April 8, 1964 (29 F.R. 4905), which were designated for barley crop insurance for the 1965 crop year pursuant to the authority contained in § 401.1 of the above-identified regulations.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager, Federal Crop Insurance Corporation.

[F.R. Doc. 64-7111; Filed, July 16, 1964; 8:48 a.m.]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 728—WHEAT

Subpart—1965-66 Marketing Year

REDESIGNATION

In F.R. Doc. 64-6253, appearing at pages 7912 through 7915 of the issue of Tuesday, June 23, 1964, §§ 728.101 through 728.105 are redesignated §§ 728.201 through 728.205 respectively.

Done at Washington, D.C., this 13th day of July 1964.

E. A. JAENKE,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 64-7129; Filed, July 16, 1964; 8:49 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

[Plum Order 15]

PART 917—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

Sizes

§ 917.351 Plum Order 15 (Emily, President, Late Duarte).

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California,

effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the varieties hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such plums and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on July 2, 1964.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., July 19, 1964, and ending at 12:01 a.m., P.s.t., November 1, 1964, no shipper shall ship any package or container of Emily, President, or Late Duarte plums, unless:

(i) Such plums are of a size that, when packed in a standard basket, they will pack at least a 4 x 5 standard pack; and

(ii) The diameters of the smallest and largest plums in such package or container do not vary more than one-fourth (¼) inch: *Provided,* That a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) When used herein, "standard pack" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) (§§ 51.1520–51.1537 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(3) Section 917.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 14, 1964.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64–7130; Filed, July 16, 1964; 8:50 a.m.]

[Plum Order 16]

PART 917—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

Sizes

§ 917.352 Plum Order 16 (Giant).

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about August 3, 1964; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such plums and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on July 2, 1964.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., July 26, 1964, and ending at 12:01 a.m., P.s.t., November 1, 1964, no shipper shall ship any package or container of Giant plums, unless:

(i) Such plums are of a size that, when packed in a standard basket, they will pack at least a 5 x 5 standard pack; and

(ii) The diameters of the smallest and largest plums in such package or container do not vary more than one-fourth (¼) inch: *Provided,* That a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) When used herein, "standard pack" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) (§§ 51.1520–51.1537 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California, "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in

the amended marketing agreement and order.

(3) Section 917.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 14, 1964.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64–7131; Filed, July 16, 1964; 8:50 a.m.]

Chapter X—Agricultural Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order 68]

PART 1068—MILK IN MINNEAPOLIS-ST. PAUL, MINN., MARKETING AREA

Order Suspending Certain Provision

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Minneapolis-St. Paul, Minnesota, marketing area (7 CFR Part 1068), it is hereby found and determined that:

(a) The following provision of the order no longer tends to effectuate the declared policy of the Act for the months of July through November 1964, inclusive: In § 1068.56(a) the words "during each of the months of December through June, and 35 percent during each of the remaining months".

(b) Thirty days notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This suspension order will result in a uniform Class I butterfat differential throughout the year. The order presently provides for a higher Class I butterfat differential for the months of July through November. The seasonally high butterfat differential was designed to reflect in the value of the butterfat a portion of the seasonally higher Class I prices during the summer and fall months of short supply. Because of the increased use of low fat products in Class I, and a slackening in the demand for cream and other high fat products at this season of the year, the higher butterfat differential no longer serves the purpose for which it was intended.

(4) Interested parties were afforded opportunity to file written data, views or arguments concerning this supension (29 F.R. 8271). Support was received from producers' associations representing more than 90 percent of the producers supplying the market. No opposing views were filed.

Therefore, good cause exists for making this order effective upon publication in the FEDERAL REGISTER.

It is therefore ordered, That the aforesaid provision of the order is hereby suspended for the months of July through November 1964, inclusive.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: Upon publication.

Signed at Washington, D.C., on July 13, 1964.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 64–7112; Filed, July 16, 1964; 8:48 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

PART 1464—TOBACCO

Subpart—Tobacco Loan Program

Set forth below is a schedule of advance rates, by grades, for the 1964 crop of types 11–14 flue-cured tobacco, under the tobacco price support loan program regulations published in 25 F.R. 8019, 11822 and any amendment thereof.

§ 1464.1601 1964 Crop—Flue-Cured Tobacco, Types 11–14, Advance Schedule.[1]

[Dollars per hundred pounds, farm sales weight]

Grade	Advance rate	Grade	Advance rate	Grade	Advance rate
A1F	84.12	B5D	38.12	B6GL	41.12
A2F	82.12	B6D	31.12	B4GF	52.12
A1R	81.12	B3LV	64.12	B5GF	48.12
A2R	80.12	B4LV	59.12	B6GF	41.12
B1L	79.12	B5LV	55.12	B4GR	46.12
B2L	74.12	B3FV	64.12	B5GR	42.12
B3L	70.12	B4FV	59.12	B6GR	34.12
B4L	67.12	B5FV	55.12	B4GK	46.12
B5L	62.12	B4KV	50.12	B5GK	43.12
B6L	58.12	B5KV	44.12	B6GK	36.12
B1F	79.12	B6KV	37.12	B5GG	32.12
B2F	74.12	B4K	64.12	B3LS	56.12
B3F	70.12	B5K	60.12	B4LS	54.12
B4F	67.12	B6K	54.12	B5LS	50.12
B5F	62.12	B3KL	56.12	B6LS	44.12
B6F	58.12	B4KL	54.12	B3FS	56.12
B1FR	78.12	B5KL	50.12	B4FS	54.12
B2FR	72.12	B6KL	44.12	B5FS	50.12
B3FR	68.12	B3KF	56.12	B6FS	44.12
B4FR	63.12	B4KF	54.12	B5RR	40.12
B5FR	58.12	B5KF	50.12	B5RG	36.12
B6FR	53.12	B6KF	44.12	H1L	79.12
B1R	63.12	B3KM	56.12	H2L	75.12
B2R	59.12	B4KM	54.12	H3L	74.12
B3R	55.12	B5KM	50.12	H4L	73.12
B4R	50.12	B6KM	44.12	H5L	70.12
B5R	44.12	B4GL	52.12	H6L	66.12
B6R	37.12	B5GL	48.12	H1F	79.12

[1] The advance rates listed above are applicable only to tied flue-cured tobacco identified on a "Within-Quota" (white) marketing card which does not bear the notation "Not Eligible for Price Support-Collect Penalty for Special Account"; rates for untied flue-cured tobacco similarly identified are six dollars ($6.00) per hundred pounds less for each grade than for tied tobacco; and rates for tobacco identified on a "Limited Support—Within Quota" (blue) marketing card which does not bear the notation "Not Eligible for Price Support-Collect Penalty for Special Account" are 50 percent of the applicable rates for tobacco identified on a "Within-Quota" (white) marketing card, plus six cents ($0.06) per hundred pounds. Tobacco is eligible for advances only if consigned by the original producer and only if produced on a cooperating farm.

In the Georgia-Florida area price supports will be available only on untied tobacco as in past years. On all markets except in the Georgia-Florida area, price support on untied tobacco will be available for the first seven market days on lugs, primings and nondescript grades thereof, and price support for tied tobacco will be available for all grades during the first seven sale days as well as during the remainder of the marketing season.

Tobacco graded "W" (unsafe order), "U" (unsound), N2, NO–G or scrap will not be accepted. The cooperative Association through which price support is made available is authorized to deduct 12 cents per hundred pounds to apply against overhead cost.

[Dollars per hundred pounds, farm sales weight]

Grade	Advance rate	Grade	Advance rate	Grade	Advance rate
H2F	75.12	C5LS	59.12	X3LS	59.12
H3F	74.12	C4FS	61.12	X4LS	56.12
H4F	73.12	C5FS	59.12	X3FS	59.12
H5F	70.12	X1L	75.12	X4FS	56.12
H6F	66.12	X2L	74.12	X4G	48.12
H3FR	68.12	X3L	73.12	X5G	41.12
H4FR	65.12	X4L	70.12	P2L	67.12
H5FR	62.12	X5L	64.12	P3L	65.12
H6FR	58.12	X1F	75.12	P4L	59.12
C1L	80.12	X2F	74.12	P5L	50.12
C2L	76.12	X3F	73.12	P2F	67.12
C3L	75.12	X4F	70.12	P3F	65.12
C4L	74.12	X5F	64.12	P4F	59.12
C5L	73.12	X3LV	63.12	P5F	47.12
C1F	80.12	X4LV	60.12	P4G	42.12
C2F	76.12	X3FV	63.12	P5G	34.12
C3F	75.12	X4FV	60.12	N1L	29.12
C4F	74.12	X4KV	51.12	N1LX	41.12
C5F	73.12	X5KV	40.12	N1F	30.12
C4LV	68.12	X4KL	58.12	N1R	28.12
C4FV	68.12	X5KL	49.12	N1GL	25.12
C4KL	64.12	X4KF	58.12	N1GF	31.12
C4KF	64.12	X5KF	49.12	N1GR	26.12
C4KM	64.12	X3KM	62.12	N1GG	24.12
C4LS	61.12	X4KM	57.12		

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 106, 401, 403, 63 Stat. 1051, as amended, 1054; 74 Stat. 6; 15 U.S.C. 714c, 7 U.S.C. 1441, 1445, 1421, 1423; sec. 125, 70 Stat. 198, 7 U.S.C. 1813)

Effective date: Date of signature.

Signed at Washington, D.C., on July 13, 1964.

E. A. JAENKE,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 64–7133; Filed, July 16, 1964; 8:50 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 60—President's Committee on Equal Employment Opportunity

PART 60–80—INTERPRETATIONS

Apprenticeship Programs

On May 5, 1964, notice of a proposed rule was published in the FEDERAL REGISTER (29 F.R. 5909). Interested persons were given 21 days in which to comment. Upon consideration of all relevant matter received, and with the

approval of the Vice Chairman, a new § 60–80.2 is added to Chapter 60, Title 41 Code of Federal Regulations to become effective 30 days from this date, and to read as follows:

§ 60–80.2 Apprenticeship programs.

(a) The compliance of government contractors and federally assisted construction contractors with Executive Orders 10925 and 11114 will be determined in so far as apprenticeship programs are concerned on the basis of the standards contained in the regulations of the Secretary of Labor on nondiscrimination in apprenticeship and training, 29 CFR, Part 30, §§ 30.2–30.9, 30.15. For purposes of determining contractor compliance, these standards apply to any apprentice program which includes apprentices employed by a government contractor or federally assisted construction contractor during the performance of a Federal Government contract or federally assisted construction contract. The standards apply regardless of whether the program in which the apprentices are indentured is registered directly with the Bureau of Apprenticeship and Training.

(b) The staff of the Bureau of Apprenticeship and Training of the United States Department of Labor is available to advise and assist contracting or administering agencies on all compliance questions arising under this section.

(c) In determining questions of compliance, or of an alleged denial of equal employment opportunity in apprenticeship, if the apprenticeship program involved is registered with a State Apprenticeship Council under an equal opportunity program that has been found by the Administrator of the Bureau of Apprenticeship and Training of the United States Department of Labor to be consistent with 29 CFR, Part 30, the contracting agency shall seek the advice and cooperation of the appropriate State agency or agencies charged with the responsibility of investigating or adjudicating claims of discrimination in apprenticeship in connection with any determination as to whether or not the contractor concerned is in compliance, or whether or not there has been a denial of equal employment opportunity.

(E.O. 10925, 26 F.R. 1977; E.O. 11114, 28 F.R. 6485)

Signed at Washington, D.C., this 9th day of July 1964.

HOBART TAYLOR, Jr.
Executive Vice Chairman.

[F.R. Doc. 64–7107; Filed, July 16, 1964; 8:47 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 7790]

PART 13—PROHIBITED TRADE PRACTICES

Alfonso Gioia & Sons, Inc.

Subpart—Discriminating in price under section 2, Clayton Act—Price discrimination under 2(a): § 13.690 *Additional deliveries not charged for;* § 13.715 *Charges and price differentials;* [Discriminating in price under section 2, Clayton Act]—Payment for services or facilities for processing or sale under 2(d): § 13.824 *Advertising expenses;* § 13.825 *Allowances for services or facilities;* [Discriminating in price under section 2, Clayton Act]—Furnishing services or facilities for processing, handling, etc. under 2(e): § 13.835 *Demonstrators.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec 2, 49 Stat. 1526; 15 U.S.C. 13) [Cease and desist order, Alfonso Gioia & Sons, Inc., Rochester, N.Y., Docket 7790, June 30, 1964]

Order requiring a macaroni manufacturer in Rochester, N.Y., to cease discriminating in price by such practices as giving to some purchasers but not to others competing with them, substantial discounts on certain of its products and special prices and free goods, in violation of section 2(a) of the Clayton Act; making payments for advertising or other services furnished in connection with the sale of its products to some customers but not to their competitors, thus violating section 2(d); and furnishing demonstrators to certain customers while not according comparable services to all other competing purchasers, in violation of section 2(e) of the Clayton Act.

The order to cease and desist is as follows:

It is ordered, That respondent Alfonso Gioia & Sons, Inc., a corporation, and its officers, employees, agents and representatives, directly or through any corporate or other device, in or in connection with the offering for sale, sale or distribution of any of its products in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from:

1. Discriminating, directly or indirectly, in the price of such products of like grade and quality, by selling to any purchaser at net prices higher than the net prices charged any other purchaser competing in fact in the resale or distribution of such products.

2. Paying or contracting for the payment of anything of value to, or for the benefit of, any customer of respondent as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the offering for sale, sale or distribution of respondent's products, unless such payment or consideration is made available on proportionally equal terms to all other customers competing in the distribution of such products.

3. Furnishing, contracting to furnish, or contributing to the furnishing of services or facilities in connection with the handling, processing, sale or offering for sale of respondent's products to any purchaser from respondent of such products bought for resale, when such services or facilities are not accorded on proportionally equal terms to all other purchasers from respondent who resell such products in competition with such purchasers who receive such services or facilities.

It is further ordered, That the allegations of "primary line injury" in the complaint, namely, that the effect of respondent's discriminations in price may be substantially to lessen competition or tend to create a monopoly in the line of commerce in which respondent is engaged, or to injure, destroy or prevent competition with respondent, be dismissed.

By "Decision of the Commission", etc., further order requiring report of compliance is as follows:

It is further ordered, That respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: June 30, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 64–7096; Filed, July 16, 1964; 8:47 a.m.]

[Docket No. C–767]

PART 13—PROHIBITED TRADE PRACTICES

Gioia Macaroni Co., Inc.

Subpart—Discriminating in price under section 2, Clayton Act—Price Discrimination under 2(a): § 13.715 *Charges and price differentials;* [Discriminating in price under section 2, Clayton Act]—Payment for services or facilities for processing or sale under 2(d): § 13.824 *Advertising expenses;* § 13.825 *Allowances for services or facilities;* [Discriminating in price under section 2, Clayton Act]—Furnishing services or facilities for processing, handling, etc. under 2(e): § 13.835 *Demonstrators.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 2, 49 Stat. 1526; 15 U.S.C. 13) [Cease and desist order, Gioia Macaroni Company, Inc., Buffalo, N.Y., Docket C–767, June 30, 1964]

Consent order requiring a Buffalo, N.Y., manufacturer of macaroni, macaroni products, sauces and prepared foods—selling to a large number of wholesalers, independent retailers and chain stores in New York, Pennsylvania, Ohio, Illinois, and Vermont—to cease discriminating in price between different purchasers by, for example, granting a discount to a retail food chain but not to the chain's competitors, in violation of section 2(a) of the Clayton Act; by means of a "Beam Cast" promotional service paying a substantial amount to the operator of a radio station to install FM radio receivers in the stores of some of its retail food chain customers which transmitted music and from time to time advertised its products, and employing female "merchandisers" to assist the stores receiving the "Beam Cast" service, while not offering comparable services to competitors of the favored chains, thus violating section 2(d) of the Clayton Act; and by installing demonstrators in the business places of certain customers but not in those of the competitors of those favored, in violation of section 2(e) of the Clayton Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Gioia Macaroni Company, Inc., a corporation, and its officers, employees, agents and representatives, directly or through any corporate or other device, in or in connection with the offering for sale, sale or distribution of any of its products in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from discriminating, directly or indirectly, in the price of such products of like grade and quality:

By selling such products to any purchaser at net prices higher than the net prices charged any other purchaser who competes in the resale or distribution of such products with the purchaser paying the higher price.

It is further ordered, That respondent Gioia Macaroni Company, Inc., a corporation, and its officers, employees, agents and representatives, directly or through any corporate or other device, in or in connection with the offering for sale, sale or distribution of any of its products in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from:

1. Paying or contracting for the payment of anything of value to, or for the benefit of, any customer of respondent as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the offering for sale, sale or distribution of respondent's products, unless such payment or consideration is made available on proportionally equal terms to all other customers competing in the distribution of such products;

2. Furnishing, contracting to furnish, or contributing to the furnishing of services or facilities in connection with the handling, processing, sale or offering for sale of respondent's products to any purchaser from respondent of such products bought for resale, when such services or facilities are not accorded on proportionally equal terms to all other purchasers from respondent who resell such products in competition with such purchasers who receive such services or facilities.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: June 30, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-7097; Filed, July 16, 1964; 8:47 a.m.]

[Docket C-766]

PART 13—PROHIBITED TRADE PRACTICES

Ideal Macaroni Co.

Subpart—Discriminating in price under section 2, Clayton Act—Payment for services or facilities for processing or sale under 2(d): § 13.824 *Advertising expenses;* § 13.825 *Allowances for services or facilities.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 2, 49 Stat. 1526; 15 U.S.C. 13) [Cease and desist order, Ideal Macaroni Company, Bedford Heights, Ohio, Docket C-766, June 30, 1964]

Consent order requiring a Bedford Heights, Ohio, manufacturer of macaroni, macaroni products, egg products, sauces and other food products—selling to wholesalers, independent and chain retailers, restaurants, institutions and food processors in Ohio and Pennsylvania—to cease discriminating in price in violation of section 2(d) of the Clayton Act by such practices as making available to the Solon, Ohio, Division of a national grocery chain operating 79 retail stores in Ohio and Pennsylvania, payments and allowances amounting to approximately $8,000 including (1) free merchandise for store openings and other promotional purposes (2) a "stamp promotion" among other promotional discounts and allowances, (3) payments and allowances for newspaper and television advertising, and (4) payments for coupon sales, while not offering proportional payments to customers of the favored chain.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Ideal Macaroni Company, a corporation, and its officers, employees, agents and representatives, directly or through any corporate or other device, in or in connection with the offering for sale, sale or distribution of any of its products in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from:

Paying or contracting for the payment of anything of value to, or for the benefit of, any customer of respondent as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the offering for sale, sale or distribution of respondent's products, unless such payment or consideration is made available on proportionally equal terms to all other customers competing in the distribution of such products.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writting setting forth in detail the manner and form in which it has complied with this order.

Issued: June 30, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-7098; Filed, July 16, 1964; 8:47 a.m.]

[Docket No. C-768]

PART 13—PROHIBITED TRADE PRACTICES

Prince Macaroni Manufacturing Co.

Subpart—Discriminating in price under section 2, Clayton Act—Price discrimination under 2(a): § 13.690 *Additional deliveries not charged for;* § 13.715 *Charges and price differentials;* [Discriminating in price under section 2, Clayton Act]—Payment for services or facilities for processing or sale under 2(d): § 13.824 *Advertising expenses;* § 13.825 *Allowances for services or facilities;* [Discriminating in price under section 2, Clayton Act]—Furnishing services or facilities for processing, handling, etc. under 2(e): § 13.835 *Demonstrators.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 2, 49 Stat. 1526; 15 U.S.C. 13) [Cease and desist order, Prince Macaroni Manufacturing Company, Lowell, Mass., Docket C-768, June 30, 1964]

Consent order requiring a Lowell, Mass., manufacturer of macaroni, macaroni products, sauces and prepared foods—selling to a large number of wholesalers, retailers and chain stores in various states—to cease discriminating in price between different customers by, for example, (1) giving substantial price discounts on certain products to two food chains but not to their competitors, in violation of section 2(a) of the Clayton Act; (2) paying a substantial amount of money to a New England food chain with stores in various states, for advertising or other services furnished in connection with the sale of its products, but not making comparable payments available to the chain's competitors, thus violating section 2(d) of the Clayton Act; and (3) furnishing demonstrators to certain purchasers but not to their competitors, in violation of section 2(e).

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Prince Macaroni Manufacturing Company, a corporation, and its officers, employees, agents and representatives, directly or through any corporate or other device, in or in connection with the offering for sale, sale or distribution of any of its products in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from discriminating, directly or indirectly, in the price of such products of like grade and quality:

By selling such products to any purchaser at net prices higher than the net prices charged any other purchaser who competes in the resale or distribution of such products with the purchaser paying the higher price.

It is further ordered, That respondent, Prince Macaroni Manufacturing Company, a corporation, and its officers, employees, agents and representatives, directly or through any corporate or other device, in or in connection with the offering for sale, sale or distribution of any of its products in commerce, as "commerce" is defined in the Clayton

Act, as amended, do forthwith cease and desist from:

1. Paying or contracting for the payment of anything of value to, or for the benefit of, any customer of respondent as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the offering for sale, sale or distribution of respondent's products, unless such payment or consideration is made available on proportionally equal terms to all other customers competing in the distribution of such products;

2. Furnishing, contracting to furnish, or contributing to the furnishing of services or facilities in connection with the handling, processing, sale or offering for sale of respondent's products to any purchaser from respondent of such products bought for resale, when such services or facilities are not accorded on proportionally equal terms to all other purchasers from respondent who resell such products in competition with such purchasers who receive such services or facilities.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: June 30, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-7099; Filed, July 16, 1964; 8:47 a.m.]

[Docket No. C-765]

PART 13—PROHIBITED TRADE PRACTICES

Procino-Rossi Corp.

Subpart—Discriminating in price under section 2, Clayton Act—Price discrimination under 2(a): § 13.690 *Additional deliveries not charged for;* § 13.715 *Charges and price differentials;* [Discriminating in price under section 2, Clayton Act]—Payment for services or facilities for processing or sale under 2(d): § 13.824 *Advertising expenses;* § 13.825 *Allowances for services or facilities;* [Discriminating in price under section 2, Clayton Act]—Furnishing services or facilities for processing, handling, etc. under 2(e): § 13.835 *Demonstrators.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 2, 49 Stat. 1526; 15 U.S.C. 13) [Cease and desist order, Procino-Rossi Corporation, Auburn, N.Y., Docket C-765, June 30, 1964]

Consent order requiring an Auburn, N.Y., manufacturer of macaroni and macaroni products, egg products, sauces and other food products—selling to a large number of wholesalers, independent and chain retailers, and institutions principally in Massachusetts, New York, Ohio, Pennsylvania, and Vermont—to cease discriminating in price between different purchasers of its products by such practices as granting a rebate to a retail food chain and giving certain purchasers merchandise for which no charge was made, while not giving rebates or free goods to competitors of customers so favored, thus violating section 2(a) of the Clayton Act; by paying certain customers an allowance for advertising based on total purchases of certain of its products, granting a large Pennsylvania retail food chain a special allowance of $200 per three-month period for additional advertising services, including in-store display, furnished by the customer, and by making payments to certain customers for advertising in catalogs, newspapers and on radio, while not making such allowances available on proportionally equal terms to all competitors of the favored customers, in violation of section 2(d) of the Clayton Act; and by installing special "demonstrators" in the places of business of certain customers while not according comparable services and facilities to competitors of those so favored, in violation of section 2(e) of the Clayton Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Procino-Rossi Corporation, a corporation, and its officers, employees, agents and representatives, directly or through any corporate or other device, in or in connection with the offering for sale, sale or distribution of any of its products in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from discriminating, directly or indirectly, in the price of such products of like grade and quality:

By selling such products to any purchaser at net prices higher than the net prices charged any other purchaser who competes in the resale or distribution of such products with the purchaser paying the higher price.

It is further ordered, That respondent Procino-Rossi Corporation, a corporation, and its officers, employees, agents and representatives, directly or through any corporate or other device, in or in connection with the offering for sale, sale or distribution of any of its products in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from:

1. Paying or contracting for the payment of anything of value to, or for the benefit of, any customer of respondent as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the offering for sale, sale or distribution of respondent's products, unless such payment or consideration is made available on proportionally equal terms to all other customers competing in the distribution of such products.

2. Furnishing, contracting to furnish, or contributing to the furnishing of services or facilities in connection with the handling, processing, sale or offering for sale of respondent's products to any purchaser from respondent of such products bought for resale, when such services or facilities are not accorded on proportionally equal terms to all other purchasers from respondent who resell such products in competition with such purchasers who receive such services or facilities.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: June 30, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-7100; Filed, July 16, 1964; 8:47 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS

PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

PART 264—REGISTRATION AND FINGERPRINTING OF ALIENS IN THE UNITED STATES

Miscellaneous Amendments

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

1. Paragraph (e) of § 103.1 is amended to read as follows:

§ 103.1 Delegations of authority.

* * * * *

(e) *Regional commissioners.* The activities of the Service within their respective regional areas, including the following appellate jurisdiction specified in this chapter:

(1) Decisions on first preference and minister petitions, as provided in § 204.1;

(2) Decisions on eligible orphan petitions, as provided in § 205.2;

(3) Decisions revoking approval of certain petitions, as provided in § 206.3;

(4) Decisions on applications for permission to reapply for admission to the United States after deportation or removal, as provided in § 212.2;

(5) Decisions on applications for waiver of certain grounds of excludability, as provided in § 212.7(a);

(6) Decisions on applications for admission of certain aliens to perform skilled or unskilled labor, as provided in § 212a.1;

(7) Decisions on petitions for approval of schools, as provided in § 214.3;

(8) Decisions on petitions for temporary workers or trainees, as provided in § 214.4;

(9) Decisions on applications for reentry permits, as provided in § 223.1;

(10) Decisions on applications for benefits of section 13 of the Act of September 11, 1957, as provided in § 245.3;

(11) Decisions on adjustment of status of certain resident aliens to nonimmigrants, as provided in § 247.12(b);

(12) Decisions on applications for change of nonimmigrant status, as provide in § 248.2;

(13) Decisions on applications to preserve residence for naturalization purposes, as provided in § 316a.21(c);

(14) Decisions on applications for certificates of citizenship, as provided in § 341.1;

(15) Decisions on administrative cancellation of certificates, documents, or records, as provided in § 342.8;

(16) Decisions on applications for certificates of naturalization or repatriation, as provided in § 343.1;

(17) Decisions on applications for new naturalization or citizenship papers, as provided in § 343a.1(c); and

(18) Decisions on applications for special certificates of naturalization, as provided in § 343b.11(b).

* * * * *

2. Section 103.3 is amended to read as follows:

§ 103.3 Denials and appeals.

Whenever a formal application or petition filed under § 103.2 is denied, the applicant shall be given written notice setting forth the specific reasons for such denial. When the applicant is entitled to appeal to another Service officer, the notice shall advise him that he may appeal from the decision, and that such appeal may be taken within 15 days after the mailing of the notification of decision, accompanied by a supporting brief and a fee of $10, by filing Notice of Appeal Form I–290B, which shall be furnished with the written notice. For good cause shown, the time within which the brief may be submitted may be extended. The party taking the appeal may, prior to appellate decision, file a written withdrawal of such appeal.

3. Paragraph (b) of § 212.6 is amended to read as follows:

§ 212.6 Nonresident alien border crossing cards.

* * * * *

(b) *Application.* A citizen of Mexico shall apply on Form I–190 for a nonresident alien border crossing card, supporting his application with evidence of Mexican citizenship and residence, a valid unexpired passport unless a passport is not required for admission under the provisions of this part, two photographs, and a fingerprint chart. A citizen of Canada or British subject residing in Canada shall apply on Form I–175 for a nonresident alien border crossing card, supporting his application with evidence of Canadian or British citizenship, residence in Canada, two photographs, and a fingerprint chart. Form I–190 shall be submitted to a Service office on the Mexican border or to any United States consulate in Mexico. Form I–175 shall be submitted only to a Service office on the Canadian border. Each applicant under this paragraph, except a child under 14 years of age other than a student, shall appear in person before an immigration officer prior to the adjudication of his application and be interrogated under oath concerning his eligibility for a nonresident alien border crossing card; such interrogation may be waived by the district director or an officer designated by him if the applicant was interrogated before a consular officer in connection with application Form I–190. An appeal shall not lie from a denial of the application, but such denial shall be without prejudice to a subsequent application for a visa or admission to the United States.

* * * * *

4. Paragraph (c) of § 264.1 is amended to read as follows:

§ 264.1 Registration and fingerprinting.

* * * * *

(c) *Replacement of registration.* Any alien whose evidence of registration has been lost, mutilated, or destroyed, shall immediately apply for new evidence thereof. Except for nonimmigrant crewmen who shall apply on Form I–174, and nonimmigrant agricultural workers, including aliens embraced within the provisions of § 214.2(k) of this chapter, who shall apply on Form I–102, such application shall be made on Form I–90. Any alien lawfully admitted for permanent residence whose name has been legally changed after registration may also apply on Form I–90. Each applicant who files Form I–90, except a child under 14 years of age, shall appear in person before an immigration officer prior to the adjudication of his application and be interrogated under oath concerning his eligibility for issuance of Form I–151 as evidence of his registration. If the applicant is outside the United States, such interrogation may be conducted by an immigration officer or a consular officer. Evidence of registration surrendered by a lawful permanent resident alien on other than Form I–151 will be replaced with Form I–151 without fee or application. No appeal shall lie from the decision of the district director denying the application.

* * * * *

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall become effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the rules prescribed by the order relate to agency procedure.

Dated: July 14, 1964.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 64–7119; Filed, July 16, 1964; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER B—PROCEDURAL RULES [NEW]

[Reg. Docket No. 4003; Amdt. 11–3]

PART 11—GENERAL RULE MAKING PROCEDURES [NEW]

Assignment of Navigable Airspace

This amendment to Part 11 [New] of the Federal Aviation Regulations alters the Federal Aviation Agency's General Rule Making Procedures to authorize FAA Regional Directors to issue regulations assigning controlled airspace for terminal areas.

This action was published as a notice of proposed rule making in the FEDERAL REGISTER on February 14, 1964 (29 F.R. 2467). A supplemental notice and a notice extending the period for comments were published in the FEDERAL REGISTER on February 25, 1964, and March 17, 1964, respectively (29 F.R. 2677, 3441). Under the proposed rule, Regional Directors would have been authorized to issue regulations on restricted areas as well as on controlled airspace for terminal areas.

Five parties submitted comments on the proposal and the over-all reaction was one of opposition. Some of the comments stated broad objections to the decentralization of the airspace rule making function while others concentrated on specific situations where regional handling of airspace rules would be undesirable. A prevailing theme dealt with the need for the exercise of firm control over the national airspace program, and the importance of centralization to the achievement of this goal. Particularly in the case of the designation of special use airspace, it was pointed out that the impact of many airspace rule making actions on the public and on the defense establishment was such as to call for top-level coordination and control. Strong objections were made to any delegation of rule making authority which would enable Regional Directors to issue notices and rules for special use or en route purposes, or to process cases requiring coordination with the Departments of Defense and State under Executive Order 10854.

It was suggested in two comments that if the Agency did carry the proposal to a final rule, procedures be incorporated therein for the appeal or referral of cases to the Washington Headquarters whenever a controversy arose over the position taken by a Regional Director. The Department of Defense was particularly concerned that delegation of airspace authority to the field in the FAA, while DOD maintained centralized authority, would disrupt the timely exchange of information between DOD and FAA. Other comments reflected upon the history of the airspace program and contended that adoption of the proposed

action would run contrary to the aims of the Federal Aviation Act of 1958 and prevent the administration of a uniform airspace program. Some comments suggested further that if any delegation of authority was to be adopted, the FAA should clearly outline the responsibilities of the Regional Directors and establish firm guidelines to prevent the promulgation of inequitable and inconsistent actions.

The FAA has studied these comments and found several of them to be meritorious. It has reviewed the proposal as it related to the designation of special use airspace and has concluded that this function should be performed by the Washington Headquarters. Restricted areas are by nature most critical because of the prohibition to flight they entail and because of their usual tie-in with national defense interests. Retention of this function in Washington will perpetuate the exercise of central control in this area and minimize the impact on procedures now followed by DOD and FAA in exchanging information on airspace matters.

The notice stated that airspace designations for en route purposes would continue to be handled by the Air Traffic Service in Washington. However, it also contained a provision which would have permitted Regional Directors to issue rules on airways and routes if they were tied in with an action on restricted areas or terminal control areas. The purpose of that provision was to ensure that the division of responsibilities between the headquarters and field offices did not require the Agency to fragmentize rule making cases when a consolidated presentation of actions was necessary to assure intelligent participation in the rule making process by interested persons or to avoid the separate publication of minor amendments tied in with another action. The Agency still intends to issue consolidated actions in line with this policy, but the change in the division of responsibilities adopted herein necessitates the establishment of different guidelines. Inasmuch as restricted area cases will not be handled by regional offices, it is not anticipated that it will be necessary for Regional Directors to issue any notices or rules on jet routes or jet advisory areas. Thus, the rule adopted herein prohibits Regional Directors from handling actions on Part 75 [New]. Regional Directors will, however, be authorized to include action on a Federal airway in a notice or rule relating to controlled airspace for terminal areas if the airway action is ancillary to the terminal area case and if he obtains approval from FAA Headquarters in Washington to ensure that there is consistency with national airway planning.

All airspace dockets affecting airspace outside the three-mile limit will be issued by the Washington Headquarters. All of these cases are coordinated with the State and Defense Departments under Executive Order 10854 and their handling in Washington will permit continuation of existing procedures in effecting this coordination.

The notice of proposed rule making contained a provision for the redelegation of authority by Regional Directors. Under the rule adopted herein, no redelegation of authority by a Regional Director would be permissible. With this provision, with the distribution to the field of new and revised internal directives on the processing of airspace cases, and with the limitation placed on Regional Directors as to the categories of airspace allocations they may handle, the FAA believes that proper control will be maintained over the airspace program. At the same time, Regional handling of cases on controlled airspace should accelerate the processing of a large volume of dockets. It will also permit decisions on many dockets having more of a local than national impact to be made by Agency officials most familiar with the case.

No provision appears in the rule making action taken herein for Headquarters intervention in terminal airspace dockets creating a controversy in the field. It is the intent of this amendment to delegate complete authority to Regional Directors in matters related to airspace allocations concerning terminal areas. Section 11.73 [New], however, does provide for petitions for reconsideration to be submitted to the Administrator within 30 days after publication of the rule. This provision should provide adequate relief for parties who feel that rule making action taken by a Regional Director is contrary to the public interest.

The notice of proposed rule making anticipated a problem in the handling of airspace overlapping two regions, and provided for the issuance of a rule in these cases by the region responsible for the larger portion of the airspace in question. Upon further consideration, the Agency has decided to refrain from establishing quantity of airspace as the determining factor as to how these actions would be handled. Responsibility over the greater portion of such airspace may be the controlling factor in some cases, but it will be left to the regional offices concerned to consider all the problems involved in the case and to jointly decide which region will issue the notice of rule.

Since these amendments are procedural in nature, they may be made effective on less than 30 days' notice.

In consideration of the foregoing, Part 11 [New] of Chapter I of Title 14 of the Code of Federal Regulations is amended, effective immediately, as hereinafter set forth.

1. In § 11.61, paragraph (c) is amended and paragraph (d) is added. The amended paragraph (c) and the added paragraph (d) read as follows:

§ 11.61 Scope.

* * * * *

(c) For the purposes of this subpart, "Director" means the Director, Air Traffic Service (or any person to whom he has delegated his authority in the matter concerned) or a Regional Director. Each Regional Director is limited, however, to those matters relating to terminal area air space, within the United States, as described in § 71.165 of Subpart F, and Subparts G and H, of Part 71 [New]. He may, however, include those matters relating to a Federal airway or additional control area, within the United States, as described in Subparts B, C, D, and J, and § 71.163 of Part 71 [New], if they are ancillary to the terminal area airspace matter. Before including any related Federal airway or additional control area matter, the Regional Director must coordinate with and obtain approval from FAA Headquarters in Washington to ensure that there is consistency with national airway plans.

(d) For the purposes of this subpart, "General Counsel" means the General Counsel, or a Regional Counsel, or any person to whom the General Counsel or Regional Counsel has delegated his authority in the matter concerned.

§ 11.63 [Amended]

2. Section 11.63(a) is amended by striking out the words "a Regional Assistant Administrator or".

3. Section 11.69(a) is amended to read as follows:

§ 11.69 Adoption of rules or orders.

(a) After the closing date for submitting written comments on a notice or, if a hearing is held; after the hearing, the Office having substantive responsibility for the subject involved studies the entire matter of a proposed rule or order. The General Counsel determines whether legal justification exists for the proposed action, and thereafter prepares an appropriate rule, order, or notice of denial. The rule, order, or notice of denial is then submitted to the Director for his action.

* * * * *

4. Section 11.69(b) is amended by striking out the words "by the Administrator" and inserting the words "by the Director" in place thereof.

§ 11.75 [Amended]

5. Section 11.75(a) is amended by striking out the words "Director of Air Traffic Service" and inserting the word "Director" in place thereof.

(Sec. 307 of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 13, 1964.

HAROLD W. GRANT,
Acting Administrator.

[F.R. Doc. 64-7125; Filed, July 16, 1964; 8:49 a.m.]

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 63-LAX-12]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Federal Airway

On April 25, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 5563) and stated that the Federal Aviation Agency was proposing to realign and extend VOR Federal airway No. 237 from Needles, Calif., to Las Vegas, Nev., via Boulder, Nev.

Interested persons were afforded an opportunity to participate in the rule making through submission of com-

ments. The Air Transport Association of America, Inc., the National Air Taxi Conference, the National Aviation Trades Association, and the National Pilots Association endorsed the proposal. No other comments were received.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t. September 17, 1964, as hereinafter set forth.

In § 71.123 (29 F.R. 1009, 2740, 4719), V-237 is amended to read:

V-237 From Needles, Calif., via Boulder, Nev.; INT Boulder 347° and Las Vegas, Nev., 081° radials; to Las Vegas.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 10, 1964.

DANIEL E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-7085; Filed, July 16, 1964; 8:45 a.m.]

[Airspace Docket No. 64-LAX-4]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Federal Airway

The purpose of this amendment to Part 71 [New] of the Federal Aviation Regulations is to realign the segment of VOR Federal airway No. 21 west alternate which is presently designated from the intersection of the Hector, Calif., 228° and the Daggett, Calif., 187° True radials to Daggett.

The Federal Aviation Agency is relocating the Ontario, Calif., VOR on or about September 1, 1964, to a new site located at latitude 33°55'06" N., longitude 117°31'44" W. The relocation of this navigation facility will necessitate the utilization of the Hector 226° True radial for the alignment of V-21 direct between Ontario and Hector. All other airway segments utilizing the Ontario VOR are designated direct station to station and will automatically adjust to the relocated facility. Accordingly, action is taken herein to redesignate V-21 west alternate segment by utilizing the Hector 226° True radial.

Since this action is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, § 71.123 (29 F.R. 1009) is amended as follows: In V-21 "INT of Hector 228° and Daggett, Calif., 187° radials" is deleted and "INT of Hector 226° and Daggett, Calif., 187° radials" is substituted therefor.

This amendment shall become effective 0001 e.s.t., September 17, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 10, 1964.

DANIEL E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-7084; Filed, July 16, 1964; 8:45 a.m.]

[Airspace Docket No. 63-AL-19]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Designation of Federal Airway and Associated Control Areas

On September 13, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 9953) stating that the Federal Aviation Agency proposed to designate a VOR Federal airway from the intersection of the McGrath, Alaska, 122° and the Big Lake, Alaska, 292° True radials via Big Lake to the intersection of the Big Lake 073° True radial and the Sheep Mountain, Alaska, radio beacon 343° True bearing.

Interested persons have been afforded an opportunity to participate in the rule making through submission of comments, but no comments were received.

The notice of proposed rule making contemplated expanding the width of the proposed airway to compensate for the standard systems accuracy factor for aircraft operating along the segments of this airway at a distance greater than 45 nautical miles from the Big Lake VOR. Subsequent to the notice, a standard widening formula was incorporated into § 71.5 of the Federal Aviation Regulations (29 F.R. 8471) which applies to all Federal airways. Therefore, provision for width expansion is not included in the description of this airway.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t., September 17, 1964, as hereinafter set forth.

In § 71.125 (29 F.R. 1046) the following is added:

V-510 From INT of McGrath, Alaska, 122° and Big Lake, Alaska, 292° radials via Big Lake; to INT of Big Lake 073° radial and Sheep Mountain, Alaska, RBN 343° bearing.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 10, 1964.

DANIEL E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-7083; Filed, July 16, 1964; 8:45 a.m.]

[Airspace Docket No. 63-AL-8]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Designation of Federal Airways

On June 6, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 5583) stating that the Federal Aviation Agency proposed to designate a VOR Federal Airway from the Big Delta, Alaska, VOR to the Northway, Alaska, radio range station. On December 7, 1963, a supplemental notice was published in the FEDERAL REGISTER (28 F.R. 13319) altering the proposal by basing the width expansion on the Big Delta VOR only.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments, but no comments were received.

The notice of proposed rule making and the supplemental notice contemplated expanding the width of the proposed airway to compensate for the standard systems accuracy factor for aircraft operating along this airway at a distance greater than 45 nautical miles from the VOR facility. Subsequent to these notices, a standard widening formula was incorporated into § 71.5 of the Federal Aviation Regulations (29 F.R. 8471) which applies to all Federal Airways. Therefore, provision for width expansion is not included in the description of this airway.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t., September 17, 1964, as hereinafter set forth.

In § 71.125 (29 F.R. 1047) the following is added:

V-444 From Big Delta, Alaska, to the INT of the Big Delta 121° radial and the Northway, Alaska, RR.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 10, 1964.

DANIEL E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-7082; Filed, July 16, 1964; 8:45 a.m.]

[Airspace Docket No. 63-CE-140]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Designation of Control Zone and Transition Area, and Alteration of Transition Area

On April 22, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 5396) stating that the Federal Aviation Agency proposed to designate a control zone and transition area at Fort Leonard Wood, Mo., and to alter the Maples, Mo., transition area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t., September 17, 1964, as hereinafter set forth.

1. In § 71.171 (29 F.R. 1101), the Fort Leonard Wood, Mo., control zone is added and described as

Within a 4-mile radius of the Forney AAF (latitude 37°44'00" N., longitude 92°09'00" W.), and within 2 miles each side of the Forney AAF VOR 323° radial, extending from the 4-mile radius zone to 8 miles NW of the VOR and within 2 miles each side of the 148° bearing from the Forney AAF RBN, extending from the 4-mile radius zone to 8 miles SE of the RBN.

2. In § 71.181 (29 F.R. 1160), the Fort Leonard Wood, Mo., transition area is added and described as

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Forney AAF (latitude 37°44'00" N., longitude 92°09'00" W.), within 8 miles E and 5 miles W of the 148° bearing from the Forney AAF RBN, extending from the RBN to 12 miles SE, within 8 miles W and 5 miles E of the Forney AAF VOR 323° radial, extending from the VOR to 12 miles NW; and that airspace extending upward from 1,200 feet above the surface, within 5 miles each side of the following direct radials: Maples, Mo., VOR to Forney AAF VOR; Maples VOR to Forney RBN; Vichy, Mo., VORTAC to Forney VOR; Vichy VORTAC to Forney RBN, excluding that portion within the Vichy transition area.

3. In § 71.181 (29 F.R. 1160) the Maples, Mo., transition area is amended by deleting "9 miles NE of the VOR." and substituting, therefor, "9 miles NE of the VOR, excluding that portion within the Fort Leonard Wood, Mo., transition area."

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 10, 1964.

DANIEL E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-7081; Filed, July 16, 1964; 8:45 a.m.]

[Airspace Docket No. 63-WA-9]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Controlled Airspace

On April 10, 1964 a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 5009) stating that the Federal Aviation Agency proposed to designate transition areas at Key West, Fla., and Marathon, Fla.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t. September 17, 1964 as hereinafter set forth.

In § 71.181 (29 F.R. 1160), the following transition areas are added:

Key West, Fla.

That airspace extending upward from 2,000 feet above the surface, bounded by a line extending from latitude 24°45'00" N., Longitude 82°32'00" W., to latitude 24°25'00" N., longitude 82°32'00" W.; thence to latitude 24°13'00" N., longitude 82°21'00" W.; thence along latitude 24°13'00" N., to a line 5 miles W of and parallel to the 205° bearing from the Key West RBN; thence NE along this line and the W boundary of V-225 to latitude 24°45'00" N.; and thence W along latitude 24°45'00" N. to the point of beginning.

Marathon, Fla.

That airspace extending upward from 2,000 feet above the surface, bounded on the N by V-35, on the E by Long. 80°25'00" W, on the S by Lat. 24°20'00" N, and on the W by control area 1233.

(Sec. 307(a) and 1110 of the Federal Aviation Act of 1958 (46 U.S.C. 1510) and Executive Order 10854, 24 F.R. 9565)

Issued in Washington, D.C. on July 9, 1964.

ROBERT G. CARNAHAN,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-7080; Filed, July 16, 1964; 8:45 a.m.]

[Airspace Docket No. 63-SO-98]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Designation of Transition Area

On April 22, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 5399) stating that the Federal Aviation Agency proposed to designate a transition area at Blakely, Ga.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t., September 17, 1964, as hereinafter set forth.

In § 71.181 (29 F.R. 1160), the Blakely, Ga., transition area is added and described as

That airspace extending upward from 1,200 feet above the surface, bounded by a line beginning at latitude 31°47'20" N., longitude 84°58'20" W.; to latitude 31°41'20" N., longitude 84°56'55" W.; to latitude 31°37'30" N., longitude 84°46'00" W.; to latitude 31°16'30" N., longitude 84°51'30" W.; to latitude 31°14'35" N., longitude 85°10'45" W.; thence counterclockwise along the arc of a 35-mile radius circle centered at latitude 31°14'55" N., longitude 85°46'20" W., to the E boundary of V-241; thence along the E boundary of V-241 to latitude 31°47'20" N.; thence E along the line of latitude 31°47'20" N., to the point of beginning.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 10, 1964.

DANIEL E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-7088; Filed, July 16, 1964; 8:46 a.m.]

[Airspace Docket No. 63-WE-111]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Federal Airways; Postponement of Effective Date

On June 23, 1964, there were published in the FEDERAL REGISTER (29 F.R. 7922) amendments to Part 71 [New] of the Federal Aviation Regulations which altered VOR Federal airways Nos. 8, 95, 200, 210, 220, 224, 283, and 298. These amendments were to become effective August 20, 1964.

Because of a delay in implementing the Airway/Route Modification Plan, Airspace Docket No. 63-WA-74, (29 F.R. 4101), action is taken herein to alter Airspace Docket No. 63-WE-111 by postponing the effective date until September 17, 1964.

Since thirty days will elapse from the time of publication of the rule as initially adopted to this new effective date, this change is made in compliance with section 4 of the Administrative Procedure Act.

In consideration of the foregoing, effective immediately, the following action is taken:

Airspace Docket No. 63-WE-111 is amended as follows: "effective 0001 e.s.t., August 20, 1964." is deleted and "effective 0001 e.s.t., September 17, 1964." is substituted therefor.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 10, 1964.

DANIEL E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-7086; Filed, July 16, 1964; 8:45 a.m.]

[Airspace Docket No. 64-WA-17]

PART 75—ESTABLISHMENT OF JET ROUTES [NEW]

Alteration of Jet Routes

On April 18, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 5322) and stated that the Federal Aviation Agency proposed to realign Jet Route No. 15 from Boise, Idaho, via John Day, Oreg., to Newberg, Oreg., and to realign Jet Route No. 73 from Boise via John Day, to The Dalles, Oreg.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. The Air Transport Association of America, Inc., offered no objection to the proposed realignment of Jet Route No. 15. However, they did object to the proposed realignment of Jet Route No. 73 via John Day unless it was impossible to designate this route direct between Boise and The Dalles with a minimum en route altitude of 18,000 feet MSL. A flight check of the direct route determined that a minimum en route altitude of 18,000 feet MSL was not possible, due to lack of signal coverage.

In consideration of the foregoing, Part 75 [New] of the Federal Aviation Regulations is amended, effective September 17, 1964, as hereinafter set forth.

Section 75.100 (29 F.R. 1287) is amended as follows:

1. In Jet Route No. 15 (San Antonio, Tex., to Newberg, Oreg.) all after "Boise, Idaho;" is deleted and "John Day, Oreg., to Newberg, Oreg." is substituted therefor.

2. Jet Route No. 73 is amended to read:

Jet Route No. 73 (Boise, Idaho, to The Dalles, Oreg.).
From Boise, Idaho, via John Day, Oreg., to The Dalles, Oreg.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 9, 1964.

ROBERT G. CARNAHAN,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-7087; Filed, July 16, 1964; 8:46 a.m.]

[Reg. Docket No. 6092; Amdt. 91-5]

PART 91—GENERAL OPERATING AND FLIGHT RULES

Aircraft Speed

The purpose of this amendment is to restate the circumstances under which pilots may exceed the maximum speeds set forth in § 91.85(c) [New] of the Federal Aviation Regulations.

Section 91.85(c) [New] prescribes maximum speeds for arriving aircraft operated below 10,000 feet MSL within thirty nautical miles of an airport of intended landing, and for aircraft operated within an airport traffic area. However, it permits operation in excess of these maximum speeds, if the minimum airspeed required by the operating limitations of an aircraft or by military normal operating procedures is greater than the speeds prescribed by the regulation.

Apparently, little difficulty has arisen with respect to the intent of the language allowing military pilots to exceed the maximum speeds in FAR 91.85(c) [New]. However, a question has arisen over the intent of the exception that applies to nonmilitary operations. In particular, it has been pointed out that it is unclear whether a pilot exceeding the maximum prescribed speed to the extent necessary to maintain the airplane manufacturer's recommended turbulence penetration speed would be in violation of FAR 91.85(c) [New]. The difficulty here stems from the fact that these recommended penetration speeds are not categorized as "operating limitations" in airplane flight manuals prepared by the manufacturer.

The need for a provision in FAR 91.85(c) [New] permitting pilots to exceed the speed limit whenever it is essential to the safe operation of an aircraft is an obvious one, and the exception to the speed limit in the present rule was adopted in recognition of this need. It is apparent, however, that when applied to the problem of turbulence penetration, the wording of FAR 91.85(c) [New] is susceptible to an interpretation that is not only contrary to the intent of the rule, but a possible source of danger. Accordingly, the language of FAR 91.85(c) [New] is altered herein to indicate that a nonmilitary pilot may exceed the maximum speeds specified therein if the minimum speed required or recommended in the airplane flight manual to maintain safe maneuverability is greater than the maximum speeds prescribed in the rule.

Since this amendment is clarifying in nature and imposes no additional burden on any person, notice and public procedure thereon would not be necessary in the public interest. Therefore, it may be made effective immediately.

In consideration of the foregoing, the last sentence of § 91.85(c) [New] of Chapter I of Title 14 of the Code of Federal Regulations is amended, effective upon publication in the FEDERAL REGISTER, to read as follows: "However, if the minimum airspeed required or recommended in the airplane flight manual to maintain safe maneuverability or required by military normal operating procedures is greater than the maximum speed prescribed in this paragraph, the aircraft may be operated at that minimum airspeed."

(Sec. 307 of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 13, 1964.

HAROLD W. GRANT,
Acting Administrator.

[F.R. Doc. 64-7126; Filed, July 16, 1964; 8:49 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 5030; Amdt. 766]

PART 507—AIRWORTHINESS DIRECTIVES

Boeing Models 707/720 Series Aircraft

A proposal to amend Part 507 of the Regulations of the Administrator to include an airworthiness directive requiring performance of a periodic resistance check on the fuel dump chute switches and replacement of all switches with switches incorporating a sealed receptacle on Boeing Models 707 and 720 Series aircraft was published in 29 F.R. 5958.

Interested persons have been afforded an opportunity to participate in the making of the amendment. One operator expressed an opinion that moisture and corrosion would still be a problem even after the required modification. In the original installation the wire insulating material was subject to wicking which allowed moisture to enter the switch. The new connector has a sealed grommet that the wires pass through. Tests have demonstrated that moisture will not pass through the two sealing webs. On the basis of these tests and the fact that a similar connector has been used on the fuel dump chute fuel valves with no known malfunction, the Agency feels that the modification is satisfactory.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

BOEING. Applies to all Models 707 and 720 Series aircraft.
Compliance required as indicated.
Failures and malfunctions occurring in the fuel dump chute limit switches of the retractable dump chute system have caused switch overheating sufficient to scorch the connecting wires. To prevent this, accomplish the following:

(a) Within 500 hours' time in service after the effective date of this AD, and thereafter at periods not to exceed 500 hours' time in service, perform a resistance check on the fuel dump chute extend limit switch, P/N's 5EN11-6B or H11-186, and on the fuel dump chute up limit switch, P/N's 2EN15-6 or H11-162. If any switch is found defective, replace before further flight. (Boeing telegraphic messages 6-7161-1-9101 and 6-7161-1-9159 sent to all operators on February 3, and March 28, 1963, respectively, cover this resistance check.) Upon compliance with paragraph (b) the provisions of this paragraph may be discontinued.

(b) Within 2,500 hours' time in service after the effective date of this AD, replace limit switches on each fuel dump chute which do not incorporate a sealed receptacle with improved switches incorporating a sealed receptacle in accordance with Boeing Service Bulletin 1877. Replace the switch pigtail type wires with new wires and a mating sealed connector, also in accordance with Boeing Service Bulletin 1877.

(c) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Aircraft Engineering Division, FAA Western Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

(Boeing Service Bulletin 1877 dated January 23, 1964, and Boeing telegraphic messages 6-7161-1-9101 and 6-7161-1-9159 dated February 3, and March 28, 1963, respectively, cover this subject.)

This amendment shall become effective August 17, 1964.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on July 9, 1964.

W. LLOYD LANE,
Acting Director, Flight Standards Service.

[F.R. Doc. 64-7089; Filed, July 16, 1964; 8:46 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3421]

NEVADA

Power Site Restoration No. 609; Power Site Cancellation No. 200; Revoking Certain Power Withdrawals for Transmission Lines

By virtue of the authority vested in the President by section 1 of the Act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), and by virtue of the authority contained in the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31): *It is ordered*, as follows:

1. The Executive orders of March 3, 1913, and September 5, 1916, as construed and modified, and the Departmental

order of June 21, 1932, which withdrew the following-described lands for transmission line purposes as Power Site Reserves Nos. 342 and 544, and Power Site Classification No. 268, respectively, are hereby revoked:

MOUNT DIABLO MERIDIAN

(Nevada 054530)

From Power Site Reserve No. 342:
All public land within 50 feet on either side of the centerline of the right-of-way applied for by the Truckee River General Electric Company (Carson City 06186), within the following sections:

T. 18 N., R. 19 E.,
Sec. 2.
T. 19 N., R. 19 E.,
Secs. 28, 29, 30, and 34.
T. 17 N., R. 20 E.,
Secs. 2 and 12.
T. 18 N., R. 20 E.,
Secs. 19, 28 and 34.
T. 17 N., R. 21 E.,
Secs. 17, 20, 22, 23, 26, and 27.
T. 17 N., R. 22 E.,
Secs. 28 and 34.
T. 16 N., R. 23 E.,
Unsurveyed portion.
T. 15 N., R. 24 E.,
Unsurveyed portion and surveyed portion in secs. 2, 11, and 12.
T. 16 N., R. 24 E.,
Secs. 19, 29, 30, 32, and 33.
T. 13 N., R. 25 E.,
Secs. 5, 6, 7, 18, 19, and 30.
T. 14 N., R. 25E.,
Secs. 20 and 29.
T. 15 N., R. 25 E.,
Secs. 7, 17, 18, and 29.

MOUNT DIABLO MERIDIAN

(Nevada 054537)

From Power Site Reserve No. 544:
All portions of the lands in the following-described sections lying within 50 feet of the centerline of a right-of-way for a transmission line in an application of the Pacific Power Company, succeeded by the Pacific Power Corporation (Independence 03484, Carson City 08964), including a branch of the said transmission line beginning in sec. 18, and terminating in sec. 20, T. 16 N., R. 34 E:

T. 5 N., R. 27 E.,
Secs. 13, 14, and 23.
T. 5 N., R. 28 E.,
Secs. 3, 4, 9, 16, 17, and 18.
T. 6 N., R. 28 E.,
Secs. 13, 23, 24, 26, 27, 33, and 34.
T. 7 N., R. 29 E.,
Secs. 23, 24, 26, 27, 28, 32, and 33.
T. 7 N., R. 30 E.,
Secs. 4, 5, 8, 17, 18, and 19.
T. 8 N., R. 30 E.,
Secs. 33 and 34.

MOUNT DIABLO MERIDIAN

(Nevada 054526)

From Power Site Classification No. 268:
All public lands lying within 50 feet of the centerline of the transmission line of the Sierra Pacific Power Company within the following described sections:

T. 15 N., R. 22 E.,
Secs. 13 and 14.
T. 14 N., R. 23 E.,
Secs. 1, 2, 3, and 12.
T. 15 N., R. 23 E.,
Secs. 18, 19, 20, 28, 29, 33, and 34.
T. 13 N., R. 24 E.,
Secs. 5, 6, 7, 8, 17, 20, 21, 25, 26, 27, 28, 34, and 35.
T. 14 N., R. 24 E.,
Every smallest legal subdivision, any portion of which, when surveyed will be within 50 feet of the centerline of the transmission line of the Sierra Pacific Power Company. Protraction of public land surveys indicates that the lands described above, when surveyed, will be wholly within sections 7, 17, 18, 19, 20, 29, 30, 31, and 32.

The areas described aggregate approximately 1,013 acres.

The lands have been subject to the general determination of the Federal Power Commission issued April 17, 1922 (2d Ann. Rept., FPC, 128).

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

JULY 10, 1964.

[F.R. Doc. 64-7108; Filed, July 16, 1964; 8:47 a.m.]

[Public Land Order 3422]

[Montana 066448 (S.D.)]

SOUTH DAKOTA

Partial Revocation of E.O. No. 1032 of February 25, 1909

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831): *It is ordered*, As follows:

Executive Order No. 1032 of February 25, 1909, which reserved and set apart certain reservoir sites for use of the Department of Agriculture as preserves and breeding grounds for native birds, is hereby revoked so far as it withdraw a tract of land in South Dakota, containing approximately 13,680 acres, designated "Belle Fourche Reservation", the name of which was changed to Belle Fourche National Wildlife Refuge by Proclamation No. 2416 of July 25, 1940 (54 Stat. 2717; 5 F.R. 2677).

The public lands affected by this order are withdrawn by various departmental orders issued between 1903 and 1909 under authority of section 3 of the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), for the Belle Fourche Reservoir Project.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

JULY 13, 1964.

[F.R. Doc. 64-7109; Filed, July 16, 1964; 8:48 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 14229; FCC 64-635]

PART 73—RADIO BROADCAST SERVICES

UHF Television Channels

Third report and order. 1. On October 24, 1963, the Commission adopted a further notice of proposed rule making in the above-entitled matter, proposing to revise the Table of Assignments in § 73.606 of its rules, insofar as UHF channels were concerned. Interested parties were invited to file comments on or before January 3, 1964, and replies thereto on or before February 3, 1964. These dates were subsequently extended respectively to April 3, 1964 and June 3, 1964.

2. The National Association of Educational Broadcasters (NAEB) also developed an assignment plan for UHF channels through the use of an electronic computer and submitted it to the Commission with a request that it be substituted for the plan proposed by the Commission. The Commission accepted the proposed NAEB plan as a comment in this proceeding but published it in full so that interested parties would have an opportunity to comment. The plan proposed by the Commission was basically the present Table of Assignments to which approximately 450 new assignments were added. The plan developed for NAEB by the computer retained only those present assignments which have been authorized to licensees and permittees and selected the remaining assignments without regard to the present table. Consequently, the channels proposed for the various communities in the NAEB plan differ extensively from those appearing in the FCC proposal. No particular significance is attached to this. The primary objective of any assignment plan is to provide a certain number of channels to selected communities and except for a manifest preference for channels in the lower part of the UHF television broadcast band, the actual channel number assigned is not important.

3. In the further notice of proposed rule making announcing our intention to revise the UHF assignment plan, we stated that barring a showing that such action would not be appropriate, we would accept applications for new UHF television broadcast stations and process them during the course of these proceedings, if the requested channel appears both in the present Table of Assignments and in our proposal. We further stated that where a new assignment is proposed in our table and no comments adverse to the proposal are filed, the proposal may be finalized in advance of overall resolution of the proceeding. The purpose of both of these announced policies was to insure that the contemplated extensive overhaul of our Table of Assignments for UHF channels, would not unduly delay the inauguration of new UHF service. The NAEB proposal cannot be considered to be an adverse comment even though it proposes channels that differ from those proposed in our plan except in those cases where the adoption of an assignment proposed in our plan would preclude the assignment of a suitable channel to a community selected in the NAEB plan. Even in such cases it would be important to determine whether the community selected in the NAEB plan was there because of a proven need or simply because it fitted into the configuration of assignments chosen for other cities.

4. We have examined the comments filed in this proceeding, the pending petitions for changes in our present Table of Assignments, and pending applications for permits to construct new UHF television broadcast stations. There are a number that come within the purview of the procedures announced in the further notice of proposed rule making. For reasons which will be discussed in subsequent paragraphs of this document, we foresee a delay in the formulation of an overall UHF assignment plan. Therefore, we conclude that the public interest will best be served by taking final action in those communities where the inauguration of new UHF television service is being delayed by this proceeding, if such action will not significantly impair our ability to develop an adequate overall UHF assignment plan. Such action will remove the uncertainty as to the status of UHF assignments in the selected communities so that applications may be granted and construction begun on new UHF facilities. Where such prior action is taken and no application is filed for the channel by the time we are ready to prepare a final overall Table of Assignments, the channel may be removed or placed in some other city, if necessary. In addition, if a construction permit is granted pursuant to such prior action and the permittee fails to construct the authorized facility or the construction has not reached a stage where a change in channel assignment would add substantially to the cost of the station and the Commission finds that deletion of the channel or substitution of another channel will aid in the preparation of a final Table of Assignments, appropriate action to delete or change the channel will be taken. We do not believe that the action taken herein constitutes a prejudgment of the MPATI or Westinghouse proposal for airborne television.

5. Cities in which selected channel assignments are being finalized pursuant to the policies announced herein, are listed in the Appendix below, along with a statement as to the basis for the action. Amendments involving additional cities will be made by subsequent orders of the Commission.

6. As stated earlier in this document, it appears that the delay in evolving a satisfactory Table of Assignments for UHF channels will be greater than originally expected. This proceeding has caused us to reexamine our allocation philosophy and objectives. The Communications Act of 1934, as amended, charges the Commission with the responsibility to provide a fair and equitable distribution of available broadcast channels among the various states and communities. In attempting to carry out this duty, we have always set as our first objective in designing an assignment plan, a distribution of channels which if implemented, will provide all parts of the country with access to one or more signals which will provide technically acceptable reception. Our second objective has been to provide local outlets in as many communities as possible. Heretofore, in designing assignment plans we have sought to satisfy the first objective by approaching it through the second objective. In other words, by making a large number of assignments in the very large cities, a medium number of assignments in the medium size cities, and single assignments in as many of the smaller communities as possible, we have assumed that this will provide a more or less even distribution of channels in the inhabited areas of the country. Both the FCC plan and the NAEB plan were developed under this concept.

7. However, the availability of TV service depends upon the actual use of the assigned channels and our experience over the past 12 years, particularly with the economic factors, casts doubts upon the effectiveness of this approach. The possible advantages of a new approach to TV channel assignments should be explored thoroughly before we commit ourselves to a final assignment plan. The importance of the local outlet concept has not diminished but the selection of communities for such assignments deserves a reevaluation. In particular, we shall explore the problems of overshadowing—i.e. the adverse impact of multiple stations in major cities on the opportunities for a local station in nearby small communities, and the consequent desirability of shifting such channels to local communities which are farther away from the major centers. There may also be a need for a local service class of TV station, similar to the Class A FM broadcast stations. Since this type of station cannot successfully share channels with high powered, broad area coverage stations, we need to know whether we can carve out a group of UHF channels for such low power operation without impairing our ability to provide enough wide-area coverage stations. These and other matters require extensive study before we can reach a decision as to a final UHF assignment plan.

8. While such a study will involve substantially more time than we had originally anticipated devoting to the present proceeding, we may avoid the crucial impact of such delay on the orderly and expeditious development of UHF television broadcasting, by taking early and independent action to finalize certain assignments in accordance with the policies announced in this document. The extensive allocation studies that have been conducted over the past 6 years have given us a good idea of the capacity of the 70 UHF channels and we foresee no serious problems in developing a comprehensive assignment plan around the framework of a comparatively small number of existing authorizations. Delays in a few areas where the desire for channels exceeds the capacity of the VHF and UHF spectrum space allocated for TV broadcasting, will be unavoidable. Decisions in such areas can be made only after we have developed an acceptable philosophy.

9. The comments that have been filed and the reply comments which will be filed in this proceeding will receive careful consideration in our re-examination of our assignment philosophy and are expected to prove most helpful. We cannot predict the outcome of this study but we can assure that if it results in a substantial shift in assignment principles, all interested parties will be afforded an opportunity to express their views. Barring unforeseen developments, it is expected that a decision can be reached before the end of this year.

10. Authority for the adoption of the amendments herein is contained in sections 4(i) and 303 (c) and (d) of the Communications Act of 1934, as amended.

11. *Accordingly, it is ordered,* That effective August 18, 1964, § 73.606 of the Commission's rules and regulations is amended as follows:

(a) Amend the following entries to read:

City	*Channel No.*
Boston, Mass	*2+, 4—, 5—, 7+, 25+, 38, *44+, 56
Charlottesville, Va	25+, *45+, 64+
Concord, N.C	*59+
Ellensburg, Wash	51+, *63
Fort Myers, Fla	11+, *25
Huntsville, Ala	19, *25+, 31+, 44—
Linville, N.C	*18
Melbourne, Fla	37—, 43
Omak-Okanogan, Wash	*32+
Tampa-St. Petersburg, Fla	*3, 8—, 10—, 13—, *16+, 38
Tucson, Ariz	4—, *6+, 9—, 13—, 40, 61
Yakima, Wash	23+, 29+, 35—, *47

(b) Delete the entries for the following:

Barnstable, Mass.
Kannapolis, N.C.
Emporia, Va.

12. In view of the fact that the proposals made in the following petitions for rule making have been given full consideration herein and have been adopted in whole or in part: *It is further ordered,* That the proceedings involving them are hereby terminated:

WGBH Educational Foundation, RM-356.
Shenandoah Valley Broadcasters, Inc., RM-428.
University of North Carolina, RM-572.
Alabama Educational TV Commission, RM-490.
Florida Educational TV Commission and State Board of Control of Florida, RM-426.
Sunset Broadcasting Company, RM-505.

(Secs. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303)

Adopted: July 8, 1964.

Released: July 10, 1964.

FEDERAL COMMUNICATIONS COMMISSION.[1]

[SEAL] BEN F. WAPLE, *Secretary.*

APPENDIX

Wildwood, New Jersey. 1. Channel 40 is assigned to Wildwood, New Jersey, in the present Table of Assignments in § 73.606 of our rules. On July 9, 1963, Francis J. Matrangola filed an application for authority to construct a new TV broadcast station on Channel 40 at Wildwood. Consequently, we proposed to continue the assignment of Channel 40 to Wildwood. NAEB was unaware of the pending application and did not propose a channel assignment to Wildwood. Instead, they proposed the assignment of Channel 33 to Atlantic City, New Jersey, as an educational reservation. The use of Channel 33 at Atlantic City would not meet the 60 miles required separation to Channel 40 at Wildwood. Therefore, a conflict ex-

[1] Commissioner Ford absent.

ists. However, NAEB also proposed the assignment of Channels 46, 64, and 74 to Atlantic City, one of which could replace the proposed reservation of Channel 33 if the Commission should adopt that portion of the NAEB proposal. The Delaware Educational TV Association and the Chairman of the State of Delaware Governor's Committee to Study ETV, supported the NAEB proposal insofar as it proposed to assign four educational channels to Delaware. The use of Channel 40 at Wildwood would not preclude the use of the channels proposed by NAEB for use as educational channels in Delaware, if the Commission should adopt that portion of the NAEB proposal. There is no other conflict with the NAEB proposal or other comments filed in this proceeding.

2. Pursuant to the policy set forth in paragraph 31(2) of the further notice of proposed rule making in this proceeding, the application for construction permit for Channel 40 at Wildwood was granted on March 11, 1964. The Commission expects permittees to proceed promptly with the construction of authorized UHF television stations and any uncertainty as to the status of the authorized channel should be removed. Adoption of that portion of our proposal to continue the assignment of Channel 40 to Wildwood will remove the uncertainty in this case.

Charlottesville, Virginia. 3. Charlottesville, Virginia, is assigned Channels *45 and 64 in the present Table of Assignments in § 73.606 of our rules. Channel 45 is reserved for educational use. On January 29, 1963, the Virginia Broadcasting Corporation filed an application for authority to construct a new TV broadcast station on Channel 64 at Charlottesville, which the Commission granted on June 19, 1964. On March 8, 1963, Shenandoah Valley Broadcasters, Inc., filed a petition for rule making (RM–428) to assign Channel 73 to Charlottesville so that they might file an application for authority to construct a new TV broadcast station at Charlottesville without competing with the applicant for Channel 64.

4. In our proposal we found that we could add Channel 25 to Charlottesville by deleting it from Emporia, Virginia, and proposed to do this. The NAEB proposal also proposed to assign Channel 25 to Charlottesville, but as an educational reservation. The NAEB plan would add Channel 52 as the only other assignment to Charlottesville. Shenandoah Valley Broadcasters, Inc., filed a comment in which they said that they would apply for Channel 25 if it were assigned to Charlottesville. Christian Broadcasting Corporation, licensee of WCBC(FM), Baltimore, Maryland, proposed the deletion of Channel *45 from Charlottesville so that it could be used in Baltimore. It proposed to replace it with Channel *70 as the educational reservation at Charlottesville and concurred in our proposed assignment of Channel 25 as an unreserved channel in Charlottesville. In reply comments, the Advisory Council on Educational Television of the Commonwealth of Virginia, opposed the proposal of Christian Broadcasting Corporation. No one opposed the deletion of Channel 25 from Emporia. On September 30, 1963, The Advisory Council on Educational TV of the Commonwealth of Virginia, filed a petition for rule making (RM–494) requesting continuance of the reservation of Channel 45 in Charlottesville and the addition of educational reservations in several other communities. The petition by The Advisory Council contains information and advanced planning which was not available to NAEB at the time that it prepared its plan. The use of Channel 25 at Charlottesville does not conflict with that petition. Nor does it require a decision at this time with respect to the proposal of Christian Broadcasting Corporation.

5. The only other conflict with the NAEB proposal is our continuance of the assignment of Channel 64 to Charlottesville. The NAEB plan would assign Channels 28 and 64 to Lynchburg as commercial channels and Channel 15 as an educational reservation. We proposed to make present Channel 16 an educational reservation and add Channel 62 for commercial use in Lynchburg. The petition by the Advisory Council on Education for the Commonwealth of Virginia makes the same proposal.

6. In view of the fact that our proposal will provide two unreserved UHF channels to Charlottesville and we have knowledge that, in addition to the permittee for Channel 64, another prospective applicant has indicated that it is prepared to proceed with the construction and operation of a TV broadcast station in Charlottesville, we conclude that the proposal to add Channel 25 and continue the assignment of Channels *45 and 64 at Charlottesville is to be preferred. We further conclude that the public interest will best be served by taking final action on this portion of our proposal at this time. Such action will have no significant effect on our final decision with respect to the overall UHF assignment plan.

Boston, Massachusetts. 7. In the present Table of Assignments, UHF Channels 38, 44 and 56 are assigned to Boston. The Boston Catholic Television Center, Inc. (WBCT) holds a construction permit for Channel 38. Harvey Radio Laboratories, Inc. (WTAO–TV) holds a construction permit for Channel 56 specifying Cambridge, Massachusetts, as the principal city. This station was operated for about 2½ years between 1953 and 1956 but reverted to construction permit status in March of 1956. It operated again briefly under an experimental authorization between May 17 and November 17, 1962. An application for extension of time to construct is on file.

8. On August 15, 1962, we received a petition (RM–356) from the WGBH Educational Foundation of Boston, to reserve Channel 44 for educational use. The Foundation now operates WGBH–TV on Channel 2 in Boston as an educational broadcasting station. In March, 1963, two applicants, Integrated Communications Systems, Inc. and United Artists Broadcasting, Inc., filed mutually exclusive applications for authority to construct and operate a commercial TV broadcasting station on Channel 44 in Boston. Because of the pending applications for commercial operation on Channel 44, we proposed to move Channel 25 from Barnstable, Mass., to Boston and reserve it for educational use instead of Channel 44 as requested by WGBH. In a joint comment filed by the commercial applicants and the Foundation, it was requested that we reserve 44 for educational use and permit the commercial applicants to amend to specify Channel 25. The reason for this request was that Channel 44 may be used at a new site contemplated by the WGBH Educational Foundation but Channel 25 would not meet our minimum mileage separations at the contemplated site. Channel 25 will meet our minimum mileage separations at the sites proposed by the commercial applicants. The NAEB plan proposed to add Channel 25 to Boston as a commercial assignment and reserve Channel 44 for educational use. No conflicting comments were filed.

9. The WGBH Foundation, Inc. has indicated that it is prepared to proceed with the construction and operation of a second educational TV station on Channel 44 in Boston as soon as the channel is made available. The assignment of Channel 25 for commercial use will make it possible for the present applicants for Channel 44 to amend their applications to specify Channel 25. Therefore, we believe that the public interest will best be served by consummating that portion of Docket No. 14229 as it pertains to UHF channel assignments to Boston, Massachusetts.

Melbourne, Florida. 10. In § 73.606 of our present rules, Channel 37 is assigned to Melbourne, Florida. On September 7, 1962, Mel-Eau Broadcasting Corporation filed an application for authority to construct a new TV broadcast station to operate on Channel 37 at Melbourne. Action on that application was deferred because of negotiations then in progress with radio astronomy interests which wanted us to avoid assigning Channel 37 to TV broadcast stations to protect radio astronomy observations. On October 4, 1963, the Commission adopted an amendment to § 73.603 (formerly § 3.603) of our rules announcing that no TV broadcast assignments would be made on Channel 37 prior to January 1, 1974. In our proposed assignments in this proceeding, we proposed to add Channels 43 and 68 to Melbourne, Florida. Mel-Eau Broadcasting Corporation submitted an amendment to its application specifying Channel 43 in lieu of Channel 37. However, the amendment was not accepted because the assignment of Channel 43 was still a proposal and had not been finally adopted.

11. The NAEB proposal would assign Channel 70 as the only assignment to Melbourne. The proposal of NAEB to use Channel 43 at Orlando, Channel 48 at Eau Gallie, and Channel 58 at Vero Beach, all in Florida, conflicts with our proposal to assign Channel 43 to Melbourne. The choice of either the NAEB proposal or our proposal would not have any significant impact on our ability to provide an adequate number of channels in the State of Florida. However, our proposal to assign Channel 43 provides a channel closer to the present Channel 37 which it replaces for the applicant and is to be preferred for that reason alone. There are no other comments filed with respect to the assignments at Melbourne.

Concord and Linville, North Carolina. 12. On April 22, 1963, the University of North Carolina filed a petition (RM–437) requesting the assignment and reservation of TV channels in a number of communities in North Carolina for a statewide educational TV network. On February 18, 1964, the University filed an amended plan and requested that insofar as UHF channels are concerned, we disregard the earlier petition and consider assignments in accordance with the new plan. In particular, the petition requested immediate action with respect to channels at Concord and Linville since the State Legislature has already appropriated funds for the construction of these stations.

13. There are no channel assignments, either commercial or educational in Linville or Concord, North Carolina, in our present Table of Assignments, and no assignments were proposed in Docket No. 14229. The NAEB also failed to propose channels in Linville and Concord. The omission of Linville was simply due to our lack of knowledge at the time the proposed table was prepared, that the University desired an educational assignment there. An effort was made to find an educational channel for Concord but both the Commission and NAEB were unsuccessful.

14. The University had planned to complete the construction of the stations at Linville and Concord during 1964. The Legislature has authorized funds for activation of ETV stations at Columbia (Channel 2), Linville and Concord as part of Phase One of a statewide ETV plan.

The unexpectedly long delay in concluding Docket No. 14229 has now made it urgent that we reach a final decision with respect to Linville and Concord. The revised proposal of the University would require extensive changes in our present Table of Assignments and would commit us to the adoption of other portions of our proposed plan. We are not prepared to take that action at this time. However, we have made a further

study of allocations in the area to determine if needed assignments can be found that would leave us with adequate flexibility to deal effectively with the overall nationwide UHF assignment plan. We find that Channel 18 may be assigned to Linville without requiring any changes in our present table. It conflicts with our proposal to assign Channel 18 to Marion, Virginia. The southwestern portion of Virginia was not a particularly difficult assignment area and we believe that a replacement channel may be found for Marion if in our final table we decide that Marion should have an assignment. There were no other conflicts with our proposed table.

15. The assignment of Channel 18 to Linville will conflict in several ways with the NAEB proposal. It will make impossible their proposed assignment of Channel 18 to Charlotte, North Carolina, Channel 19 to Greenville, Tennessee, and Channel 33 to Marion, Virginia. However, the choice of some other channel for Linville would require changes in our present table and would still, in all probability require some adjustment of the NAEB plan. As we stated in the notice of proposed rule making in this proceeding, specific proposals by individual States are considered to be more indicative of the needs of the State for Educational channels than the NAEB survey and in this case the solution to finding a channel for Linville is to be preferred even though it may conflict with the NAEB proposals for other locations.

16. The solution at Concord was not quite as simple. The assignment of Channel 14 as proposed by the University of North Carolina would require deletion of the channel from South Boston, Virginia, and Camden, South Carolina, in our present table. While this is consistent with our own proposed table, we are faced with the same problem as in the case of Linville, i.e., the assignment of Channel 14 to Concord would commit us to the adoption of our proposed plan in other places. We would prefer to retain more discretion at this time.

17. There are no channels which may be assigned to Concord without affecting our present table of assignments. However, Channel 59 is assigned to Kannapolis, North Carolina, located less than 10 miles from Concord. This channel is available for use in Concord under the provisions of § 73.607 of our rules. Since unreserved channels are equally available to commercial and educational applicants, we would not ordinarily consider action at this time to change the status of the channel from unreserved to reserved. However, the University of North Carolina expects to apply for matching Federal funds for the construction of this station and such funds are available only for the construction of noncommercial educational TV stations proposed to be operated on reserved channels. Therefore, if we take action to assist the University in going forward with its plans, we must classify the channel as a reserved channel. If there is evidence of an interest in the construction and operation of a commercial TV station in Kannapolis, we will make every effort to provide a suitable channel. Meanwhile, we believe that the public interest will best be served by reserving Channel 59 for educational use and changing the listing in the Table of Assignments from Kannapolis to Concord, North Carolina.

Huntsville, Alabama. 18. Huntsville, Alabama, is currently assigned Channels 19, 25, 31, and *44. North Alabama Broadcasters, Inc. (WHNT-TV) began operation on Channel 19 on November 28, 1963. Rocket City Television, Inc. (WAAY-TV) operates on Channel 31. The present owner of WAAY-TV, originally filed an application for Channel 25. He subsequently purchased the facilities of WAFG-TV, Channel 31 and withdrew his application for Channel 25. The Alabama Educational TV Commission filed an application for the reserved Channel 44 at Huntsville. They subsequently revised their original plans for the location of the transmitter in order to locate at the site used by the operating commercial stations. However, this site which is a few miles east of Huntsville, will not comply with the 60 mile minimum separation if Channel 44 is used, because of the present assignment of Channel 37 to Gadsen, Alabama. On September 25, 1963, the Alabama Educational TV Commission filed a petition (RM-490) requesting the reservation of Channel 31 in Huntsville for educational use. When Rocket City Television, Inc. purchased the facilities of WAFG-TV and proposed to operate them on Channel 31 under the call sign WAAY-TV, this left Channel 25 available for assignment in Huntsville. Therefore, we have been requested to change the reservation at Huntsville from Channel 44 to Channel 25. The petitioner advises that unless they are able to obligate with purchase contracts the $250,000 appropriated by the State of Alabama for the station at Huntsville, by August 1, 1964, the appropriation will revert to the State Educational Trust Fund. The obligation of this money depends upon the use of matching Federal funds from HEW and these become available only if Channel 25 is reserved for educational use in Huntsville.

19. Both the FCC proposal and the NAEB plan continued the assignment of Channel 25 to Huntsville. Therefore, shifting the reservation from Channel 44 to Channel 25 will not affect our final decision with respect to an overall assignment plan insofar as they relate to the proposal and comments. The Alabama Educational TV Commission has stated that it would like consideration to making a second reservation available in Huntsville. However, a decision in that regard is not urgent and may await final action in Docket No. 14229. Meanwhile we find that it is in the public interest to make the requested change in the channel reservation.

Tampa-St. Petersburg, Florida. 20. In the present Table of Assignments, UHF Channel 38 is assigned to Tampa-St. Petersburg, Florida. The City of St. Petersburg is the licensee of WSUN-TV which operates on this channel. On February 21, 1963, Tampa Bay TV Co. filed a petition (RM-420) to transfer Channel 32 from Clearwater, Florida, to Tampa to provide a second commercial UHF channel. On March 5, 1963, the Florida Educational TV Commission filed a petition (RM-426) to transfer Channel 22 from Lakeland, Florida, to Tampa to provide a second educational TV channel. Florida West Coast Educational Television, Inc. operates a noncommercial educational TV station on Channel 3 in Tampa.

21. In the subject proceeding, the Commission proposed to assign UHF Channels 22 and *63 to Tampa-St. Petersburg, in addition to the Channel 38 assignment already there. Our decision to leave Channel 22 unreserved and to reserve the higher Channel 63 for educational use was influenced by the fact that the commercial interest had first petitioned for a low UHF channel. The choice of the same channel (Channel 22) that was proposed by the Florida ETV Commission was pure coincidence and came about simply because that channel best fitted the pattern of other new assignments proposed in our plan for the State of Florida. The Tampa Bay TV Company subsequently withdrew its petition for the assignment of a UHF commercial channel to Tampa but this occurred after our proposed plan had been drafted.

22. The only comments filed in the subject proceeding with respect to the Tampa-St. Petersburg proposals were filed by the Florida ETV Commission and the general comment and alternate plan submitted by NAEB. The Florida ETV Commission urges that we adopt their proposal for Channel 22 as an educational reservation in Tampa-St. Petersburg and that prompt action is urgent lest presently allocated State funds be lost. Furthermore, they cannot apply for HEW matching funds until we provide a reserved channel for that area.

23. We have carefully examined the various proposals before us. The Florida ETV Commission proposal would move Channel 22 from Lakeland but would not provide a substitute channel for that city. Our proposed plan would move Channel 22 into Tampa-St. Petersburg and would substitute Channel 58 at Lakeland. The NAEB plan proposed to move educational Channel 16 from Fort Myers, Florida, to Tampa-St. Petersburg and substitute Channel 26 at Fort Myers as the educational reservation. It also proposed to move Channel 22 from Lakeland to Tampa-St. Petersburg and replace it with Channel 59. The lowest channel that may be dropped into Tampa-St. Petersburg without making any change in our present Table of Assignments, is Channel 60. While the latter course might be preferred under the policies announced herein, we find merit in the arguments for a lower UHF channel for the educational TV station in Tampa-St. Petersburg. A further study of possibilities having the least impact on the present distribution of UHF channels in Florida shows that the NAEB proposal to move Channel 16 into Tampa-St. Petersburg has considerable merit. We find that we can make this change and substitute Channel 25 for Channel 16 in Fort Myers without any further adjustment of our present Table of Assignments. In reply comments, NAEB suggested that additional needs of education in the State of Florida which were not known when they prepared their original computer plan, could be met by the assignment of Channel *40 to Sebring-Avon Park. The use of this particular channel would conflict with the use of Channel 25 at Fort Myers. However, the NAEB reply was principally for the purpose of illustrating the flexibility of the computer plan and some other channel could be found for Sebring-Avon Park. This relatively minor shift will leave the maximum amount of flexibility in reaching a decision as to the overall plan and will provide a low UHF channel for Tampa-St. Petersburg and replace it with a low UHF channel in Fort Myers. We do not have to reach a decision at this time as to whether Channel 22 should be deleted from Lakeland. If that decision is ultimately made, the assignment of Channel 16 to Tampa-St. Petersburg will not preclude the assignment of Channel 22 to those cities also.

Tucson, Arizona. 24. Tuscon is currently assigned Channels 4, *6, 9, and 13. It has no UHF channel assignments. TV broadcast stations are operating on all of the above channels including educational Channel 6. The Table of Assignments proposed by the Commission added Channels 40 and 61 to Tucson. NAEB proposed to add 19, *30, 40, and 70. Comments filed by Atlast Radio and TV, Inc., and the law firm of Welch, Mott and Morgan on behalf of a group of Phoenix businessmen, supported the Commission proposal. Both represented that applications would be filed for authority to construct and operate UHF television stations in Tucson if UHF channels were made available. Richard A. Clark filed a comment supporting the NAEB proposal insofar as it would assign Channels 19, 30, and 40 to Tucson. He preferred the lower channels in that proposal. We are not aware of any plans for immediate use of the proposed educational reservation. No comments opposing the assignment of UHF channels to Tucson, were filed.

25. Tucson had a population of 212,892 at the time of the 1960 census and is considered to be a suitable market for additional channel assignments. Previous allocation studies indicate that no serious difficulty is en-

countered in providing an adequate number of UHF assignments in that part of the United States. Both our proposed plan and the NAEB plan propose the assignment of Channel 40 to Tucson. The assignment of Channel 19 as proposed by NAEB would require deletion of this channel from Ajo, Arizona, in our present Table of Assignments. The assignment of Channel 30 as proposed by NAEB would require the deletion of Channels 16 and 44 from Nogales, Arizona, in our present table. Either Channel 61 proposed in our table or 70 proposed by NAEB, could be assigned without further changes in the present Table of Assignments. Channel 61 is to be preferred because it is the lower of the two. The choice of Channel 61 will preclude the use of that channel at Eloy, Arizona, as proposed by NAEB. However, no difficulty is expected in finding a suitable substitute channel for Eloy if such an assignment is found to be warranted in our final decision, nor will this decision prevent our providing an additional educational reservation in Tucson. It should be noted that the assignments selected herein for Tucson must be submitted to the Mexican Government for approval under the terms of the U.S.A.-Mexico TV agreement. Since these channels meet all of the minimum separations to current Mexican UHF television channel assignments, we anticipate no problem in that regard.

Yakima, Washington. In the present Table of Assignments, Channels 23+, 29+, and *47 are assigned to Yakima. There are operating stations on each of these assignments. On October 9, 1963, Sunset Broadcasting Company filed a petition (RM-505) to delete Channel 17 from Centralia, Washington, and reassign Channel 17 to Yakima, Washington, to provide for a third commercial assignment in Yakima. In the event of favorable Commission action, the petitioner, Sunset Broadcasting Company, indicated that it will immediately file an application for this channel.

Oppositions to the Sunset Broadcasting Company petition have been filed by Cascade Broadcasting Company, licensee of Station KIMA-TV, Channel 29, Yakima; Columbia Empire Broadcasting Corporation, licensee of Station KNDO, Channel 23, Yakima; and the Centralia Washington Chamber of Commerce. It is alleged that the adoption of the proposed amendment will (a) preclude the establishment of a television broadcast station at Centralia, (b) severely restrict or preclude the future use of Channel 32 at The Dalles, Oregon, (c) deteriorate the effectiveness of the Table of Assignments, and (d) cause competition for audience, revenues, and program sources with the operating Yakima stations.

Sunset Broadcasting Company in support of its petition and in reply to the aforementioned opposition states that there would be (a) no preclusion or restrictive effect upon any future use of Channel 32 in The Dalles, Oregon, (b) no final preclusion to the future assignment of a television channel to Centralia, Washington, (c) placement of an unused channel in service, (d) improvement in program quality and broadening of public service, and (e) service to a much larger area and population.

In view of the fact that the petitioner, Sunset Broadcasting Company, has stated that it will apply immediately for a new UHF television broadcast station at Yakima should an additional channel be made available, we believe that the public interest will best be served by providing such an assignment. However, we are not prepared to reach a conclusion at this time as to the opposition with respect to the use of Channel 17. Therefore, we have carefully examined the present assignments in central Washington State and find that Channel 35 which fits the pattern of existing assignments in Yakima can be transferred from Omak-Okanogan, Washington to Yakima if Channel 49 is deleted from Ellensburg, Washington. Channel 35 which is reserved for educational use in Omak-Okanogan, can be replaced by Channel 32. Channel 51 can be used to replace Channel 49 at Ellensburg if Channel 63 is substituted for Channel 65 in Ellensburg. Thus, we may use a relatively low UHF channel in Yakima and replace the deleted channels in other communities with channels very close to those in the present Table of Assignments. In view of the fact that central Washington State is not a particularly difficult assignment area, the action taken herein should have no significant effect on such overall UHF plan as may be ultimately adopted.

[F.R. Doc. 64-7122; Filed, July 16, 1964; 8:49 a.m.]

[FCC 64-636]

PART 73—RADIO BROADCAST SERVICES

Applicability of New Broadcast "Duopoly" Rules

JULY 9, 1964.

As announced in public notices of June 2 and June 9, 1964, the Commission by report and order released June 9, 1964, in Docket 14711 amended its broadcast rules to define prohibited overlap between commonly owned commercial stations in each broadcast service (AM, FM, and TV), to become effective July 16, 1964.

The report and order stated that the new rules would be applicable to all new applications and to all pending applications, including those in hearing status.

The Commission today decided that applications in hearing status concerning which a Hearing Examiner had released an Initial Decision prior to June 9, 1964, will be treated as an exception to this policy and will be disposed of under the old overlap rules in effect prior to July 16, 1964.

Adopted: July 8, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 64-7123; Filed, July 16, 1964; 8:49 a.m.]

Title 48—TRADE AGREEMENTS AND ADJUSTMENT ASSISTANCE PROGRAMS

Chapter I—Presidential Documents

SUBCHAPTER B—PROCLAMATIONS

PART 13—PROCLAMATION OF AGREEMENTS WITH PARAGUAY AND THE UNITED ARAB REPUBLIC RELATING TO TRADE AGREEMENTS AND OF THE TERMINATION IN PART OF A TRADE AGREEMENT PROCLAMATION RELATING TO PARAGUAY

CROSS REFERENCE: For the text of Part 13 of Title 48, see Proclamation 3596, published in the FEDERAL REGISTER of Friday, July 10, 1964, 29 F.R. 9419.

[1] Commissioner Ford absent.

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 947; Amdt. 2]

PART 95—CAR SERVICE

Railroad Operating Regulations for Freight Car Movement

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D.C., on the 13th day of July A.D. 1964.

Upon further consideration of Service Order No. 947 (28 F.R. 12127; 29 F.R. 6014) and:

It appearing, that an acute shortage of freight cars continues to exist in all sections of the country; that cars loaded and empty are unduly delayed in terminals and in placement at, or removal from industries; that present rules, regulations, and practices with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of freight cars are insufficient to promote the most efficient utilization of cars; it is the opinion of the Commission that the continuance of the emergency requires the order of November 7, 1963, to remain in effect for an additional period of time to promote car service in the interest of the public and the commerce of the people.

It is ordered, That § 95.947 *Railroad operating regulations for freight car movement,* of Service Order No. 947, be, and it is hereby amended by substituting the following paragraph (a)(8)(v) for paragraph (a)(8)(v) thereof:

§ 95.947 **Railroad operating regulations for freight car movements.**

(a) * * *

(8) * * *

(v) Expiration date: This order shall expire at 11:59 p.m., December 31, 1964, unless otherwise modified, changed, suspended or annulled by order of this Commission.

Effective date: This amendment shall become effective at 11:59 p.m., July 31, 1964.

(Sec. 1, 12, 15, 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15. Interprets or applies sec. 1(10-17), 15(4), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4))

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 3.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64-7113; Filed, July 16, 1964; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 948]

[Area No. 2]

IRISH POTATOES GROWN IN COLORADO

Proposed Expenses and Rate of Assessment

Notice is hereby given that the Secretary of Agriculture is considering approval of the expenses and rate of assessment, hereinafter set forth which were recommended by the area committee for Area No. 2 established pursuant to Marketing Agreement No. 97, as amended, and Order No. 948, as amended (7 CFR Part 948). This marketing order regulates the handling of Irish potatoes grown in the State of Colorado and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

All persons who desire to submit written data, views, or arguments in connection with these proposals shall file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C., 20250, not later than the 15th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

§ 948.245 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the area committee for Area No. 2, established pursuant to Marketing Agreement No. 97 and Order No. 948, both as amended, to enable such committee to perform its functions pursuant to the provisions of the aforesaid amended agreement and order during the fiscal period ending June 30, 1965, will amount to $10,500.00.

(b) The rate of assessment to be paid by each handler in Area No. 2 pursuant to Marketing Agreement No. 97 and Order No. 948, both as amended, shall be $0.0015 per hundredweight of potatoes handled by him as the first handler thereof during said fiscal period.

(c) Terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97, as amended, and this part.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 14, 1964.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64–7134; Filed, July 16, 1964; 8:50 a.m.]

[7 CFR Parts 1063, 1070, 1078, 1079]

[Docket Nos. AO–105–A17, AO–229–A9, AO–272–A4, AO–295–A5]

MILK IN QUAD CITIES-DUBUQUE, CEDAR RAPIDS-IOWA CITY, NORTH CENTRAL IOWA, AND DES MOINES, IOWA, MARKETING AREAS

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Hotel Roosevelt, 200 First Avenue NE., Cedar Rapids, Iowa, beginning at 10:00 a.m., local time, July 29, 1964, with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the Quad Cities-Dubuque, Cedar Rapids-Iowa City, North Central Iowa and Des Moines, Iowa, marketing areas.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreements and to the orders.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by The Borden Company, Central Division:

Proposal No. 1. Add a new basic formula price section and revise § 1063.50 of the Quad Cities-Dubuque order to read:

Basic formula price. The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month: *Provided,* That such reported price shall be adjusted to a 3.5 percent butterfat basis at the rate of the butter price times 0.120 and rounded to the nearest cent.

§ 1063.50 Class prices.

Subject to the provisions of §§ 1063.51 and 1063.52, the class prices per hundredweight for the month shall be as follows:

(a) *Class I milk price.* The price for Class I milk shall be the basic formula price for the preceding month plus $1.30 August through November; $0.90 March through June and $1.10 in other months: *Provided,* That such Class I price shall be increased or decreased, respectively, 2 cents for each full percent that the adjusted supply-demand ratio computed pursuant to Part 1030 (Chicago) of this chapter is greater or less than 72 percent, but shall not be increased or decreased more than 24 cents because of such adjusted supply-demand ratio.

Proposal No. 2. Add a new basic formula price section and revise § 1078.50 of the North Central Iowa order to read:

Basic formula price. The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month: *Provided,* That such reported price shall be adjusted to a 3.5 percent butterfat basis at the rate of the butter price times 0.120 and rounded to the nearest cent.

§ 1078.50 Class prices.

Subject to the provisions of §§ 1078.51 and 1078.52, the class prices per hundredweight for the month shall be as follows:

(a) *Class I milk price.* The price for Class I milk shall be the basic formula price for the preceding month plus $1.25 August through November; $0.85 March through June, and $1.05 in other months: *Provided,* That such Class I price shall be increased or decreased, respectively, 2 cents for each full percent that the adjusted supply-demand ratio computed pursuant to Part 1030 (Chicago) of this chapter is greater or less than 72 percent, but shall not be increased or decreased more than 24 cents because of such adjusted supply-demand ratio: *And provided further,* That for milk received from producers at a pool plant north of the base zone the price otherwise applicable pursuant to this paragraph shall be reduced 5 cents.

Proposal No. 3. Add a new basic formula price section and revise § 1079.50 of the Des Moines, Iowa, order to read:

Basic formula price. The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month: *Provided,* That such reported price shall be adjusted to a 3.5 percent butterfat basis at the rate of the butter price times 0.120 and rounded to the nearest cent.

§ 1079.50 Class prices.

Subject to the provisions of §§ 1079.51 and 1079.52, the class prices per hundredweight for the month shall be as follows:

(a) *Class I milk price.* The price for Class I milk shall be the basic formula price for the preceding month plus $1.45 August through November; $1.05 March through June and $1.25 in other months: *Provided,* That such Class I price shall be increased or decreased, respectively, two cents for each full percent that the adjusted supply-demand ratio computed pursuant to Part 1030 (Chicago) of this chapter is greater or less than 72 percent, but shall not be increased or decreased more than 10 cents because of

such adjusted supply-demand ratio: *And provided further*, That for milk received from approved dairy farmers at an approved plant outside the base zone the price otherwise applicable pursuant to this paragraph shall be reduced 10 cents.

Proposed by Anderson-Erickson Dairy:

Proposal No. 4. Revise § 1079.50(a) of the Des Moines, Iowa, order to read:

(a) *Class I milk price.* The Class I price of milk shall be the basic formula price pursuant to Part 1030 (Chicago) of this chapter for the preceding month, plus $1.05 March through June, plus $1.25 December, January, February, and July, plus $1.45 August through November: *Provided*, That such Class I price shall be increased or decreased, respectively, two cents for each full percent that the adjusted supply-demand ratio computed pursuant to Part 1030 (Chicago) of this chapter is greater or less than 72 percent, but shall not be increased or decreased more than 24 cents because of such adjusted supply-demand ratio.

Proposed by Milk Foundation of the Quad-Cities:

Proposal No. 5. Delete all of § 1063.50 of the Quad Cities-Dubuque order except paragraph (b) and substitute therefor the following:

(a) *Basic formula price.* The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent.

(b) *Class I milk price.* The Class I price shall be the basic formula price for the preceding month plus $1.30 during each of the months of August through November; $1.10 during each of the months of December, January, February, and July, and 90 cents during all other months, and it shall be increased or decreased, respectively, 2 cents each month for each full percent that the adjusted supply-demand ratio computed pursuant to Part 1030 (Chicago) of this chapter for the same month is greater or less than 72 percent, but shall not be increased or decreased more than 24 cents because of such adjusted supply-demand ratio.

Proposal No. 6. In § 1063.50 of the Quad Cities-Dubuque order redesignate paragraph (b) as paragraph (c).

Proposed by the Flynn Dairy Company:

Proposal No. 7. Revise the pricing provisions of the Des Moines milk order to prevent any increase in the Chicago order Class I price from affecting the present directly related Class I price of the Des Moines order.

Proposed by Home Town Dairies, Inc.:

Proposal No. 8. Revise the pricing provisions of the Cedar Rapids-Iowa City milk order to maintain the present Class I price level relationship between the Chicago and Cedar Rapids-Iowa City order.

Proposed by Sanitary Farm Dairies:

Proposal No. 9. Adjust the Cedar Rapids-Iowa City order pricing provisions so there will be no increase in the Class I price.

Proposed by the Milk Marketing Orders Division, Agricultural Marketing Service:

Proposal No. 10. Make such changes as may be necessary to make the entire marketing agreements and the orders conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the orders may be procured from the Market Administrator, P.O. Box 834, Des Moines, Iowa, 50304, the Market Administrator, P.O. Box 691, Rock Island, Illinois, 61202, or from the Hearing Clerk, Room 112–A, Administration Building, United States Department of Agriculture, Washington, D.C., 20250, or may be there inspected.

Signed at Washington, D.C., on July 14, 1964.

CLARENCE H. GIRARD,
Deputy Administrator,
Agricultural Marketing Service.

[F.R. Doc. 64–7135; Filed, July 16, 1964; 8:51 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71 [New]]

[Airspace Docket No. 64–LAX–10]

CONTROL ZONE

Proposed Designation

The Federal Aviation Agency is considering amendments to Part 71 [New] of the Federal Aviation Regulations which would designate a control zone at the Riverside, Calif., terminal area.

The Federal Aviation Agency proposes to designate as a part-time control zone at Riverside, Calif. (Riverside Municipal Airport), that area within a 3-mile radius of Riverside Municipal Airport (latitude 33°57'05" N., longitude 117°26'30" W.); within 2 miles each side of the Riverside VOR 292° True radial, extending from the 3-mile radius zone to 4.5 miles northwest of the VOR, excluding the portion within a 1-mile radius of the Riverside Fla-Bob Airport (latitude 33°59'20" N., longitude 117°24'35" W.). The control zone is to be effective from 0500 to 2130 hours, local time, daily.

The controlled airspace, proposed herein, would provide protection for aircraft executing prescribed instrument procedures at Riverside Municipal Airport. Fla-Bob Airport is located three statute miles northeast of Riverside Municipal Airport and is situated between hills, which, for the most part, shield the flight operations from Riverside Municipal Airport. Prescribed instrument approach and departure procedures for Riverside Municipal Airport are to and from the northwest. Therefore, the Riverside control zone, excluding the Riverside Fla-Bob Airport, will be sufficient in size to protect maneuvering aircraft operating in accordance with prescribed procedures.

Communications would be provided by the March AFB RAPCON through a remote 122.5 mc receiver at Riverside.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attn: Chief, Air Traffic Branch, Federal Aviation Agency, Western Region Area Office, P.O. Box 45018, Los Angeles, California, 90045. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Air Traffic Branch, Western Region Area Office, or the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C. An informal docket will also be available for examination at the office of the Branch Chief, Western Region Area Office.

(Sec. 307(a) of the Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 9, 1964.

ROBERT G. CARNAHAN,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64–7090; Filed, July 16, 1964; 8:46 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63–EA–78]

CONTROL ZONE AND TRANSITION AREAS

Proposed Designation

The Federal Aviation Agency is considering amendments to Part 71 [New] of the Federal Aviation Regulations which would designate a control zone and transition area at Mansfield, Ohio, and a transition area at Marion, Ohio.

The Mansfield, Ohio, control area extension is presently described as within a 15-mile radius of the Mansfield VORTAC; within 5 miles either side of the Mansfield VORTAC 130° radial, extending from the VORTAC to 25 miles southeast and including that airspace south and west of the Mansfield VORTAC bounded on the east by V–133, on the south by V–210, on the west by V–47 and on the north by V–8.

The Mansfield, Ohio, control zone is presently described as within a 5-mile radius of the Mansfield Municipal Air-

port; within 2 miles either side of the Mansfield VORTAC 128° radial, extending from the 5-mile radius zone to the VORTAC, and within 2 miles either side of the Mansfield ILS localizer southeast course, extending from the 5-mile radius zone to the outer marker.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structure requirements in the Mansfield, Ohio, and Marion, Ohio, terminal areas, including studies attendant to the implementation of the provisions of CAR Amendments 60–21/60–29, proposes the following airspace actions:

1. In § 71.171 (29 F.R. 1101), the Mansfield, Ohio, control zone would be redescribed as

Within a 5-mile radius of the Mansfield Municipal Airport (latitude 40°49'15" N., longitude 82°30'45" W.).

2. In § 71.181 (29 F.R. 1160), the Mansfield, Ohio, and Marion, Ohio, transition areas would be added and described respectively as

a. That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the Mansfield Municipal Airport (latitude 40°49'15" N., longitude 82°30'45" W.); and within a 5-mile radius of the Galion-Crestline Airport (latitude 40°45'10" N., longitude 82°43'35" W.); within 5 miles southwest and 8 miles northeast of the Mansfield Airport ILS localizer southeast course extending from the ILS LOM to 12 miles southeast; within 2 miles each side of the Mansfield VORTAC 308° True radial extending from the VORTAC to 12 miles northwest of the VORTAC; within 2 miles each side of the Mansfield VORTAC 221° True radial extending from the Galion-Crestline 5-mile radius area to the VORTAC; and that airspace extending upward from 1,200 feet above the surface extending from the Tiverton VORTAC; to latitude 40°30'00" N., longitude 83°10'00" W., to latitude 40°50'00" N., longitude 83°30'00" W., to latitude 41°11'00" N., longitude 83°19'00" W., to latitude 41°14'00" N., longitude 82°57'00" W.; thence counterclockwise via a 21-mile radius arc of the Griffing-Sandusky Airport (latitude 41°26'00" N., longitude 82°39'05" W.) to latitude 41°08'40" N., longitude 82°32'00" W.; to latitude 40°56'30" N., longitude 82°12'00"; thence counterclockwise via a 37-mile radius arc of the Cleveland-Hopkins Airport (latitude 41°24'30" N., and longitude 81°51'00" W.) to latitude 40°54'00" N., longitude 82°04'00" W., to the point of beginning.

b. That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Marion Municipal Airport (latitude 40°36'55" N., longitude 83°03'55" W.); within 5 miles northeast and 8 miles southwest of a 328° bearing from the Marion radio beacon, extending from the radio beacon to 12 miles northwest.

The 5-mile radius control zone in the Mansfield terminal area would provide protection for aircraft executing instrument approach and departure procedures within the vicinity of the airport.

The proposed transition areas would provide protection for prescribed instrument approaches and departures, and also for radar vectoring. The extension based on the Mansfield VORTAC 221° True radial would provide protection for aircraft executing approach procedure AL–5044–VOR–1.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica, N.Y., 11430. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

(Sec. 307(a) of the Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C. on July 9, 1964.

ROBERT G. CARNAHAN,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64–7091; Filed, July 16, 1964; 8:46 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 64–WE–18]

CONTROL ZONE AND TRANSITION AREA

Proposed Designation

The Federal Aviation Agency is considering amendments to Part 71 [New] of the Federal Aviation Regulations which would designate a control zone and transition area at Visalia, Calif., pursuant to the commissioning of a VOR in that locale on or about September 16, 1964.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structure requirements in the Visalia, Calif., terminal area, including studies attendant to the implementation of the provisions of CAR Amendments 60–21/60–29, proposes the following airspace actions:

1. Designate a control zone described as that airspace within a 4-mile radius of the Visalia Municipal Airport (latitude 36°19'10" N., longitude 119°23'35" W.), and within 2 miles each side of the Visalia VOR 121° True radial, extending from the 4-mile radius zone to the VOR, excluding the portion within a 1-mile radius of Green Acres Airport, Visalia, Calif. (latitude 36°20'20" N., longitude 119°19'30" W.), effective from 0700 to 2100 hours, local time, daily.

2. Designate a transition area described as that airspace extending upward from 700 feet above the surface within a 5-mile radius of Visalia Municipal Airport, and within 2 miles each side of the Visalia VOR 121° and 301° True radials, extending from the 5-mile radius area to 8 miles northwest of the VOR.

The floors of the airways that traverse the proposed transition area would automatically coincide with the floors of the transition area.

Communications service would be furnished by the FAA's Flight Service Station at Fresno, Calif., through remote facilities on the proposed Visalia VOR. The controlled airspace proposed herein would provide protection for aircraft executing prescribed instrument approach procedures at the Visalia Municipal Airport.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles, Calif., 90009. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Ave. SW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

(Sec. 307(a) of the Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 9, 1964.

ROBERT G. CARNAHAN,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64–7092; Filed, July 16, 1964; 8:46 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63–WE–34]

CONTROL ZONE, CONTROL AREA EXTENSION, AND TRANSITION AREA

Proposed Alteration, Revocation, and Designation

In consonance with ICAO International Standards and Recommended

Practices, notice is hereby given that the Federal Aviation Agency (FAA) is considering amendments to Part 71 [New] of the Federal Aviation Regulations. These proposals relate to navigable airspace both within and outside the United States.

Applicability of International Standards and Recommended Practices, by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 and Annex 11 to the Convention on International Civil Aviation (ICAO), which pertains to the establishment of air navigation facilities and services necessary to promoting safe, orderly and expeditious flow of civil air traffic. Its purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the U.S. agreed by Article 3(d) that its state aircraft will be operating in international airspace with due regard for the safety of civil aircraft.

Since this action involves in part the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

The following controlled airspace is presently designated in the Oxnard, Calif., terminal area:

1. The Oxnard, Calif. (Ventura County Airport), control zone is designated within a 5-mile radius of Ventura County Airport, Calif., excluding the portion east of a line from latitude 34°15'35" N., longitude 119°-09'15" W. to latitude 34°09'10" N., longitude 119°08'05" W. The portion of this control zone which coincides with R-2527 shall be used only after obtaining prior approval from appropriate authority.

2. The Oxnard, Calif. (Oxnard AFB), control zone is designated within a 5-mile radius of Oxnard AFB, Calif., excluding the portion west of a line from latitude 34°15'35" N., longitude 119°09'15" W. to latitude 34°09'-10" N., longitude 119°08'05" W.

3. The Oxnard control area extension is designated as that airspace bounded on the north by Victor 27, on the east by longitude 119°12'30" W., on the south by W-289, and on the west by longitude 120°00'00" W. The portion of this control area extension that coincides with W-412 is excluded.

4. Control 1176 is designated as that airspace centered on the Santa Barbara, Calif., VORTAC 247° True radial, 10 miles in width at the VORTAC with each boundary diverging at an angle of 5° from the 247° True radial extending to the east boundary of the Oakland Oceanic control area, excluding the portion at and below 2,000 feet MSL west of longitude 120°30'00" W. The portion of this control area lying west of longitude 120°30'00" W., shall be used only after obtaining prior approval from appropriate authority.

5. The Fillmore, Calif., transition area is designated as that airspace extending upward from 1,200 feet above the surface bounded on the north and northeast by Victor 12, on the east by Victor 107, on the south by Victor 25, and on the west by Victor 25 and Victor 485.

The FAA, having completed a comprehensive review of the terminal airspace structure requirements in the Oxnard, Calif., area as a result of the studies associated with the implementation of CAR Amendments 60-21/60-29, has under consideration the following airspace actions:

1. Alter the Oxnard, Calif. (Ventura County Airport), control zone by redesignating it as that airspace within a 5-mile radius of Ventura County Airport (latitude 34°12'02" N., longitude 119°12'10" W.), and within 2 miles each side of the 270° True bearing from a RBN to be commissioned near Ventura County Airport, extending from the 5-mile radius zone to 8 miles west of the RBN, excluding the portion east of a line from latitude 34°15'35" N., longitude 119°09'15" W. to latitude 34°09'10" N., longitude 119°08'-05" W. The portion of this control zone which coincides with R-2527 would be used only after obtaining prior approval from appropriate authority.

2. Revoke the Oxnard control area extension and the Fillmore, Calif., transition area and designate the Oxnard transition area as that airspace extending upward from 700 feet above the surface within a 3-mile radius of Rancho Conejo, Calif., Airport (latitude 34°-11'47" N., longitude 118°54'59" W.); that airspace bounded by a line beginning at latitude 34°01'10" N., longitude 119°04'10" W., to latitude 34°02'40" N., longitude 119°-03'50" W., to latitude 34°05'55" N., longitude 119°12'30" W., to latitude 34°05'25" N., longitude 119°15'10" W., thence clockwise via the arc of a 7-mile radius circle centered on the Point Mugu RBN to the point of beginning, excluding the portion within R-2519 and R-2520; and that airspace extending upward from 1,200 feet above the surface bounded on the east by longitude 118°50'00" W., on the south by a line extending from latitude 34°00'00" N., longitude 120°00'00" W., to latitude 34°00'00" N., longitude 119°37'40" W., to latitude 34°05'55" N., longitude 119°12'30" W., to latitude 34°-02'40" N., longitude 119°03'50" W., to latitude 34°00'00" N., longitude 119°04'40" W., to latitude 34°00'00" N., longitude 118°50'-00" W., on the west by latitude 120°00'00" N., and on the north by a line extending from latitude 34°20'00" N., longitude 120°00'00" W., to latitude 34°20'00" N., longitude 119°-30'00" W., to latitude 34°30'00" N., longitude 119°30'00" W., to latitude 34°30'00" N., longitude 118°50'00" W.; and that airspace extending upward from 5,000 feet MSL bounded on the north by latitude 34°20'00" N., on the east by longitude 120°00'00" W., on the south by latitude 34°00'00" N., and on the west by longitude 120°30'00" W., excluding the portion within Control 1176, R-2519 and R-2520. The portion within R-2527 shall be used only after obtaining prior approval from appropriate authority.

The actions proposed herein would, in part, increase the size of the presently designated control zone at Ventura County Airport by the addition of a control zone extension west of the airport to provide protection for aircraft executing prescribed instrument approach procedures at Ventura County Airport and Oxnard AFB. No change in the configuration of the Oxnard AFB control zone would be required. The portion of the proposed Oxnard transition area with a floor of 700 feet above the surface would provide protection for aircraft executing the portions of prescribed instrument approach, departure and radar vectoring procedures conducted beyond the limits of the Ventura County and Oxnard AFB control zones and below the floor of the proposed 1,200-foot floor area. The floor of controlled airspace beyond the proposed 700-foot floor area would be raised from 700 to 1,200 feet above the surface. The controlled airspace released would become available for other aeronautical purposes. The controlled airspace proposed for retention together with the proposed addition of presently uncontrolled airspace west of Oxnard would provide for the protection of aircraft executing prescribed instrument holding, arrival, and departure procedures within the Oxnard terminal area, Oxnard AFB radar vectoring procedures, Oxnard AFB penetration procedures, and transition paths to prescribed instrument approaches to the Ventura County Airport, Oxnard AFB and NAS Point Mugu.

Certain minor revisions to prescribed instrument procedures would accompany the actions proposed herein, but operational complexities would not be increased nor would aircraft performance characteristics or established landing minimums be adversely affected. Specific details of the changes to procedures and minimum instrument flight rules altitudes that would be required may be examined by contacting the Chief, Air Traffic Branch, Federal Aviation Agency, Western Region Area Office, P.O. Box 45018, Los Angeles, California, 90045.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attn: Chief, Air Traffic Branch, Federal Aviation Agency, Western Region Area Office, P.O. Box 45018, Los Angeles, California, 90045. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Air Traffic Branch, Western Region Area Office, or the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Wash-

ington, D.C. An informal docket will also be available for examination at the office of the Branch Chief, Western Region Area Office.

(Sec. 307(a) and 1110, 72 Stat. 749 and 800; 49 U.S.C. 1348 and 1510, and Executive Order 10854, 24 F.R. 9565).

Issued in Washington, D.C., on July 9, 1964.

ROBERT G. CARNAHAN,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-7093; Filed, July 16, 1964; 8:46 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 64-SW-28]

FEDERAL AIRWAYS, CONTROL ZONE, AND TRANSITION AREAS

Proposed Alteration

Notice is hereby given that the Federal Aviation Agency (FAA) is considering amendments to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

The FAA is relocating the Hobbs, N. Mex., VOR on or about October 15, 1964, to a new site located approximately four miles southwest of the Lea County Airport at latitude 32°38'15" N., longitude 103°16'10" W. This relocation is due to the inability of the FAA to secure an additional lease of the property on which the VOR is presently sited.

In view of the relocation of the Hobbs VOR, the following airspace changes are proposed:

1. Realign V-68 from Roswell direct to Hobbs including a standard south alternate.

2. Realign V-68 from Hobbs to Midland, Texas, via the intersection of the Hobbs 120° and the Midland 312° True radials, including a south alternate from Hobbs to Midland via the intersection of the Hobbs 136° and the Midland 283° True radials.

3. Realign V-79 from Hobbs to Lubbock, Texas, via the intersection of the Hobbs 073° and the Lubbock 188° True radials.

4. Alter that portion of the Carlsbad, N. Mex., 1,200-foot transition area predicated upon the Carlsbad VOR 062° and 242° True radials to the 064° and 244° True radials. It would then continue to correspond with V-102 which lies direct from Carlsbad to Hobbs.

5. Redescribe the Hobbs control zone as that airspace within a 5-mile radius of Lea County Airport, Hobbs, N. Mex., (latitude 32°41'19" N., longitude 103°13'01" W.); and within 2 miles each side of the Hobbs VOR 219° True radial, extending from the 5-mile radius zone to 8 miles southwest of the VOR, excluding the portion within a 1.5 mile radius of Hobbs Municipal Airport (latitude 32°46'05" N., longitude 103°12'50" W.).

6. Redescribe the Hobbs transition area as that airspace extending upward from 700 feet above the surface within a 7-mile radius of Lea County Airport (latitude 32°41'19" N., longitude 103°13'01" W.), and within 5 miles northwest and 8 miles southeast of the Hobbs VOR 219° radial, extending from the VOR to 12 miles southwest of the VOR; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at

Latitude 32°42'00" N., longitude 102°56'-00" W. to latitude 32°26' 30" N., longitude 102°35'00" W. to latitude 32°19'35" N., longitude 102°55'10" W. to latitude 32°26'00" N., longitude 103°21'00" W. to latitude 32°33'00" N., longitude 103°29'00" W. to latitude 32°-53'00" N., longitude 103°15'00" W. to latitude 32°55'00" N., longitude 103°03'00" W. to latitude 32°49'00" N., longitude 102°55'-00" W. to point of beginning.

The amended Hobbs control zone and transition area would provide protection for the revised VOR approach to Lea County Airport. Specific details of the changes to procedures and minimum instrument flight rules altitudes that would be required may be examined by contacting the Chief, Airspace Utilization and Procedures Branch, Federal Aviation Agency, P.O. Box 1689, Fort Worth, Texas, 76101.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Southwest Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth, Texas, 76101. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

(Sec. 307(a) of the Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 9, 1964.

ROBERT G. CARNAHAN,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-7094; Filed, July 16, 1964; 8:46 a.m.]

[14 CFR Part 507]

[Reg. Docket No. 6089]

AIRWORTHINESS DIRECTIVES

Boeing Models 707 and 720 Series Aircraft

The Federal Aviation Agency has under consideration a proposal to amend Part 507 of the Regulations of the Administrator to include an airworthiness directive for Boeing Models 707 and 720 Series aircraft. There have been several instances of failures of the bolts attaching the nacelle strut to the wings, attributable to stress corrosion. To correct this condition, this AD requires replacement of the nacelle strut attachment bolts with new attachment bolts.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before August 17, 1964, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

BOEING. Applies to all Models 707 and 720 Series aircraft.

Compliance required as indicated.

Since the existing bolts attaching each nacelle strut to the wing may be either cadmium-plated, electro-nickel-plated, or devoid of plating, and are not adequately protected against corrosion, bolt failures from stress corrosion have occurred. To correct this condition, accomplish the following:

(a) For bolts with 10,000 or more hours' time in service on the effective date of this AD, acomplish (c) within 1,500 hours' time in service after the effective date of this AD.

(b) For bolts with less than 10,000 hours' time in service on the effective date of this AD, accomplish (c) prior to the accumulation of 11,500 hours' time in service.

(c) Unless already accomplished, remove the nacelle attachment bolts and install new attachment bolts, Boeing P/Ns 65-23413-1 through 65-23413-22, as applicable, or bolts reworked in accordance with Boeing Drawing No. 65-23413, or equivalent approved by the Chief, Aircraft Engineering Division, FAA Western Region, on inboard and outboard engine nacelles in accordance with Figure 1 of Boeing Service Bulletins Nos. 1416 and 1416A.

(d) Maintain a record of hours' time in service for the bolts in order to comply with this AD. If past records of bolt time in service are unavailable, bolt time in service prior to the effective date of this AD shall be considered equal to aircraft time in service.

(Boeing Service Bulletins Nos. 1416 and 1416A cover this same subject.)

Issued in Washington, D.C., on July 9, 1964.

W. LLOYD LANE,
Acting Director, Flight Standards Service.

[F.R. Doc. 64-7095; Filed, July 16, 1964; 8:47 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[AA 643.3–m]

CAST ACRYLIC PLASTIC SHEET FROM UNITED KINGDOM

Determination of Sales at Less Than Fair Value

JULY 9, 1964.

An allegation was received that cast acrylic plastic sheet, "Perspex," from the United Kingdom was being sold in the United States at less than fair value within the meaning of the Antidumping Act of 1921.

I hereby determine that cast acrylic plastic sheet, "Perspex," from the United Kingdom is being, or is likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

Statement of reasons. It was determined from the evidence presented that the appropriate comparison for fair value purposes was between purchase price and adjusted home market price. Two types of "Perspex," "Standard," and "SD and SW," were imported into the United States. Only the "Standard Perspex" was sold in the home market. "Standard Perspex" was, however, determined to be similar to "SD and SW" within the meaning of section 212 of the Antidumping Act.

Purchase price was calculated by deducting ocean freight, insurance, and inland freight from the c.i.f. United States port price.

Adjusted home market price was calculated by deducting from the delivered home market price the discount for the class of purchaser, applicable quantity and volume discounts, and inland freight. Allowance was made for technical services and advertising provided for the benefit of home market customers, and bad debts in excess of the amounts incurred on sales for export to the United States. In the calculation of adjusted home market price for "SD and SW" Perspex, an additional allowance was made for the differences in the cost of producing the similar merchandise sold in the home market.

Purchase price was found to be lower than home market price.

This determination and the statement of reasons therefor are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] JAMES POMEROY HENDRICK,
Acting Assistant Secretary of the Treasury.

[F.R. Doc. 64–7117; Filed, July 16, 1964; 8:48 a.m.]

[AA 643.3–A]

GRAY PORTLAND CEMENT FROM MEXICO

Fair Value Determination

JULY 9, 1964.

An allegation was received that gray portland cement from Mexico, manufactured by Cementos California, S.A., Baja California, Mexico, was being sold in the United States at less than fair value within the meaning of the Antidumping Act of 1921.

I hereby determine that gray portland cement from Mexico, manufactured by Cementos California, S.A., Baja California, Mexico, is not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

Statement of reasons. The information revealed that the same cement is sold for home consumption in Mexico. Sales in the home market were adequate for the purpose of fair value comparison.

All transactions with the United States purchaser were outright purchases. No financial control or relationship with the purchaser was found to exist. Accordingly, the home market price was compared with purchase price for fair value purposes.

Purchase price was calculated on the basis of the manufacturer's selling price to the United States importer less included costs for transportation, customs brokerage, and United States duty. A production tax was added to the purchase price since such tax is applicable to sales in the home market, but not applicable to sales for export.

Home market price was calculated on the basis of the manufacturer's price list applicable to sales of cement destined to locations which are in close proximity to the location of the United States importer's place of business. From this basic price, which is applicable to cement sold in bags, an allowance was made for bulk cement. A claimed quantity discount freely available amounting to 10 percent was allowed tentatively. A cash discount freely offered to all purchasers was deducted to arrive at a net f.o.b. plant price.

Based upon the calculations, it was found that sales of gray portland cement to the United States were made at a price which is less than the price at which the same cement was sold in the home market.

In view, however, of the cessation of importations of cement from this manufacturer as of the end of July 1963, 2 months prior to the filing of the allegation, this case is being closed with a determination that portland gray cement manufactured by Cementos California, S.A., Baja California, Mexico, is not being sold at less than fair value. The manufacturer is being advised that the case is being closed on such basis subject to reopening upon the resumption of exports to the United States at prices indicating a dumping margin. If the case should be reopened as the result of renewed shipments, the validity of the quantity discount would be further considered.

Appraising officers are being requested to notify the Bureau in the event importations of cement from this manufacturer are resumed.

This determination and the statement of reasons therefor are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] JAMES POMEROY HENDRICK,
Acting Assistant Secretary of the Treasury.

[F.R. Doc. 64–7118; Filed, July 16, 1964; 8:49 a.m.]

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

FIELD SERVICE

Ports of Entry; Malone, N.Y.

Effective upon publication in the FEDERAL REGISTER, the following amendment to the Statement of Organization of the Immigration and Naturalization Service (19 F.R. 8071, December 8, 1954), as amended, is prescribed:

The list of Class A ports of entry in District No. 7—Buffalo, N.Y., of subparagraph (2) *Ports of entry for aliens arriving by vessel or by land transportation* of paragraph (c) *Suboffices* of section 1.51 *Field Service* is amended by deleting "Malone, N.Y."

Dated: July 14, 1964.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 64–7120; Filed, July 16, 1964; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

CHARLES R. LEEVER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of July 1, 1964.

Dated: July 6, 1964.

CHARLES R. LEEVER.

[F.R. Doc. 64-7110; Filed, July 16, 1964; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

FUNGICIDE DODINE

Extension of Temporary Tolerance

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), and in accordance with authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), notice is given that at the request of American Cyanamid Company, Princeton, New Jersey, the temporary tolerance of 5 parts per million established for residues of the fungicide dodine (*n*-dodecylguanidine acetate) in or on peaches grown in New Jersey is extended to include peaches grown in Maryland in the counties of Carroll, Frederick, Howard, Montgomery, Washington, and Wicomico. The usage of dodine in the two states is the same. The total amount of the formulated fungicide to be used in Maryland under the experimental permit issued by the U.S. Department of Agriculture will not exceed 10,000 pounds.

Other conditions under which this temporary tolerance is extended are the same as those published in the Notice of Establishment of Temporary Tolerance for Dodine appearing in the FEDERAL REGISTER of June 10, 1964 (29 F.R. 7478).

Dated: July 10, 1964.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 64-7061; Filed, July 16, 1964; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 15474, 15475; FCC 64R-374]

ROSWELL TELEVISION AND TAYLOR BROADCASTING CO.

Memorandum Opinion and Order Amending Issues

In re applications of R. H. Parker and John Burroughs d/b as Roswell Television, Roswell, New Mexico, Docket No. 15474, File No. BPCT-3196; Taylor Broadcasting Company, Roswell, New Mexico, Docket No. 15475, File No. BPCT-3215; for construction permit for a new television broadcast station.

1. Taylor Broadcasting Company herein petitions the Review Board to enlarge the issues in the above-entitled proceeding to add comparative coverage issues.[1]

2. The mutually exclusive applications of R. H. Parker and John Burroughs, d/b as Roswell Television (Roswell), and Taylor Broadcasting Company, for a new television broadcast station in Roswell, New Mexico, were set for hearing by Commission Order (FCC 64-442) released May 18, 1964, on the standard comparative issue.

3. Taylor now seeks addition of comparative coverage issues, supporting its motion by an engineering statement indicating that the area within its Grade A contour is 22.2 times greater than the area within Roswell's Grade A contour and the area within its Grade B contour 11 times greater than the area within Roswell's Grade B contour.

4. The timely filed motion is supported by Roswell[2] and by the Broadcast Bureau. However, the Bureau suggests that Taylor's engineering showing is incomplete in that the populations in the Grade A and B contours of the applicants are not shown. While such a showing is desirable (see Publix Television Corp., FCC 59-646, 18 RR 771 (1959); Cleveland Broadcasting, Inc., FCC 64R-41, 1 RR 2d 949 (1964)), and should have been made by Taylor, the Board is of the view that the defect is not fatal in this case. The area figures alone reflect sufficient differences in coverage to warrant addition of the requested issues.

Accordingly, it is ordered, This 10th day of July 1964, That the motion to enlarge issues, filed June 3, 1964, by Taylor Broadcasting Company, is granted; and that the issues in this proceeding are enlarged by the addition of the following issues:

(a) To determine the location of the proposed Grade A and Grade B contours of the applicants in this proceeding.

(b) To determine, on a comparative basis, the areas and populations of the respective Grade A and Grade B contours which may reasonably be expected to receive actual service from the applicants' proposed operations.

(c) In the event the proof under issues (a) and (b) above shall establish that either applicant will bring actual service to areas and populations not served by its competitor, to determine the number of services, if any, presently available to such areas and populations.

Released: July 13, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-7124; Filed, July 16, 1964; 8:49 a.m.]

[1] Before the Review Board are: Motion to enlarge issues, filed June 3, 1964, by Taylor Broadcasting Company; statement, filed June 15, 1964, by the Broadcast Bureau; answer, filed June 16, 1964, by R. H. Parker and John Burroughs, d/b as Roswell Television; reply to answer, filed June 23, 1964, by Taylor Broadcasting Company.

[2] Roswell's support is asserted to be based on its understanding that the new issues will permit it to explore the economic feasibility of Taylor's proposal. We need not consider this assertion inasmuch as a further petition to enlarge, filed by Roswell on June 29, 1964, contains a request for such an issue.

FEDERAL POWER COMMISSION

[Docket Nos. G-9287 etc.[1]]

HUMBLE OIL & REFINING CO.

Order Conditionally Approving Rate Settlement Proposal Severing and Terminating Proceedings, and Prescribing Refunds

JULY 8, 1964.

There is before us for consideration a Motion for Approval of Settlement Proposal, Termination of Rate Proceedings, and for Shortened Procedure Certification filed on May 25, 1964, by Humble Oil & Refining Company (Humble) encompassing the rates for 165 of Humble's currently effective FPC Gas Rate Schedules. Comments have been filed by some of the parties to these proceedings, all of which have been given due consideration. In summary, the settlement proposal as filed by Humble provides:

(1) Settlement rates, including tax reimbursement, equal to or less than the Commission's applicable area ceilings with three exceptions hereinafter discussed;

(2) Humble waives the right to file for contractually authorized increased rates until June 1, 1967, for all of the rate schedules involved in the settlement. However, Humble reserves the right to file for any increased rates, if contractually authorized, up to the applicable area-rate levels established by any order or rule of the Commission, or to file for any contractually authorized increase in tax reimbursement;

(3) Humble will delete any favored nation and price redetermination clauses contained in Rate Schedule Nos. 21, 111, 122, and 125 and additionally will delete the periodic pricing provisions in Rate Schedule Nos. 1, 6, 11, 17, 108, 126, 171, 175, 183, 184, 201, 219, and 295;

(4) Refunds, with interest at the applicable rates, under rate schedules where collection was made subject to refund, of the difference between the revenues actually collected and those which would have been collected at the settlement rate, in each instance, commencing with May 1, 1961, to the date of issuance of this order for all of Humble's rate schedules, excepting Rate Schedule No. 126 for which the commencement date would be September 15, 1962, and Rate Schedule No. 39 for which no refund would be made;

(5) Exclusion from the settlement proposal of all Permian Basin sales; thirty-

[1] The additional dockets involved herein are set forth in Appendixes A, B, and C attached hereto.

four sales related to previous offers of settlement accepted by the Commission; one sale to another producer whose resale rate is under suspension; and five sales consolidated in certificate proceedings that are presently before the Commission.

In support of its proposal, Humble states that the settlement rates, refunds, the moratorium period, and other provisions thereof not specifically noted herein, are in the public interest in that they are reasonable and will provide price stability for a long period of time for natural gas moving in interstate commerce.

With respect to refunds, the parties to the settlement conferences utilized cost-of-service studies and revenues based on contract rates to determine Humble's revenue-cost relationship. These studies indicate that it is appropriate that we require that refunds should be computed for sales made on and after May 1, 1961. However, as noted above, Humble proposes to make refunds under its Rate Schedule No. 126 from on and after September 15, 1962, and to make no refunds under its Rate Schedule No. 39. These rates schedules are for sales of natural gas made by Humble to Southern Natural Gas Company (Southern) in the Sandy Hook and Angie Fields in Mississippi and South Louisiana (Rate Schedule No. 39) and in the Gwinville Field in Mississippi (Rate Schedule No. 126).

Humble states, in its proposal, that special circumstances surround these sales which justify the shorter refund period for Rate Schedule No. 126, and no refunds under Rate Schedule No. 39. It cites the fact that at Gwinville the original contract was executed in 1947 for a ten-year term, and at that time it had interest in only two wells. During the term of the contract Humble participated in drilling forty-two additional wells in the field, and developed approximately 235 billion cubic feet of additional reserves in the shallow formations in the field. In 1957, Humble states, it entered into a new contract with Southern for a twenty-year term. Part of the consideration for the new contract it says was the possible development of deeper formations in the field. Some deep development has been partially successful, and production therefrom had added more than ten percent to current deliveries to Southern.

At Sandy Hook, Humble states that the shallow formations were virtually depleted in 1959, and it began development of the deeper formations at that time. The deeper development has resulted in increased deliverability of the field by more than 4,400 percent. At Angie, Humble says the field is depleted, deliveries have ceased and the leases have been released.

Humble states that it has acquired considerable acreage in the contract areas in both Gwinville and the Sandy Hook Fields in order to maintain and increase its deliveries to Southern. It proposes settlement rates of 15.968 cents per Mcf for Sandy Hook, and a rate of 15.0256 cents for Gwinville. It makes no proposal for a settlement rate for Angie.

We have considered all of the circumstances set forth by Humble in support of its proposal that the refund period under its Rate Schedule Nos. 39 and 126 be for a shorter period of time than the refund period for all other rate schedules involved in the settlement, and we do not find justification for a departure from the established policy of requiring refunds for all rate schedules, where refunds are due, for the same period of time. In Pure Oil Company, et al., Docket Nos. G–16790, et al., 28 FPC 889, we provided for different refund periods for two of Pure's rate schedules from the general refund period in order to make the refunds under those schedules conform to the established refund policy in the many Transco-Seaboard settlements we had approved[2] since the circumstances surrounding Pure's two rate schedules were the same as those in such settlements. In Sinclair Oil & Gas Company, Docket Nos. G–9291, et al., et al., 30 FPC —— (order issued December 30, 1963) we departed from our established policy, but only in the method of distribution of the refunds. We noted there that the method we approved returned to each purchaser refunds in the same proportion in which it contributed to the total excess earnings of the producer.

Additionally, the circumstances set forth by Humble do not conform to circumstances which in other general rate settlements have caused us to permit exceptions to the general principles governing such settlements. The development by Humble in the fields here involved was entirely within the "contract acreage", as was the acquisition of additional leases, whereas in instances where we have approved exceptions to the applicable area increased rate ceiling there has been acreage added to the original contract acreage which resulted in increase in deliverability under the contract. Therefore, we hereby condition our approval of the settlement proposal to require Humble to make refunds under its Rate Schedule Nos. 39 and 126 in the same manner, and for the same period of time, as we require for its other rate schedules where collection was made subject to refund. Applicable interest shall be paid on all of the refunds through May 31, 1964. Thereafter, Humble may elect, at its option, to either use these funds in its business and pay 6 percent interest thereon or to deposit such funds in a special escrow account for the sole benefit of the ultimate owners of such refunds and credit all interest actually earned thereon to the escrow account. As herein conditioned, such refunds will be approximately $8,869,000, exclusive of interest. Humble's future revenues will be decreased approximately $3,485,000 annually as a result of the settlement.

The purchasers of gas under the various rate schedules to which this settlement proposal relates are all natural gas pipeline companies subject to our jurisdiction under the Natural Gas Act, and many of these purchasers in turn have customers who are natural gas pipelines. Some of these pipeline customers of Humble or of Humble's customers are required under express provisions of outstanding orders of this Commission to flow through to their customers all or part of any of the refunds they may receive from Humble as a result of this settlement; others may choose to do so in the absence of such express provisions. But in view of our duty to insure that the ultimate consumers of gas actually receive all of the benefits of our rate regulation to which they may be entitled, we shall take action here to assure that, within the limits of our jurisdictional reach, the refunds to be ordered actually flow to those parties legally and equitably entitled thereto.

We are not here determining that a pipeline purchaser from Humble or one down the line in the chain of resales between the producer and ultimate consumer are never entitled as a matter of law or equity to retain all or part of the refunds received from a supplier. We conclude only that merely because a pipeline is under no special express requirement to flow refunds through to its customers and did not previously pass on to its customers the producer's price increase (or higher gas costs arising from sales temporarily certificated at prices higher than that fixed in the settlement), does not determine that it is entitled to retain such refunds. Unlike the corresponding refund provisions of the Federal Power Act (section 205(e), 16 U.S.C. 824(d)) and the Interstate Commerce Act (section 15(7), 49 U.S.C. 15(7)), which provided that refunds must be paid "to the persons in whose behalf such amounts (increased rates) were paid," section 4(e) of the Natural Gas Act does not specify to whom refunds are to be paid. And in Federal Power Commission v. Interstate Natural Gas Co., 336 U.S. 577, the Supreme Court rejected the claim that pipeline purchasers were the legal owners of funds placed in escrow pursuant to the terms of a judicial stay of a Commission directed rate reduction, merely because the fund was created from their payments at the previous higher rate. See also Central States Co. v. Muscatine, 324 U.S. 138 (1945) (dissenting opinion).

Accordingly, we shall require Humble to retain the amounts of refund ordered herein until further order directing the nature of their disposition[3] and also to submit within 45 days of this order to the Commission and each customer a detailed report setting out, by purchasers, the amount of refund related to each rate schedule, the volume of gas sold thereunder and the period covered. We shall also by separate action direct each of the pipeline purchasers within ten days from the receipt of such report, to submit a report of their own setting forth whether they intend to pass on all or part of such refund amounts to their customers and the names of such customers and amounts of refund each

[2] E.g.: Texaco Inc., et al., Docket No. G–13169, et al., 28 FPC 247, 249.

[3] Exempted from this requirement are the refunds to be made to Texas Eastern Transmission Corporation and Arkansas Louisiana Gas Company, since the amount of refunds to those companies is de minimis.

would receive, or, if they claim the right to retain any portion of the refunds, a brief statement as to the legal or equitable basis for such claim. In the event such reports indicate that the refunds will flow through to ultimate consumers or distribution companies not subject to the Commission's jurisdiction, the Commission will authorize the release of such refund sums by Humble (unless a State regulatory authority after notification of the sum to be made available to a company subject to its regulatory jurisdiction asks us to defer releasing the funds until it can determine their ultimate disposition). In the event a pipeline purchaser from Humble (or a pipeline customer of such a pipeline) indicates that it is asserting a claim to retain substantial refund sums the Commission will by further order prescribe the procedure for determining the relative rights to such funds of such pipeline or its customers.

Settlement rates which are exceptions to the applicable area ceilings are proposed by Humble for three sales of natural gas made by it to United in South Louisiana.

Two sales to United are made under Humble's FPC Gas Rate Schedule Nos. 35 and 314 in the Duck Lake Field, St. Mary and St. Martin Parishes, Louisiana, where the increased rate of 22.95 cents now being charged subject to refund for each sale is proposed to be reduced to 18 cents per Mcf. The initial rate under Rate Schedule No. 35 was 13.5 cents per Mcf, however, this rate was for a period of approximately one year, at which time the contract provided that the rate would escalate to 21.2 cents per Mcf. During that period of time, the Supreme Court issued its opinion in Phillips Petroleum Co. v. Wisconsin, 347 U.S. 672, affirming Commission jurisdiction of the sale of natural gas by producers, and when Humble subsequently filed for the 21.2 cents contract rate it was suspended by order of the Commission.[4] Humble's Rate Schedule No. 314 covers interest in the field acquired by it from C. N. Johnston on March 1, 1961. Johnston had filed for the 21.2 cents increased rate, but had not filed to make it effective.[5] After acquisition, Humble, on September 27, 1962, filed for the 21.2 cents per Mcf contract rate. Thus, the same circumstance pertain to each of these schedules. The rate agreed upon by the parties for these sales is below the applicable area initial ceiling. We have considered all of the circumstances surrounding these sales and find them to be similar to others where we have in such circumstances, regarding other sales made to United in the same field, found the increased rate to be in the nature of an initial rate, The Ohio Oil Company, et al., Docket Nos. RI60-92, et al., 27 FPC 1373; Cities Service Company, et al., Docket Nos. G-8921, et al., 28 FPC 1108; R. H. Goodrich et al., Docket Nos. G-8977, et al., 29 FPC 397,; Hunt Oil Company, Docket Nos. G-9065, et al., 30 FPC 220; Texaco Inc., Docket Nos. G-8969, et al., 30 FPC —— (order issued December 30, 1963). We, therefore, find the settlement rates for these sales to be proper and approve the same.

The third exception contained in Humble's proposal involves a sale to United in the Weeks Island Field, Iberia Parish, Louisiana, under Humble's FPC Gas Rate Schedule No. 235 at a present rate of 23.55 cents per Mcf. Prior to February 4, 1960, this sale was made under a six year contract which was to expire in 1961 and the dedication was limited to the known productive limits of the field. On February 4, 1960, the parties entered into a new contract for a twenty year term and containing a definite area dedication. Subsequent thereto Humble acquired 6,340.23 acres outside the known productive limits of the field, and developed the same. The production from this acreage has contributed substantial quantities of gas reserves, which will greatly increase the daily deliverability under the contract. Consideration of all of the circumstances surrounding this sale causes us to believe it to be similar to others where we have considered such a unique situation to warrant exception to the applicable area ceiling, Gulf Oil Corporation, et al., Docket Nos. G-9520, et al., 29 FPC 837, and, therefore, we find the settlement rate of 17.5 cents per Mcf to be proper and approve the same.

The settlement proposal includes rates for which issuance of related permanent certificates is pending, some of which are for deliveries presently being made under temporary authority.[6] We propose to set such applications for abridged statutory hearing in accordance with section 7 of the Natural Gas Act, indicating that the settlement rates, as provided for herein, shall be the initial price. The certificate applications in Docket Nos. CI60-578, and G-12353, CI61-771, and CI61-794 are presently consolidated in the proceedings in Sunray DX Oil Company, et al., Docket Nos. G-4281, et al., from which proceeding they shall hereinafter be severed, however the certificates to be issued in such proceedings, along with the others containing upward Btu adjustment clauses shall be so conditioned as to be subject to final determination in Docket No. R-200. Included among the pending certificate applications are five rate schedules in Texas Railroad Commission District Nos. 3 and 4 where sales are being made under temporary certificates and in-line rates have not been determined for such sales. Consistent with our settlement orders in Gulf Oil Corporation, et al., Docket Nos. G-9520, et al., (supra); Sinclair Oil & Gas Company, Docket Nos. G-9291, et al., (supra) and Socony Mobil Oil Company, Inc., Docket Nos. G-12193, et al., (order issued May 28, 1964) we shall condition the certificates to require adjustment of the rates under Humble's FPC Gas Rate Schedule Nos. 325, 341, 342, 349, and 350 to conform with the appropriate in-line price determination, and require refunds from the date of this order if any rates are reduced.

On June 4, 1964, the Pennsylvania Public Utility Commission (PUC) filed its comments in answer to Humble's motion. PUC questions whether the Commission's continuation of approving settlement proposals, such as Humble's "* * * best serves the public interest in producer regulation." As we have pointed out recently in our order approving the settlement in Socony (supra) we consider the refunds, which are based on cost-of-service determinations; the reduction in rates; and the stability in rates gained through moratoria, pending determination of just and reasonable rates in the area rate proceedings, to be in the public interest. PUC states that our approval of settlements removes "* * * a major segment of the producing industry from area rate proceedings." However as we stated in our order in Southwest Gas Producing Company, Inc. (Operator), et al., Docket Nos. G-16714, et al., 31 FPC —— (January 27, 1964):

> All of our orders approving settlement proposals or agreements are unqualifiedly subject to final determination in area proceedings, or proceedings of a similar nature. * * *

Each of our settlement orders expressly provide that our approval of the settlement is without prejudice to any findings or orders we may issue in area rate or similar proceedings, and, further, is without prejudice to any claims or contentions any party may make in such proceedings. The reduction in rates obtained through settlement pending final determination in such proceedings, and the stability gained in the interim is of inestimable value to the consuming public. Our conditional approval of Humble's proposal results in Humble refunding approximately 62 percent of amounts collected above the settlement rates, subject to refund, and the reduced rates of $2,577,000 annually will constitute disallowance of approximately 56 percent of the increased rates currently being collected in section 4(e) proceedings. Additionally, six of Humble's rates are being reduced below the "last-firm-rate", of which three are not subject to section 4 proceedings.[7]

As conditioned herein, we believe that the principles underlying the present settlement proposal are consistent with those utilized in previous major independent producer rate settlements.

Our action herein should not be construed as constituting approval of any future rate increases, if any, that may be filed under the subject rate schedules, and is without prejudice to any findings or order of the Commission in future proceedings, including area rate or similar proceedings, involving Humble's rates and rate schedules.

The Commission finds: The proposed settlement of the subject proceedings on the basis described herein, as more fully set forth in the Settlement Proposal filed by Humble and as herein conditioned on May 25, 1964, is in the public interest,

[4] Humble Oil & Refining Company, Docket No. G-9574 (order issued October 21, 1955).

[5] C. N. Johnston, et al., Docket Nos. G-9136 and G-9569 (order issued August 29, 1963).

[6] See Appendix B attached hereto.

[7] The annual reduction in rates effectuated by our approval of this settlement under these six rate schedules approximates $900,000.

and it is appropriate in carrying out the provisions of the Natural Gas Act, that it be approved and made effective as hereinafter ordered, and good cause exists for approving the settlement rates, for severing and terminating certain proceedings and providing for refunds.

The Commission orders:

(A) The settlement of these proceedings on the basis of the settlement proposal as herein conditioned, filed by Humble on May 25, 1964, is approved and made effective subject to the terms and conditions herein.

(B) The applicable settlement rates set out in Appendix A hereto are approved, and such rates shall be effective as of July 1, 1964.

(C) The settlement rates approved herein shall be applicable during the moratorium period herein provided for to all sales of natural gas from all acreage dedicated as of the date of issuance of this order under each of the rate schedules currently on file with the Commission whether such sales are made by Humble, its successors or assignees.

(D) Approval of this settlement is conditioned so as to require Humble to reduce its rates under its FPC Gas Rate Schedule Nos. 325 and 342, Docket Nos. CI63–1057 and CI64–677, respectively, to the in-line rate finally determined, after court review or otherwise, in the H. L. Hawkins, et al., proceedings, Docket Nos. G–18077, et al., and to reduce its rates under its Rate Schedule Nos. 341, 349, and 350, Docket Nos. CI64–298, CI64–297, and CI64–299, respectively, to the in-line rate finally determined after court review or otherwise in the Turnbull and Zoch Drilling Co. (Operator) et al. proceedings, Docket Nos. G–17960, et al. In the event that a rate is reduced as a result of such proceedings, Humble shall refund excess amounts collected from the date of this order. The refund requirement imposed herein shall not be construed to affect or limit the position of the parties in the Hawkins or Turnbull proceedings with respect to refund obligations under temporary authorizations.

(E) Humble shall compute the difference between the rates collected subject to refund and the related settlement rates for the period from May 1, 1961, to the date of this order, together with interest as specified in each docket to May 31, 1964. Humble shall within 45 days from the date of this order submit a report to the Commission, and serve a copy on each of the purchasers involved, setting out by purchasers the amount of refunds related to each rate schedule (showing separately the principal and applicable interest), the bases used for such determination and the periods covered.

(F) Humble shall retain the amounts shown in the report required under paragraph (E) above, subject to further order of the Commission directing the disposition of those amounts: *Provided, however,* Humble shall within 90 days from the date of this order, (1) refund with interest as specified in each docket computed to May 31, 1964, the difference between the rates collected subject to refund and the related settlement rates, on and after May 1, 1961, to the date of this order for all of such of Humble's Rate Schedules, where the rates were collected subject to refund for sales of natural gas to Texas Eastern Transmission Corporation and Arkansas Louisiana Gas Company, and (2) report to the Commission in writing, the amount of refunds made to Texas Eastern and Arkansas Louisiana showing separately the amount of principal and interest so paid, and the bases used for such determination, together with releases from its purchasers showing receipt of the refunds in conformity with the settlement proposal as conditionally approved herein.

(G) If Humble elects to commingle these retained refunds with its general assets and use them for its corporate purposes, it shall pay interest thereon at the rate of 6 percent per annum on all funds thus available from August 21, 1964, to the date on which they are paid over to the person ultimately determined to be entitled thereto in a final order of the Commission.

(H) If Humble elects to deposit the retained refunds in a special escrow account, Humble shall tender for filing on or before August 21, 1964, an executed Escrow Agreement, conditioned as set out below accompanied by certificate showing service of a copy thereof upon each of its jurisdictional customers. Unless notified to the contrary by the Secretary within 30 days from the date of filing thereof, the Escrow Agreement shall be deemed to be satisfactory and to have been accepted for filing. The Escrow Agreement shall be entered into between Humble and any bank or trust company used as a depositor for funds of the United States Government and the agreement shall be conditioned as follows:

(1) Humble, the bank or trust company, and the successors and assigns of each, shall be held and formally bound unto the Federal Power Commission for the use and benefit of those entitled thereto, with respect to all amounts and the interest thereon deposited in a special escrow account, subject to such Agreement, and such bank or trust company shall be bound to pay over to such person or persons as may be identified and designated by final order of the Commission and in such manner as may be therein specified, all or any portion of such deposits and the interest thereon.

(2) The bank or trust company may invest and reinvest such deposits in any short-term indebtedness of the United States or any agency thereof or in any form of obligation guaranteed by the United States which is, respectively, payable within 120 days as the said bank or trust company in the exercise of its sound discretion may select.

(3) Such bank or trust company shall be liable only for such interest as the invested funds described in Paragraph (2) above will earn and no other interest may be collected from it.

(4) Such bank or trust company shall be entitled to such compensation as is fair, reasonable and customary for its services as such, which compensation shall be paid out of the escrow account to such bank or trust company. Said bank or trust company shall likewise be entitled to reimbursement for its reasonable expenses necessarily incurred in the administration of this escrow account, which reimbursement shall be made out of the escrow account.

(5) Such bank or trust company shall report to the Secretary quarterly, certifying the amount deposited in the trust account for the quarterly period.

(I) Humble shall, over the signature of a responsible officer, file with the Commission, within 30 days from the date of the issuance of this order, an original and one copy of its acceptance or rejection of the terms and conditions of this order, including specifically the refund requirements under its Rate Schedule Nos. 39 and 126, and the requirement for possible future refunds under its Rate Schedule Nos. 325, 341, 342, 349, and 350.

(J) Any party to the proceedings or settlement negotiations having objections to the terms of this Order shall within 30 days from the date of issuance of this Order set forth such objections in writing to the Commission (original and one copy), and by serving copies on the other parties.

(K) If as a result of any objections filed pursuant to paragraph (J) hereof, the Commission by subsequent order changes Humble's duties and obligations hereunder, Humble's acceptance of this settlement order shall not be binding on it without its express agreement.

(L) The pending certificate proceedings set out in Appendix B hereto shall not be terminated on the basis of the approval of the settlement proposal, but shall be determined after hearing in accordance with section 7 of the Natural Gas Act and the terms and conditions of this order.

(M) Within 90 days from the date of this order, Humble shall make such filings under its rate schedules as are required to make effective the terms of the settlement proposal.

(N) Upon full compliance by Humble with all the terms and provisions of this order, the section 4(e) proceedings listed in Appendixes A and B hereto, and the section 5(a) proceedings in Docket Nos. G–9287 and G–9288, shall terminate.

(O) Upon termination of the section 4(e) proceedings listed in Appendix C hereto, in accordance with paragraph (N) above, said proceedings shall be severed from the consolidated proceedings in Docket Nos. AR61–2, AR64–1, and AR64–2, respectively; the section 7(c) proceedings listed in Appendix C are hereby severed from their respective consolidated proceedings.

(P) This order is without prejudice to any findings or orders which have been or may be made hereafter by the Commission, and is without prejudice to claims or contentions which may be made by Humble, the Commission staff, or any affected party hereto, in any proceedings now pending, including area rate or similar proceedings, or hereafter instituted by or against Humble or any other companies, person or parties affected by this order.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

APPENDIX A

Texas RRC District No. 1—14.65 psia

Rate schedule No.	Field (area)	Purchaser	Docket number: Certificate	Docket number: Section 4(e) rate increase	Cents/Mcf at area pressure base (subject to Btu adjustment where applicable): Not subject to refund	Rate in effect Feb. 1, 1964	Proposed settlement rate
134	Vinegarone	El Paso Natural	G-14840		14.0	14.0	14.0
170	San Miguel Creek and Dilworth	Transcontinental	G-20136	RI64-599 [1]	*14.189	14.189	[33] 14.189
	Texas RRC District No. 2—14.65 psia						
4	Cabeza Creek Gottschoit-Weesatche	United Gas	G-3066		12.1536	12.1536	[3] 13.1664
6	Heyser	Tennessee Gas	G-3067	G-17144 [5]	11.02818	15.33333	[36] 15.0
7	Hordes Creek	United Gas	G-3068		12.1536	12.1536	[3] 13.1664
137	Ramierna SW	Natural Gas Pipe	G-15254	RI63-383 [3]	*14.5	15.5	14.5
270	Theis Wilcox	Texas Eastern	CI61-1254		12.0	12.0	12.0
272	Heard Ranch and Medio Creek	Trunkline	CI61-1306		*15.25	15.25	15.25
273	Normanna	United Gas	CI61-1360		*17.595	17.595	16.0
312	Ramirena SW	Valley Gas Trans	CI63-287		*14.0	14.0	14.0
	Texas RRC District No. 3—14.65 psia						
1	Sabine Tram	Trunkline	G-3079	RI63-84 [3]	9.78656	15.144	[36] 15.0
122	Rock Island (Luckett Unit)	Tennessee Gas	G-12171	G-17144 [3]	*13.2782[illegible]	15.95016	[33 37] 14.6
125	West Rock Island	do	G-13108	G-17144 [3]	*13.2782[illegible]	15.95016	[33 37] 14.6
318	South Angleton	Natural Gas Pipe	CI63-621		*18.0	18.0	17.0
338	Sugar Valley	do	CI61-157		*16.0	16.0	16.0
343	Big Hill	Texas Eastern	G-4111	RI64-227	*14.6	14.6	14.6
	Texas RRC District No. 4—14.65 psia						
11	District No. 4 Area	Tennessee Gas	G-3072	G-19429 [3] RI60-308 [3]	12.12268	17.24347	[36] 15.0
17	Mariposa	Tennessee Gas	G-3078	G-19429 [3] RI60-308 [3]	12.12268	17.24347	[36] 15.0
113	Brownlee	Alfred Prod	G-9616		10.0960	10.0960	10.0960
139	West Charamousca	Coastal States	G-15272		9.0	9.0	9.0
271	Chihuahua	So. Texas Gas	CI61-1296		*14.7	14.7	14.7
339	So. Lundell	Natural Gas Pipe	CI63-1453		*16.0	16.0	16.0
	Texas RRC District No. 6—14.65 psia						
21	Woodlawn	Mississippi River Fuel	G-3083	RI62-296	14.1344	14.6392	[37] 14.6
38	Waskom	Arkansas Louisiana	G-3100		11.7438	11.7438	11.7438
108	Red Springs	Lone Star	G-8523	RI64-25	14.49	16.56	[36] 15.0
111	Woodlawn	Mississippi River Fuel	G-8835	RI61-542 RI64-692 [4]	13.630	14.1344	[37] 14.6
151	SE. Joaquin	Texas Eastern	G-17862	RI61-132 RI62-102	14.8		[3] 14.8
267	Mt. Selman	United Gas	CI61-1098		10.8876	10.8876	10.8876
315	E. Woodlawn	Arkansas Louisiana	CI63-501		*11.2996	11.2996	11.2996
	Texas RRC District No. 10—14.65 psia						
18	Texas Hugoton	Phillips Petroleum	G-3080		6.195	6.195	6.195
20	Texas Hugoton	do	G-3082		10.0853	10.0853	10.0853
70	Panhandle (Pampa)	do	G-6773		4.2431	4.2431	4.2431
121	Hansford	Northern Natural	G-12175	RI63-64 [6]	*16.5	17.5	16.5
153	W. Panhandle	Colorado Interstate	G-18123	RI64-408 [7]	*12.0	12.0	12.0
239	Panhandle Area	Transwestern	G-15714		*17.0	17.0	17.0
252	Hansford Field (Nollner)	Panhandle Eastern	CI61-697		*16.5	16.5	16.5
303	Hansford (Hurliman Unit)	do	CI62-1094		*17.0	17.0	17.0
334	Hansford	Northern Natural	CI64-164		*15.0	15.0	15.0
	Mississippi—15.025 psia						
27	Carthage Point	Humble Gas Trans	G-3102	RI62-253	14.0	16.0	[3] 14.0
39	Sandy Hook-Angie	Southern Natural	G-3132	G-9679 [10] G-11539 [10] (Miss.) G-16958 [10] RI63-186 [10] (La.)	15.968 16.0	17.016 16.5	[3] 15.968 [38] 16.0
110	Pistol Ridge	United Gas	G-8816	G-20086	*20.126	24.0	20.0
126	Gwinville	Southern Natural	G-3105	G-14107 RI63-194	7.3236	21.0	[35 39] 15.0256
154	Soso	United Gas	G-3103	G-18670	11.979	22.88	14.0
155	Baxterville	do	G-3104	G-18670	11.979	22.88	14.0
	Louisiana—South—15.025 psia						
23	Erath	United Fuel Gas	G-3109	G-9508 [10] G-11313 [10] G-13615 [10] G-16687 [10] G-20014 [10]	*21.50	22.8810	21.25
24	Cameron Meadows	do	G-3108	G-9521 [10] G-11314 [10] G-13443 [10] G-16687 [10] G-19903 [10] RI61-132 [10] RI62-82 [10] RI63-94 [10] RI64-236 [11]	*17.5	20.7	17.5

See footnotes at end of table.

Louisiana—South—15.025 psia—Continued

Rate schedule No.	Field (area)	Purchaser	Docket number		Cents/Mcf at area pressure base (subject to Btu adjustment where applicable)		
			Certificate	Section 4(e) rate increase	Not subject to refund	Rate in effect Feb. 1, 1964	Proposed settlement rate
25	Ellis	do	G-3110	G-9522 [10] G-11315 [10] G-13443 [10] G-16801 [10] G-19903 [10] RI61-132 [10] RI62-82 [10] RI63-94 RI64-236 [11]	*17.5	20.7	17.5
26	Avery Island	do	G-3106	G-9523 [10] G-11316 [10] G-13443 [10] G-16801 [10] G-19903 [10] RI61-132 [10] RI62-82 [10] RI63-94 [10] RI64-236 [11]	*17.5	20.7	17.5
34	Roanoke	United Gas	G-3116		10.5	10.5	10.5
35	Duck Lake	do	G-3112	G-9574 [10] G-11317 [10] G-13609 [10] G-15180 [10]	15.25	22.95	[6] 18.0
36	South Crowley	Tennessee Gas	G-3117	G-16698 [10]	10.72633	22.8333	15.75
37	Bayou Sale	do	G-3107	G-16698 [10]	10.72633		[12] 15.75
120	Bayou Des Glaise	Gas Gathering Corp	G-11857	G-20214 [10]	*15.25	20.55 [10a]	15.75
123	Lapeyrouse	United Gas	G-12422	RI62-321 [10]	*20.25	22.25	20.25
124	Halter Island, Palmetto Bayou, Bayou Penchant, Deer Island, 4-League Bay.	do	G-13009	RI64-22	*21.75	22.75	21.25
127	Lake Palourde	Texas Gas Trans	G-14154	RI62-287 [10]	*21.75	23.75	21.25
135	Florence	United Fuel Gas	G-14967	G-16957 [10] G-19903 [10] RI61-132 [10] RI62-82 [10] RI63-94 [10]	*18.70	20.70	18.70
140	Cheniere Perdue	American Louisiana	G-15365	RI64-72	*19.75	22.25	19.75
143	Chalkley	Texas Gas Trans	G-3101		12.5464	12.5464	12.5464
145	Go Around Bayou	United Fuel Gas	G-17105	G-19903 [10] RI61-132 [10] RI62-82 [10] RI63-94 [10] RI64-236 [11]	*19.10	20.7	19.10
149	N. E. Gibson	United Gas	G-17570	RI62-393 [10]	*20.25	22.25	20.25
156	Cheniere Perdue, E	American Louisiana	G-18605		*19.75	19.75	19.75
166	Calcasieu Pass	United Fuel Gas	G-19416	RI61-133 [10] RI62-83 [10] RI63-95 [10] RI64-237	*19.50	20.7	19.50
235	Weeks Island	United Gas	G-9726	RI60-187 [10]	*10.497	23.55	17.5
245	Houma	do	G-3111	RI61-78 [10]	*10.497	23.25	15.75
281	Bayou Sale and Bayou Carlin	Trunkline	CI60-259		*23.25	23.25	21.25
314	Duck Lake (C. N. Johnston)	United Gas	CI63-455	RI63-172 [10]	*14.25	22.95	18.0

Louisiana—North—15.025 psia

172	Dubach	Mississippi River Fuel	G-4552		13.70	13.70	13.70
173	Sugar Creek	United Gas	G-4554		13.05076	13.05076	13.05076
176	Hico-Knowles and Choudrant	Mississippi River Fuel	G-4551		13.70	13.70	13.70
185	Ivan	Arkansas Louisiana	G-4555		13.453	13.453	13.453
195	Red Rock and E. Red Rock	Louisiana-Nevada Transit	G-10230		13.0	13.0	13.0
201	Bethany-Longstreet	Texas Eastern	G-11224	RI64-236 [13]	15.8007	15.8007	[36] 16.7756
216	Bull Creek	Texas Gas Trans	G-15268		*18.25	18.25	18.25
222	Cotton Valley	United Gas	G-17472		13.55076	13.55076	13.55076
223	Red Rock-N. Shongaloo R. Carterville	Texas Gas Trans	G-18289		*18.25	18.25	18.25
224	Red Rock-N. Shongaloo	do	G-18290		*15.75	15.75	15.75
225	do	do	G-18291		*13.75	13.75	13.75
228	Locust Ridge	Tensas Gathering	G-19048		*14.5	14.5	14.5
230	Mt. Sinai	Arkansas Louisiana	G-19597		13.453	13.453	13.453
231	Calhoun	Texas Gas Trans	G-20036		*18.75	18.75	18.75
233	Ada	Arkansas Louisiana	G-11378		*11.256	11.256	11.256
268	Cheniere Creek	do	CI61-1177		*18.33	18.33	18.33
305	Menden	Texas Gas Trans	CI62-1236		*18.25	18.25	18.25
306	Colquitt	Arkansas Louisiana	G-15893		13.453	13.453	13.453
309	Cheniere Brake	do	CI63-30		*18.333	18.333	18.333
310	Holly Ridge	American Louisiana	CI61-307		*18.5	18.5	18.5
324	Killens Ferry	United Fuel Gas	G-19191	RI64-267 [13]	*18.5	18.5	18.5

Oklahoma—Panhandle—14.65 psia

181	Floris (M. B. Dorman Lease)	Michigan Wisconsin	G-4987		*10.0	10.0	10.0
189	S. Greenough (Tretbar Unit)	do	G-6827		*10.0	10.0	10.0
190	Blair Unit	Natural Gas Pipe	G-9567	G-11752 [41] G-14261 [41] RI61-392 [6] RI62-306 [6] RI63-216 [6]	*16.0	17.4	[34] 16.0
191	Camrick SE	do	G-9765 G-11836 G-13188	G-12208 [41] G-14667 [41] G-17990 [41] RI60-186 [6] RI61-392 [6] RI62-353 [6] RI63-330 [6] RI64-621 [13]	*16.0 [37] *16.2 [38] *16.4	17.4	16.0 [39] 16.2 [39] 16.4
194	Camrick (Washburn-Topping Units)	Kansas Nebraska	G-10166	RI61-542 [6]	*16.0	17.0	16.0
196	So. Greenough	Panhandle Eastern	G-10322	RI62-168 [6]	12.2827747	13.1760674	12.2827747
197	Mocane	Colorado Interstate	G-10383 [16] G-12353 [17] G-16793	RI62-401 [6]	*15.0	17.0	**15.0

See footnotes at end of table.

Oklahoma—Panhandle—14.65 psia—Continued

Rate schedule No.	Field (area)	Purchaser	Docket number: Certificate	Docket number: Section 4(e) rate increase	Cents/Mcf at area pressure base (subject to Btu adjustment where applicable): Not subject to refund	Rate in effect Feb. 1, 1964	Proposed settlement rate
198	Greenough (Elden Beard Unit)	Panhandle Eastern	G-10920	RI62-223 [6] RI63-194 [6]	*12.2827747	17.0	12.2827747
199	Greenough (J. L. Still Unit)	do	G-10924	RI62-223 [6] RI63-194 [6]	*12.2827747	17.0	12.2827747
200	Camrick SE. (Gulf Coast Western "B" Unit).	Natural Gas Pipe	G-11109	G-15176 [41] G-18463 [41] RI60-361 [6] RI61-392 [6] RI62-401 [6] RI63-406 [6] RI64-692 [13]	*16.2	17.4	16.2
202	Guymon-Hugoton (Enns)	Panhandle Eastern	G-11608	G-14666 [41] G-17990 [41] RI60-186 [6] RI61-392 [6] RI62-354 [6] RI63-338 [6] RI64-620 [19]	*16.0 *17.0	17.2	16.0 [20] 17.0
203	Elmwood SE. and SW. (Ross Mitchell Unit).	Northern Natural	G-11739	RI62-253 [6]	*15.0	16.0	**15.0
205	Greenough-Light (Prewitt C-653)	Panhandle Eastern	G-12026	RI62-224 [6] RI63-195 [6]	*12.2827747	17.0	12.2827747
213	Camrick SE. (Trimmel Unit)	Natural Gas Pipe	G-14638	G-18090 [41] RI60-186 [6] RI61-392 [6] RI62-354 [6] RI63-331 [6] RI64-620 [26]	*16.4	17.4	16.4
215	Camrick SE. (Alice McDonald)	do	G-15095	G-18325 [41] RI60-186 [6] RI61-392 [6] RI62-354 [6] RI63-338 [6] RI64-620 [24]	*16.4	17.4	16.4
220	Camrick SE. (York Unit)	do	G-16973	G-18090 [41] RI60-186 [6] RI61-392 [6] RI62-354 [6] RI63-338 [6] RI64-620 [21]	*16.4	17.4	16.4
221	Dower (W. Arthur Gray Unit)	Northern Natural	G-15900	RI61-92 [6] RI62-488 [6]	*15.5	17.5	15.5
227	Camrick SE. (C. B. Gift Unit)	Natural Gas Pipe	G-18882	RI60-186 [6] RI61-392 [6] RI62-354 [6] RI63-338 [6] RI64-620 [21]	*16.6	17.4	16.6
229	Camrick SE. (G. O. Pope)	do	G-19515	RI60-186 [6] RI61-392 [6] RI62-354 [6] RI63-336 [6] RI64-620 [21]	*16.6	17.4	16.6
242	Camrick (Collins Unit)	do	CI60-828	RI61-392 [6] RI62-354 [6] RI63-338 [6] RI64-620 [21]	*16.8	17.4	16.8
253	Camrick (Gray Unit)	do	CI61-723	RI61-392 [6] RI62-354 [6] RI63-338 [6] RI64-620 [21]	*16.8	17.4	16.8
297	Mocane Light	Western Gas Service	CI62-619		*9.8262	9.8262	9.8262
256	NW. Dower Gas (Sager & Sims Units)	Natural Gas Pipe	CI61-1050	RI62-411 [6] RI63-339 [6] RI64-621 [13]	*17.0	17.4	17.0
279	Camrick (Mayflo-Kerns Unit)	Northern Natural	CI62-566		*17.0	17.0	17.0
321	Camrick	Natural Gas Pipe	CI63-681		*17.0	17.0	17.0
326	Camrick	do	CI63-1120		*12.0	12.0	12.0
327	Como	Northern Natural	CI63-1162		*17.0	17.0	17.0
333	Camrick	Natural Gas Pipe	CI64-86		*12.0	12.0	12.0

Oklahoma—Other—14.65 psia

171	Katie	Lone Star Gas	G-4992	RI60-270	8.0	12.35	[36] 10.0
175	Dillard Gas (Plant Residue)	do	G-4801	RI60-262	11.0	16.8	[36] 12.0
180	W. Edmond	Cities Service	G-4910		10.5	10.5	10.5
183	Golden Trend Nat.	Lone Star Gas	G-4986	RI60-270	11.0	16.8	[36] 12.0
209	Chickasha	Arkansas Louisiana	G-13574	RI63-383	12.0	13.0	12.0
219	Golden Trend (Grimes Lease)	Lone Star Gas	G-17046	RI60-262	11.0	16.8	[36] 12.0
284	Beaver NW	Arkansas Louisiana	CI62-242	RI63-383	*12.0	13.0	12.0
285	Beaver NW	do	CI62-243	RI63-383	*12.0	13.0	12.0
286	Richland	do	CI62-244	RI63-383	*12.0	13.0	12.0
328	Sho-Vel-Tum	Lone Star Gas	CI63-1163	RI63-471	*15.0	16.0	15.0
337	Arkoma Area	Arkansas Louisiana	CI63-20		*15.0	15.0	15.0

Oklahoma—Carter Knox—14.65 psia

232	Deep Knox	Lone Star Gas	G-20293	RI63-471	*16.8	17.9	16.8

North Dakota

187	Cedar Creek	Montana-Dakota	G-4988		* 5.0	5.0	[33] 5.0

See footnotes at end of table.

Wyoming—15.025 psia

Rate schedule No.	Field (area)	Purchaser	Docket number		Cents/Mcf at area pressure base (subject to Btu adjustment where applicable)		
			Certificate	Section 4(e) rate increase	Not subject to refund	Rate in effect Feb. 1, 1964	Proposed settlement rate
184	Worland	Montana-Dakota	G-4909	RI64-624	10.5	10.5	[34] [35] 14.0256
210	E. LaBarge	El Paso Natural	G-13679	RI62-122	*15.384	17.0	15.384
214	Elk Basin (Plt. Res.)	Montana-Dakota	G-4862		* 8.0	8.0	8.0
218	Dry Piney Unit	Mountain Fuel	G-16430	RI64-408 [23]	*15.0	15.0	15.0
226	Elk Basin (Johnson-Watson #14)	Montana-Dakota	G-18486		*10.0	10.0	[35] 13.0
249	Green River	El Paso Natural	C160-65		*15.384	15.384	15.384
250	Figure 4 Canyon Unit	do	C160-66		*15.384	15.384	15.384
335	Vermilion Creek	Mountain Fuel	C163-1542		*12.0	12.0	12.0
	Kansas—14.65 psia						
188	Hugoton	Northern Natural	G-5143		*11.0	11.0	11.0
192	Hardtner	Cities Service	G-10073	G-20281 [6] [41]	*12.0	13.0	12.0
193	Greenwood	Colorado Interstate	G-10131	G-17785 [6] [41] RI64-387 [24]	*15.0	16.0	**15.0
204	Taloga	Panhandle Eastern	G-14793	RI62-354 [6]	*15.5	16.5	15.5
			G-11922		[20] *16.0	[20] 16.0	[20] 16.0
206	Light	do	G-12855	RI62-224 [6] RI63-195 [6]	*12.2827747	17.0	12.2827747
207	Adams Ranch	Colorado Interstate	G-12869	RI62-401 [6]	*15.0	17.0	**15.0
208	Hugoton	Northern Natural	G-13278	RI61-132 [6]	*12.0	17.0	12.0
211	Greenough-Leslie	Panhandle Eastern	G-14292	RI63-216 [6]	*16.0	17.0	16.0
217	Hugoton	Northern Natural	G-15913	RI62-488 [6]	*13.5	14.5	13.5
240	Hugoton	Colorado Interstate	G-4861	RI60-474 [6] RI64-369 [26]	8.0	12.5	11.0
329	Hugoton	Kansas-Nebraska	G-4991		11.0	11.0	11.0
	Utah—15.025 psia						
212	Aneth Area	El Paso Natural	G-14389		*17.7	17.7	17.7
	Nebraska						
174	West Big Springs	Kansas-Nebraska	G-4803		12.625	12.625	[37] 12.625
	Colorado—15.025 psia						
336	Blanco	El Paso Natural	CI64-340	RI64-408 [28]	*12.0	12.0	[38] 13.0
	New Mexico—San Juan—15.025 psia						
146	Bisti	El Paso Natural	G-17200	RI64-49 RI64-387 [29]	*13.0	13.2535	13.0
162	No. Lindrith (Mesaverde)	do	G-19315	RI64-49 RI64-387 [30]	12.0	12.2340	[39] 13.0

*Initial rate.
**Rate subject to upward Btu adjustment.
[1] Increase to 15.2025 cents suspended until August 10, 1964, RI64-509.
[2] Increase to 13.1664 cents effective June 19, 1964.
[3] Consolidated in AR64-2, et al.
[4] Increase to 14.6392 cents suspended until October 1, 1964, RI64-692.
[5] Abandoned July 18, 1963. Last effective rate was 15.2 cents.
[6] Consolidated in AR64-1, et al.
[7] Increase to 13.0 cents suspended until November 1, 1964, RI-64-408.
[8] Application for abandonment filed.
[9] Applies to Mississippi sales only; Louisiana reserves depleted and leases abandoned.
[10] Consolidated in AR61-2, et al.
[10a] First 3,000 Mcf/D. 21.30 cents for excess.
[11] 21.1 cents effective April 1, 1964.
[12] Abandoned December 17, 1962. Last effective rate was 22.8333 cents.
[13] 16.8263 cents effective April 1, 1964, RI-64-236.
[14] Abandoned September 19, 1962.
[15] Increase to 17.6 cents suspended to August 21, 1964, RI64-621.
[16] Does not include acreage added by Supplement No. 9, which is included in Appendix B.
[17] Does not include acreage added by Supplement No. 7, which is included in Appendix B.
[18] Increase to 17.6 cents suspended to October 10, 1964, RI64-692.
[19] Increase to 17.4 cents suspended to August 22, 1964, RI64-620.
[20] Applicable to acreage added by supplement.
[21] Increase to 17.6 cents suspended to August 21, 1964, RI64-620.
[22] Rate stated at 15.025 psia.
[23] Increase to 16.0 cents suspended to June 6, 1964, RI64-408.
[24] Increase to 13.0 cents filed May 1, 1964.
[25] Increase to 17.0 cents suspended to June 1, 1964, RI64-387.
[26] Increase to 13.5 cents suspended to June 1, 1964, RI64-369.
[27] Rate stated at 16.4 psia.
[28] Increase to 13.0 cents suspended to June 1, 1964, RI64-408.
[29] Increase to 14.2730 cents suspended to June 1, 1964, RI64-387.
[30] Increase to 13.2535 cents suspended to June 1, 1964, RI64-387.
[31] Humble will delete the provision of Article XI, Section 2, of the contract (first paragraph, page 15) which guarantees 1 cent/Mcf for liquids.
[32] Humble will delete the provision of Article XIV, Section 2, of the contract (first paragraph, page 20) which guarantees 1 cent/Mcf for liquids.
[33] Certain sour flash vapor gas at a rate of 5.0 cents per Mcf covered by amendment dated January 21, 1963, Supplement No. 1 to Rate Schedule No. 170.
[34] Increase to 15.384 cents suspended to August 1, 1964, RI64-624.
[35] Rates are subject to 0.21931 cent per Mcf deduction for dehydration, as applicable.
[36] Humble to delete any favored nation, price redetermination and fixed price escalation provisions in the rate schedule.
[37] Humble to delete any favored nation or price redetermination provisions in the rate schedule.
[38] Rate for refund purposes.
[39] Rate subject to 0.5 cent per Mcf deduction for gas requiring compression by purchaser.
[40] Settlement rate includes 0.15 cent per Mcf service charge for services performed by seller.
[41] Formerly The Carter Oil Company.

APPENDIX B; PENDING CERTIFICATE APPLICATIONS AND AMENDMENTS

Texas RRC Dist. No. 3—14.65 psia

Rate schedule No.	Field (area)	Purchaser	Docket number		Cents/Mcf at area pressure base (subject to Btu adjustment where applicable)		
			Certificate	Section 4(e) rate increase	Not subject to refund	Rate in effect Feb. 1, 1964	Proposed settlement rate
325	Quicksand Creek	Trunkline	CI63-1057		*17.0	17.0	17.0
342	Pledger-Miocene	Natural Gas Pipe	CI64-677		*17.0	17.0	17.0
	Texas RRC Dist. No. 4—14.65 psia						
244	No. Magnolia City	Tennessee Gas	CI61-158		*17.24347	17.24347	15.0
341	NE Kohler, et al	do	CI64-298		*16.0	16.0	16.0
349	Willamar and Willamar SE	Natural Gas Pipe	CI64-297		*16.0		16.0
350	Sal del Rey; Sal del Rey, West; La Coma and Cerda.	do	CI64-299		*16.0		16.0
	Texas RRC Dist. No. 6—14.65 psia						
307	Bryans Mill	Natural Gas pipe	CI62-1275		*15.0	15.0	15.0
	Mississippi—15.025 psia						
295	Gwinville (Unit 112)	United Gas	CI62-542	G-18107	11.97872	22.88	[4] 15.0256
	Oklahoma—Panhandle—14.65 psia						
197	Mocane	Colorado Interstate	G-10383 [1] G-12353 [2]	RI62-401 [3]	*15.0	17.0	**15.0
248	E. Mocane	Panhandle Eastern	CI60-578		*17.0	17.0	**17.0
322	Mocane-Laverne	do	CI63-731		*17.0	17.0	17.0
340	Mocane	Colorado Interstate	CI64-626		*17.0	17.0	**17.0
	Kansas—14.65 psia						
254	Light Heirs Farm	Panhandle Eastern	CI61-771		*16.0	16.0	**16.0
255	Hugoton (Ediger Unit)	Colorado Interstate	CI61-794	RI64-518	*12.5 *15.0	13.5	12.5 [5] **15.0
	Utah—15.025 psia						
296	Walker Hollow Unit	El Paso Natural	CI62-620		*15.0	15.0	15.0

*Initial rate.
**Rate subject to upward Btu adjustment. Certificate, with respect to the Btu adjustment provision, shall be subject to ultimate disposition in Docket No. R-200, prospectively, from effective date of final order in Docket No. R-200.
[1] Applicable only to acreage added by Supplement No. 9.
[2] Applicable only to acreage added by Supplement No. 7.
[3] Consolidated in AR64-1, et al.
[4] Humble to delete any favored nation, price redetermination and fixed price escalation provisions in the rate schedule.
[5] Applies to gas produced from below base of Chase formation.

APPENDIX C

Dockets in AR61-2		Dockets in AR64-1		Dockets in AR64-2	
Docket No.	R.S. No.	Docket No.	R.S. No.	Docket No.	R.S. No.
G-9508	23	G-11752	190	G-17144	6
G-9521	24	G-12208	191		122
G-9522	25	G-14261	190		125
G-9523	26	G-14666	202	G-19429	11
G-9574	35	G-14667	191		17
G-9679	39	G-15176	200	RI60-308	11
G-11313	23	G-17785	193		17
G-11314	24	G-17990	191	RI63-84	1
G-11315	25		202	RI63-383	137
G-11316	26	G-18090	213	RI64-227	343
G-11317	35		220		
G-11539	39	G-18325	215		
G-13443	24	G-18463	200		
	25	G-20281	192		
	26	RI60-186	191		
G-13609	35		202		
G-13615	23		213		
G-15180	35		215		
G-16687	23		220		
	24		227		
G-16698	36		229		
	37	RI60-361	200		
G-16801	25	RI60-474	240		
	26	RI61-92	221		
		RI61-132	208		

Dockets in AR61-2		Dockets in AR64-1		7(c) Dockets consolidated in Docket Nos. G-4281 et al.	
Docket No.	R.S. No.	Docket No.	R.S. No.	Docket No.	R.S. No.
G-16957	135	RI61-392	190	G-12353	197-7
G-16958	39		191	CI60-578	248
G-19903	24		200	CI61-771	254
	25		202	CI61-794	255
	26		213		
	135		215		
	145		220	7(c) Dockets consolidated in Docket Nos. G-18077 et al.	
G-20014	23		227		
G-20214	120		229		
RI60-187	235		242	Docket No.	R.S. No.
RI61-78	245		253		
RI61-132	24	RI61-542	194		
	25	RI62-168	196		
	26	RI62-223	198	CI63-1057	325
	135		199	CI64-677	342
	145	RI62-224	205		
RI61-133	166		206	7(c) Dockets consolidated in Docket Nos. G-17960 et al.	
RI62-82	24	RI62-253	203		
	25	RI62-306	190		
	26	RI62-353	191	Docket No.	R.S. No
	135	RI62-354	202		
	145		204		
RI62-83	166		213		
RI62-287	127		215	CI61-158	244
RI62-321	123		220	CI64-297	349
RI62-393	149		227	CI64-298	341
RI63-94	24		229	CI64-299	350
	25		242		
	26		253		
	135	RI62-401	197	7(c) Docket consolidated in Docket Nos. CI62-508 et al.	
	145		200		
RI63-95	166		207		
RI63-172	314	RI62-411	256	Docket No.	R.S. No.
RI63-186	39	RI62-488	217		
			221		
		RI63-64	121		
		RI63-194	198	CI62-1275	307
			199		
		RI63-195	205		
			206		
		RI63-216	190		
			211		
		RI63-330	191		
		RI63-331	213		
		RI63-338	202		
			215		
			220		
			227		
			229		
			242		
			253		
		RI63-339	256		
		RI63-406	200		

[F.R. Doc. 64-6996; Filed, July 16, 1964; 8:45 a.m.]

[Docket No. CP64-89]

CITIES SERVICE GAS CO. AND NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application To Amend

JULY 10, 1964.

Take notice that on May 18, 1964, Cities Service Gas Company (Cities Service), First National Building, Oklahoma City 1, Oklahoma, and Natural Gas Pipeline Company of America (Natural), 122 South Michigan Avenue, Chicago, Illinois, 60603, filed a joint motion in Docket No. CP64-89 to extend to May 1, 1965, the period during which natural gas may be exchanged, and to change the point of delivery to Carter County, Oklahoma, for gas now delivered by Natural to Cities Service in Garvin County, Oklahoma, as authorized by order issued January 2, 1964, in said docket, all as more fully set forth in the motion to amend on file with the Commission, and open to public inspection.

The motion to amend states that on January 2, 1964, in the subject docket, the Commission issued a certificate authorizing Cities Service and Natural to construct certain facilities and to exchange up to 40,000 Mcf of natural gas daily for a period terminating May 1, 1964. Exchange deliveries for reasons of pressure differential made through Lone Star Gas Company by Natural to Cities Service are now proposed to be made directly to Cities at a delivery point in Carter County, Oklahoma. The change in delivery point will utilize existing facilities and will simplify the exchange by eliminating the participation of Lone Star Gas Company.

Protests, petitions to intervene or requests for hearing in this proceeding may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 30, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-7102; Filed, July 16, 1964; 8:47 a.m.]

[Docket Nos. G-19866, RI60-283]

HIGHLAND OIL CO.

Order Accepting Offer of Settlement, Requiring Filing of Notice of Change and Contract Amendment, and Terminating Proceedings

JULY 2, 1964.

On May 15, 1964, Highland Oil Company (Highland) submitted an offer of settlement in these proceedings pursuant to section 1.18(e) of the Commission's rules of practice and procedure. The offer involves proposed increased rates for sales of natural gas made to Tennessee Gas Transmission Company (TGT) by Highland. The offer relates to a sale made under Highland's FPC Gas Rate Schedule No. 2 in Duval County, Texas (Texas R.R. Com. District No. 4). The proposed increased rates of 15.0952 cents and 17.24347 cents per Mcf were suspended by order of the Commission for the statutory period, and were made effective by Highland on April 1, and October 6, 1960, respectively.

Under the terms of the offer, Highland proposes to eliminate the favored-nation, price redetermination and their periodic escalation provisions from its rate schedule and to establish a 15 cents per Mcf rate for the subject sale. Highland's annual revenues will be decreased about $5,200 from the presently effective rates. No protests or objections have been filed to the offer.

Highland, in its offer, proposes to refund all amounts collected, subject to refund, for sales of natural gas to TGT under the subject rate schedule in excess of the settlement rate.[1] The estimated total dollars to be refunded approximates $18,800, exclusive of interest.

The proposed settlement is consistent with the provisions of the Second Amendment to the Commission's Statement of General Policy No. 61-1, issued December 20, 1960, 24 F.P.C. 1107, as amended by Order No. 264, issued March 27, 1963, 29 F.P.C. 589, and its acceptance would serve the public interest.

However, we desire to make it clear that acceptance of Highland's offer of settlement shall not be construed as approval of any future increased rate filed in accordance with its reservation of the right to file increases to cover future tax increases. Nor, may our action herein be construed as constituting approval of any future rate increase that may be filed under the subject rate schedule, and is without prejudice to any findings or order of the Commission in any future proceedings, including area rate or other similar proceedings, involving Highland's rate and rate schedule.

The Commission finds: The proposed settlement of each of the above-designated proceedings, on the basis described herein, as more fully set forth in the order of settlement filed with the Commission by Highland on May 15, 1964, is in the public interest and appropriate to carry out the provisions of the Natural Gas Act and should be approved and made effective as hereinafter ordered.

The Commission orders:

(A) The offer of settlement filed with the Commission by Highland on May 15, 1964, is hereby approved in accordance with the provisions of this order.

(B) Highland shall file, within 30 days from the date of issuance of this order, a notice of change in rate providing for the 15 cents per Mcf rate specified in its offer of settlement, and an executed contractual amendment to its FPC Gas

[1] Highland's FPC Gas Rate Schedule No. 2 is subject to a dehydration charge by TGT, for which allowance must be made in computing the refund.

Rate Schedule No. 2, eliminating the favored-nation, price redetermination, and the periodic escalation provisions therefrom. The notice of change and the contractual amendment shall be submitted in accordance with Part 154 of the Commission's regulation under the Natural Gas Act.

(C) Highland shall refund to TGT to the date of issuance of this order the difference between the rates collected subject to refund under the rate schedule herein and the settlement rate, making account for proper charges, with simple interest at 7 percent, and shall report to the Commission, in writing, within 30 days from the date of issuance of this order, the amount of such refund, showing separately the amount of principal, and interest, and the bases for determination, together with a copy of a release from TGT with respect to such refunds.

(D) Upon notification by the Secretary of the Commission that Highland has complied with the terms and conditions of the order, the rate and charge of 15 cents per Mcf at 14.65 psia, specified in its offer of settlement, subject to any applicable contract deductions, shall be effective as of the date of issuance of this order, the above designated proceedings shall be deemed terminated insofar as they relate to Highland's FPC Gas Rate Schedule No. 2, and severed from the consolidated area rate proceeding (Texas Gulf Coast Area) in Docket No. AR64–2 without further order of the Commission.

(E) The acceptance by the Commission of Highland's offer of settlement, is without prejudice to any findings or determinations that may be made in any proceeding now pending, or hereafter instituted by or against Highland, including area rate or other similar proceedings.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64–7103; Filed, July 16, 1964; 8:47 a.m.]

[Project No. 1971]

IDAHO POWER CO.

Order Approving Continuance of Hearing

JULY 13, 1964.

Pursuant to the Commission's Order issued December 11, 1963, the Presiding Examiner convened a hearing on June 2, 1964, and received further evidence with respect to the evaluation of fish facilities installed at the Brownlee and Oxbow developments prior to the order of December 11, 1963.

The order of December 11, 1963, among other things, prescribed temporary fish facilities and operations at the Hells Canyon development during construction, and amended and supplemented prior interim orders prescribing fish facilities and operations with respect to the Brownlee and Oxbow developments.

The facilities prescribed by the order of December 11, 1963, have not been completed. Consequently, no evaluation studies are available with respect to the operation of such facilities. The fish facilities installed and operations in effect prior to the order of December 11, 1963, are described and evaluated by the fishery agencies in a report (Exhibit 497) presented by the Idaho Department of Fish and Game at the June 2, 1964, hearing. Additional evaluation may be required after further operating experience with those facilities which remain.

At the close of the hearing on June 2, 1964, all parties agreed that the investigation had progressed as far as would be profitable at this time and should be recessed indefinitely. After discussion, there was general agreement with this suggestion.

Our staff is being directed to periodically review the matters pertaining to this investigation. Pending the results of further experience and evaluation with respect to the fishery resources, the investigation should be recessed indefinitely, subject to being reconvened by further order of the Commission.

The Commission finds: In view of the foregoing, the continuance in excess of 30 days granted by the Presiding Examiner to convene upon further order by the Commission should be approved.

The Commission orders: The continuance granted by the Presiding Examiner until an order by the Commission convening a further hearing, is hereby approved.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64–7104; Filed, July 16, 1964; 8:47 a.m.]

[Docket No. CP64–268]

LONE STAR GAS CO.

Notice of Application

JULY 13, 1964.

Take notice that on April 30, 1964, Lone Star Gas Company (Applicant), 301 South Harwood Street, Dallas, Texas, 75201, filed in Docket No. CP64–268 an application pursuant to section 7(c) of the Natural Gas Act, as amended, for a certificate of public convenience and necessity authorizing the construction and operation of facilities for the transportation of natural gas in interstate commerce in Red River County, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate approximately 10.7 miles of 8-inch natural gas transmission pipeline, extending from the terminus of existing Line 0–38–1, near its junction with Line E–22, in a northeasterly direction to Line E–26, near its junction with Line E, in Red River County, Texas.

A proposed increase in deliveries to the Dierks Forests, Inc., insulation board manufacturing plant near Broken Bow, Oklahoma, coupled with increasing demands at other locations on Applicant's Line E and E–26 Systems, require the construction of facilities to strengthen deliveries to this portion of Applicant's pipeline system. The proposed pipeline will not only provide for increased deliveries to the Line E–26 System, but will also strengthen the eastern segment of Applicant's Line E System, affording its customers a more dependable, flexible supply of gas.

Dierks Forests, Inc., estimates its natural gas requirements for the years 1965 through 1969 at 4,740 Mcf per day with ultimate requirements of 6,000 Mcf per day. Applicant estimates the cost of the natural gas pipeline transmission facilities at $183,620, which will be financed from working capital.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 5, 1964.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64–7105; Filed, July 16, 1964; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70–4221]

UTAH POWER & LIGHT CO.

Notice of Proposed Issuance and Sale at Competitive Bidding of Bonds and Preferred Stock

JULY 13, 1964.

Notice is hereby given that Utah Power & Light Company (Utah), 1407 West North Temple Street, Salt Lake City 10, Utah, a registered holding company and a public utility company, has filed a declaration, pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a) and 7 of the Act and Rule 50 thereunder as applicable to the proposed transactions.

All interested persons are referred to the declaration on file at the office of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

Utah proposes to issue and sell, pursuant to the competitive bidding requirements of Rule 50 under the Act, $15,000,000 principal amount of First Mortgage Bonds, __ percent Series due 1994. The interest rate (which shall be a multiple of ⅛ of 1 percent) and the price to be received for the bonds (which price, exclusive of accrued interest, shall be not less than 100 percent nor more than 102¾ percent of the principal amount) are to be determined by competitive bidding. The bonds will be issued under and secured by the company's Mortgage and Deed of Trust, dated December 1, 1943, as heretofore supplemented, and as to be further supplemented by a Fifteenth Supplemental Indenture, dated August 1, 1964.

Utah also proposes to issue and sell, pursuant to the competitive bidding requirements of Rule 50, 200,000 shares of its authorized but unissued $25 par value preferred stock, designated $_____ Cumulative Preferred Stock, Series C. The annual dividend rate (which shall be a multiple of $0.02) and the price, exclusive of accrued dividends, to be received for the preferred stock (which shall be not less than $25 nor more than $25.70 per share) are to be determined by competitive bidding.

Most of the proceeds from the sale of the bonds and preferred stock will be used to retire bank borrowings then to be outstanding, estimated at $18,000,000, and incurred for construction purposes under a Line of Credit dated February 28, 1963. No additional loans will be made thereafter under said Line of Credit. The remaining proceeds, together with cash generated from internal sources, will be applied toward Utah's construction program estimated at $16,400,000 for the year 1964 and $12,400,000 for 1965.

The declaration states that the Public Service Commission of Wyoming and the Idaho Public Utilities Commission have jurisdiction over the proposed issuance and sale of securities, and orders of those commissions are to be supplied by amendment. It is further stated that no State commission, and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

The fees and expenses to be incurred by Utah in connection with the proposed transactions are estimated to aggregate $91,500, of which $62,000 and $29,500 are allocated to the issue and sale of the bonds and preferred stock, respectively. The aforesaid amounts each include $2,500 in auditor's fees and fees of company counsel in the amounts of $9,500 and $3,500 respectively. The fees of counsel for the underwriters, estimated at $6,500 for the bonds and $3,500 for the preferred stock, are to be paid by the successful bidder.

Notice is further given that any interested person may, not later than August 6, 1964, request in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after that date, the declaration, as filed or as amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64-7101; Filed, July 16, 1964; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 14, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 39135: *Asphalt filler to Medina, Ohio.* Filed by O. W. South, Jr., agent (No. A4540), for interested rail carriers. Rates on asphalt filler, in carloads, from Chatsworth, Ga., to Medina, Ohio.

Grounds for relief: Market competition.

Tariff: Supplement 53 to Southern Freight Association, agent, tariff I.C.C. S-263.

FSA No. 39136: *Toluene and xylene to points in Illinois and Indiana.* Filed by Southwestern Freight Bureau, agent (No. B-8568), for interested rail carriers. Rates on toluene and xylene, in tank carloads, from points in Arkansas, Kansas, Louisiana, Missouri, New Mexico, Oklahoma, and Texas, to points in Illinois and Indiana.

Grounds for relief: Carrier competition.

Tariffs: Supplement 352 to Southwestern Freight Bureau, agent, tariff I.C.C. 4279 and supplement 107 to Southern Freight Association, agent, tariff I.C.C. 446 (Marque series).

FSA No. 39137: *T.O.F.C. class rates from and to points in Maine.* Filed by Southwestern Freight Bureau, agent (No. B-8571), for interested rail carriers. Rates on property moving on class rates loaded in trailers and transported on railroad flatcars, between Auburn, Bath and Leeds Jct., Maine, on the one hand, and points in southwestern territory, on the other.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Supplement 25 to Southwestern Freight Bureau, agent, tariff I.C.C. 4571.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64-7114; Filed, July 16, 1964; 8:48 a.m.]

[Rev. S.O. 562, Taylor's I.C.C. Order 174; Amdt. 1]

MISSOURI-ILLINOIS RAILROAD CO.

Rerouting of Traffic

Upon further consideration of Taylor's I.C.C. Order No. 174 (Missouri-Illinois Railroad Company) and good cause appearing therefor:

It is ordered, That, Taylor's I.C.C. Order No. 174 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., August 15, 1964, unless otherwise modified, changed, suspended, or annulled.

It is further ordered, That this amendment shall become effective at 11:59 p.m., July 15, 1964, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., July 13, 1964.

INTERSTATE COMMERCE COMMISSION,

[SEAL] CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 64-7115; Filed, July 16, 1964; 8:48 a.m.]

CUMULATIVE CODIFICATION GUIDE—JULY

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during July.