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Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3604

NINETIETH BIRTHDAY OF HERBERT HOOVER

By the President of the United States of America

A Proclamation

August 10, 1964, marks the ninetieth anniversary of the birth of the Honorable Herbert Hoover—the thirty-first President of the United States.

For more than half a century this distinguished citizen has devoted his time, his talents, and his energies to public service.

His leadership in relief and reconstruction programs following the two World Wars resulted in saving the lives of millions of suffering victims of those wars.

As cabinet member and as President, he served his country with devotion and distinction. His wise counsel has since been sought by the Government on many occasions and, particularly in his service as Chairman of two Commissions on Organization of the Executive Branch, he has made lasting contributions to the efficiency and economy of governmental operations.

It is appropriate that on the anniversary of the birth of this statesman and humanitarian we pause to express our gratitude for his dedicated service to our country and to the world.

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, in consonance with the joint resolution of Congress approved August 6, 1964, do hereby officially recognize and proclaim the ninetieth birthday of the Honorable Herbert Hoover, August 10, 1964, and I urge the people of the United States to pause on that day to reflect upon the many accomplishments of this distinguished American on behalf of all humanity. Finally, in highest tribute to this remarkable citizen and humanitarian, I urge the youth of America to emulate the patriotism, integrity, and high ideals that have marked his career.

In accordance with section 3 of the joint resolution, I direct that the American flag be flown over the White House on August 10, 1964, in special recognition of the former President's ninetieth birthday, and that it then be presented to him as an expression of our love and respect for him.

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 sixth day of August in the year of our Lord nineteen hundred and sixty-four, and 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. 64-8107; Filed, Aug. 7, 1964; 2:24 p.m.]

Index and Regulations

[The page contains extremely faint, illegible text, likely bleed-through from the reverse side of the document. The text is arranged in several columns and appears to be a list or index of items.]



Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission PART 550—PAY ADMINISTRATION (GENERAL)

Allotments and Assignments From Federal Employees

Section 550.304 is amended to authorize the use of payroll allotments for charitable contributions on an experimental basis. Paragraph (c) is added to § 550.304 as set out below.

§ 550.304 Circumstances under which allotments are permitted.

(c) Notwithstanding the provisions of § 550.305 (b) (2), a department may permit an employee to authorize an allotment for charitable contributions in connection with the combined charity drive experiments authorized by the Chairman of the Commission.

(Sec. 6, 75 Stat. 664; 5 U.S.C. 3076; E.O. 10982, 27 F.R. 3, 3 CFR, 1962 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] MARY V. WENZEL,
Executive Assistant to
the Commissioners.

[F.R. Doc. 64-8068; Filed, Aug. 10, 1964; 8:49 a.m.]

Title 7—AGRICULTURE

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER E—DETERMINATION OF SUGAR COMMERCIALY RECOVERABLE

[Sugar Determination 831.4, Rev. 1, Supp. 1]

PART 831—BEET SUGAR AREA

Rates of Recoverability; 1964 Crop

§ 831.11 Rates of recoverability; 1964 crop.

The hundredweight of sugar, raw value, commercially recoverable from sugarbeets of the 1964 crop shall be computed by multiplying the net weight thereof in tons at the time of delivery to a processor by the rate of commercially recoverable sugar which is applicable under the following provisions of this section:

(a) For sugarbeets marketed within a settlement area under any type of agreement other than an "individual test" or a "combined individual-cossette test" contract, the rate of commercially recoverable sugar per ton of beets with respect to each settlement area is established as follows:

Settlement areas by factories in States	1957-63 average sugar content	Rate of commercially recoverable sugar
IDAHO, OREGON, WASHINGTON		
Idaho Falls	16.05	2.979
Nyssa, Nampa	15.04	2.791
Rupert, Twin Falls	16.37	3.038
Toppenish, Moses Lake	14.97	2.778
UTAH		
Centerfield	15.91	2.953
Garland	15.81	2.934
Layton	15.79	2.931
Lewiston (Ogden)	15.57	2.890
West Jordan	15.24	2.829
COLORADO, SOUTH DAKOTA		
Sugar City	14.79	2.745
Belle Fourche	14.90	2.765
WYOMING, MONTANA		
Worland	16.11	2.990
Missoula	15.94	2.958
Sidney	16.02	2.973
MINNESOTA, IOWA		
East Grand Forks, Moorhead, Crookston	15.58	2.892
Chaska, Mason City	14.41	2.674
GREAT LAKES STATES		
Alma	14.70	2.745
Bay City	14.62	2.713
Caro	14.87	2.760
Carrollton	14.47	2.686
Croswell	14.67	2.723
Illinois	14.35	2.669
Ottawa	14.78	2.743
Sebewaing	14.65	2.719

(b) For sugarbeets marketed under "individual test" contracts, the rate of commercially recoverable sugar per ton of beets shall be computed by multiplying 20 hundredweight by the percentage of sugar content of such beets, and then multiplying the result by 88.5 percent (the average extraction rate, as adjusted for shrink, effective for such beets). This computation can be shortened by the use of the factor of 0.1770. As an example, a content of 16.37 when multiplied by 0.1770 would result in a rate of commercially recoverable sugar of 2.897 hundredweight.

(c) For sugarbeets marketed under "combined individual-cossette test" contracts, the rate of commercially recoverable sugar per ton of beets for a producer shall be computed by multiplying 20 hundredweight by the adjusted percentage of sugar content of the beets delivered by such producer and then multiplying the result by 92.8 percent (the average extraction rate effective for such beets). This computation can be shortened by the use of the factor of 0.1856. As an example, an adjusted content of 16.37 would result in a rate of commercially recoverable sugar of 3.038 hundredweight. In computing the factor used to adjust the percentage of sugar content, the factory cossette test average for the Grand Island area shall be that for the 1964 crop and in the other areas, as follows:

Area	1957-63 factory cossette test average (%)
Nyssa-Nampa	15.04
Billings-Lovell	16.29
Hardin	16.04

Statement of bases and considerations.

The determination of sugar commercially recoverable for the Beet Sugar Area provides the method of determining and establishing amounts of sugar commercially recoverable from sugarbeets of the 1964 crop, and also provides that the rates shall become effective when public notice thereof is given in the FEDERAL REGISTER.

Pursuant to that determination, this supplement sets forth the rates of recoverability as determined for the 1964 crop. Definitive rates are specified for the various settlement areas where the only tests available for ascertaining the sugar content of the beets are cossette tests. Within these areas, the rates give effect to 1957-63 average percentages of sugar content and the 1958-62 national average extraction rate of beet sugar, raw value, of 92.8 percent.

In lieu of an extensive table of definitive rates applicable to sugarbeets of various percentages of sugar content as marketed under "individual test" contracts, this supplement shows that the rate of recoverability per ton of beets of any given percentage of sugar content so marketed may be computed by multiplying such content by the factor of 0.1770. This factor gives effect to the average rate of extraction of sugar, raw value, of 88.5 percent, as applicable to individual test beets. Similarly, for beets marketed under "combined individual-cossette test" contracts, a factor of 0.1856 may be used to give effect to the average extraction rate of 92.8 percent. The difference between 92.8 and 88.5 percent represents the average "shrink" in percentage of sugar content between the time of delivery and the time of processing for all beets of the crops of 1958-62 marketed under individual test contracts. The lower percentage is not specified for beets marketed under combined individual-cossette tests inasmuch as the results of such tests include adjustment to the cossette basis. Listings of the applicable rates (expressed in hundredths) will be available for inspection at ASCS County Offices in sugar-beet producing counties.

The percentages of 92.8 and 88.5, as determined herein for the 1964 crop, compare with percentages of 93.2 and 88.9, as effective for the 1963 crop.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153, sec. 302, 303, 304, 61 Stat. 930, as amended, 931; 7 U.S.C. 1132, 1133, 1134)

Effective date: Date of publication.

Signed at Washington, D.C., on August 5, 1964.

CHAS. M. COX,
Acting Deputy Administrator,
State and County Operations.

AUGUST 5, 1964.

[F.R. Doc. 64-8081; Filed, Aug. 10, 1964;
8:50 a.m.]

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

PART 948—IRISH POTATOES GROWN IN COLORADO

Expenses and Rate of Assessment; Area No. 2

Notice of rule making regarding proposed expenses and a proposed rate of assessment, to be effective under Marketing Agreement No. 97, as amended, and Order No. 948, as amended (7 CFR Part 948), regulating the handling of Irish potatoes grown in Colorado, was published in the July 17, 1964, FEDERAL REGISTER (29 F.R. 9671). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). The notice afforded interested persons an opportunity to submit data, views, or arguments pertaining thereto not later than 15 days following publication in the FEDERAL REGISTER. None was filed.

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which were recommended by the area committee for Area No. 2, established pursuant to the said amended marketing agreement and order, it is hereby found and determined that:

§ 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.

It is hereby found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003) in that: (1) The relevant provisions of said marketing agreement and this part require that rates of assessment fixed for a particular fiscal period shall be applicable to all assessable potatoes from the beginning of such period and (2) the current fiscal period began

on July 1, 1964, and the rate of assessment herein fixed will automatically apply to all assessable potatoes beginning with such data.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601 et seq.)

Dated: August 6, 1964.

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

[F.R. Doc. 64-8082; Filed, Aug. 10, 1964;
8:50 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[C.C.C. Grain Price Support Reg., 1964-Crop Wheat Supp., Amtd. 2]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1964-Crop Wheat Loan and Purchase Program

MISCELLANEOUS AMENDMENTS

The regulations issued by the Commodity Credit Corporation published in 29 F.R. 8049, 8465, and 9957, and containing specific requirements of the 1964-crop wheat loan and purchase program are hereby amended as follows:

1. Section 1421.2124(b) (1) is amended to also make wheat grading No. 4 or No. 5 on the factors of heat-damaged kernels, foreign material, shrunken and broken kernels, total defects, contrasting classes, and wheat of other classes, eligible for warehouse-storage loans so that the amended subparagraph reads as follows:

§ 1421.2124 Eligible wheat.

(b) Warehouse-stored loan grade requirements. * * *

(1) The wheat must grade No. 5 or better; except that it may grade Sample on the factors of test weight and/or total damage (other than heat damage) provided the test weight is not less than 40 pounds per bushel.

2. Section 1421.2133(f) is deleted and is replaced by a new paragraph (f) containing a revised schedule of premiums and discounts which reads as follows:

§ 1421.2133 Support rates.

(f) Premiums and discounts. The following premiums and discounts, as applicable, shall be applied to the basic support rate for warehouse storage loans and for wheat acquired by CCC under a loan or by purchase (all footnotes at end of paragraph):

	Cents per bushel
(1) Class premiums and discounts:	
(i) Premiums:	
Hard Amber Durum ¹	+10
Amber Durum ¹	+5
(ii) Discounts:	
Red Durum.....	-20

	Cents per bushel
(1) Class premiums and discounts—Continued	
(ii) Discounts—Continued	
Mixed Wheats (do not apply more than one of the Mixed Wheat discounts):	
Mixed Wheat (including Mixed Wheat containing less than 5 percent of wheats of the classes Durum and/or Red Durum).....	-2
Mixed Wheat (containing from 5 percent to 10 percent of Wheat of the Classes Durum and/or Red Durum).....	-6
Mixed Wheat (containing more than 10 percent Wheats of the Classes Durum and/or Red Durum).....	-15
(2) Grade premium and discount:	
(1) Premium:	
Heavy.....	+1
(ii) Discounts:	
No. 2.....	-1
No. 3.....	-2
No. 4 or No. 5 on factors other than "test weight" and/or "total damage." (When wheat grades No. 4 or No. 5 on account of test weight and/or total damage as well as other factors, do not apply this discount).....	-3
No. 4, No. 5 or "Sample" on the factor of test weight:	

Hard Red Spring		All other classes	
Test weight	Cents per bushel	Test weight	Cents per bushel
53.0-54.9.....	-4	54.0-55.9.....	-4
50.0-52.9.....	-6	51.0-53.9.....	-6
49.....	-9	50.....	-9
48.....	-12	49.....	-12
47.....	-15	48.....	-15
46.....	-18	47.....	-18
45.....	-21	46.....	-21
44.....	-25	45.....	-24
43.....	-29	44.....	-28
42.....	-33	43.....	-32
41.....	-37	42.....	-36
40.....	-41	41.....	-40
		40.....	-44

No. 4 No. 5 or "Sample" on account of total damaged kernels: ²

Total damaged (percent)	Cents per bushel
7.1-8.0.....	-1
8.1-9.0.....	-2
9.1-10.0.....	-3
10.1-11.0.....	-4
11.1-12.0.....	-5
12.1-13.0.....	-6
13.1-14.0.....	-7
14.1-15.0.....	-8
15.1-16.0.....	-10
16.1-17.0.....	-12
17.1-18.0.....	-14
18.1-19.0.....	-16
19.1-20.0.....	-18
20.1-21.0.....	-20
21.1-22.0.....	-22
22.1-23.0.....	-24
23.1-24.0.....	-26
24.1-25.0.....	-28
25.1-26.0.....	-30
26.1-27.0.....	-32
27.1-28.0.....	-34
28.1-29.0.....	-36
29.1-30.0.....	-38
30.1 and above.....	-45

	Cents per bushel
Smut—Degree Basis:	
Light Smutty.....	-2
Smutty.....	-6
Garlic—Degree Basis:	
Light Garlicy.....	-5
Garlicky.....	-10
(3) Variety Discount.....	-20

The following varieties listed by class will be subject to discount. These varieties are referred to in these regulations as "undesirable varieties". The discount is in addition to any other applicable discount:

Hard Red Winter	Hard Red Spring	Durum	White	Soft Red Winter
Blue Jacket. Cache. ⁴ Chiefkan. Cimarron. Early Blackhull. Kanking. Kharok MC 22. New Chief. Pawnee Sel. 33. Purkof. Red Chief. Red Hull. Red Jacket. Stafford. Wasatch. ⁵ Yogo.	C.T. 231. Gasser. Henry. ³ Lathrop. ³ Kinney. Premier. Progress. Russel. ³ Spinkcota. Sturgeon.	Golden Ball. Peliss. Pentad.	Fifty Fold. Florence. Greson. Rex. Sonora.	Kan-Queen. Kawvale. Nured. Seabreeze.

(4) Sedimentation value and protein premiums and discounts for Hard Red Winter, Hard Red Spring and Hard White Wheat of the varieties Baart, Bluestem and Burt. (Not applicable to varieties listed in subparagraph (3) of this paragraph. Premiums not applicable to wheat grading below No. 3 on the factor of total damage.)

Signed at Washington, D.C., on August 6, 1964.

E. A. JAENKE,
Acting Executive Vice President,
Commodity Credit Corporation.
[F.R. Doc. 64-8083; Filed, Aug. 10, 1964;
8:50 a.m.]

Sedimentation value	Cents per bushel	Protein content (percent)	Cents per bushel
22 and below.....	-6	9.4 and below...	-4
23-25.....	-5	9.5-9.9.....	-3
26-28.....	-4	10.0-10.4.....	-2
29-31.....	-3	10.5-10.9.....	-1
32-34.....	-2	11.0-11.9.....	0
35-37.....	-1	12.0-12.4.....	+1
38-42.....	0	12.5-12.9.....	+2
43-45.....	+1	13.0-13.4.....	+3
46-48.....	+2	13.5-13.9.....	+4
49-51.....	+3	14.0-14.4.....	+5
52-54.....	+4	14.5-14.9.....	+6
55-57.....	+5	15.0-15.4.....	+7
58-60.....	+6	15.5-15.9.....	+8
61-63.....	+7	16.0-16.4.....	+9
64-66.....	+8	16.5-16.9.....	+10
67 and above.....	+9	17.0-17.4.....	+11
		17.5 and above...	+12

Cents per bushel

- (5) Weed control discount (where required by section 1421.74) ----- -10
- (6) Other quality discounts to be established by CCC for settlements of loans and purchases.

¹ Not applicable to any of the undesirable varieties listed in subparagraph (3), nor to wheat grading below No. 5 on factors other than test weight.

² This discount shall be in addition to other applicable discounts. If the wheat otherwise grades No. 1, 2, 3 or Heavy, the established premiums or discounts for such grades shall be disregarded and a discount of 2 cents per bushel shall be applied in lieu thereof in addition to the discount for total damaged kernels.

³ Only in Minnesota, North Dakota, and South Dakota.

⁴ Except in Idaho and Utah.

⁵ Except in Colorado, Idaho, and Utah.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 107, 401, 63 Stat. 1051, 1054; 15 U.S.C. 714c, 7 U.S.C. 1441, 1421)

Effective upon publication in the FEDERAL REGISTER.

tion is denied of the reasons therefor and of his right to appeal in accordance with the provisions of Part 103 of this chapter.

PART 245—ADJUSTMENT OF STATUS OF NONIMMIGRANT TO THAT OF A PERSON ADMITTED FOR PERMANENT RESIDENCE

2. Sections 245.1, 245.2, and 245.3 are amended to read as follows:

§ 245.1 Eligibility.

An alien who on arrival in the United States was serving in any capacity on board a vessel or aircraft, or was destined to join a vessel or aircraft in the United States to serve in any capacity thereon, or was not admitted or paroled following inspection by an immigration officer is not eligible for the benefits of section 245 of the Act. Pursuant to section 212(e) of the Act, an alien who has or has had the status of an exchange alien or of a nonimmigrant under section 101(a)(15)(J) of the Act is not eligible for the benefits of section 245 of the Act unless he has complied with the foreign-residence requirements of section 212(e) of the Act or has been granted a waiver thereof. An alien who has a nonimmigrant status under paragraph (15)(A), (15)(E), or (15)(G) of section 101(a) of the Act, or has an occupational status which would, if he were seeking admission to the United States, entitle him to a nonimmigrant status under any of such paragraphs of section 101(a) of the Act is not eligible for the benefits of section 245 of the Act unless he first executes and submits with his application the written waiver required by section 247(b) of the Act and Part 247 of this chapter. A member of the immediate family of an alien having status under section 101(a)(15)(A) or (G) of the Act, and a spouse or child of an alien having status under section 101(a)(15)(E) of the Act may apply for adjustment of status only if such member, spouse, or child executes the written waiver required by section 247(b) of the Act, irrespective of whether the principal alien also applied for adjustment and executes such waiver. A visa shall not be held to be available for an alien claiming a preference-quota status or a nonquota status under section 101(a)(27)(A) or (F) unless a petition to accord such status has been approved in accordance with Part 204 or 205 of this chapter. Except as provided in Part 249 of this chapter, an application under this part shall be the sole method of requesting the exercise of discretion under section 212(f), (g), and (h) of the Act, as amended September 26, 1961, insofar as they relate to the excludability of an alien in the United States. An application shall be accepted and processed if the current Department of State Visa Office Bulletin on Status of Quotas shows that a quota immigrant visa will be available to the applicant within 90 days. Information

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

MISCELLANEOUS AMENDMENTS TO CHAPTER

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

PART 223—REENTRY PERMITS

1. Section 223.1 is amended to read as follows:

§ 223.1 Application.

An application for a reentry permit under the provisions of section 223 of the Act shall be submitted on Form I-131 by an applicant in the United States at least 30 days prior to the proposed date of departure. It shall be accompanied by the applicant's alien registration receipt card Form I-151, AR-3 or AR-103, or an application for a lost or destroyed card on Form I-90. A reentry permit shall not be issued unless the alien is in possession of or is being furnished Form I-151. A reentry permit applicant who is a lawful permanent resident alien, but who has an occupational status which would if he were seeking admission to the United States entitle him to a nonimmigrant status under section 101(a)(15)(A), (E), or (G), of the Act, may be issued a reentry permit only if he executes and submits with his application, or has previously executed and submitted, the written waiver on Form I-508 required by section 247(b) of the Act and Part 247 of this chapter. The applicant shall be notified of the decision made on his application for a reentry permit and if the applica-

as to immediate availability of a quota immigrant visa may be obtained at the nearest Service office.

§ 245.2 Application.

An application by an alien after he has been served with an order to show cause or warrant of arrest shall be made and considered only in proceedings under Part 242 of this chapter. In any other case, an alien who believes that he meets the eligibility requirements of section 245 of the Act and § 245.1 shall apply on Form I-485 to the district director having jurisdiction over his place of residence. An application under this section shall be accompanied by a record of the applicant's birth, Form I-94, if one was issued to the applicant, his passport, and evidence such as an affidavit of support or a letter from an employer to establish that the applicant is not likely to become a public charge. The spouse of an alien beneficiary of a visa petition under section 204 of the Act shall submit, in addition to the foregoing, a marriage certificate and proof of termination of prior marriages, if any, of each spouse; each child under 21 years of age of such a beneficiary shall submit the marriage certificate of his parents, together with proof of the termination of their prior marriages, if any, unless such documents have been submitted by one of his parents. The applicant shall be notified of the decision and if the application is denied of the reasons therefor. No appeal shall lie from the denial of an application by the district director but such denial shall be without prejudice to the alien's right to renew his application in proceedings under Part 242 of this chapter.

§ 245.3 Adjustment of status under section 13 of the Act of September 11, 1957.

An application for the benefits of section 13 of the Act of September 11, 1957, shall be filed on Form I-485 with the district director having jurisdiction over the applicant's place of residence. The benefits of section 13 of the Act of September 11, 1957, shall be accorded only to an alien who was admitted to the United States under the provisions of either section 101(a)(15)(A)(i) or (ii) or 101(a)(15)(G)(i) or (ii) of the Act and who performed diplomatic or semi-diplomatic duties. Aliens whose duties were of a custodial, clerical, or manual nature are not eligible. The applicant shall be notified of the decision and if the application is denied of the reasons therefor and of his right to appeal in accordance with the provisions of Part 103 of this chapter.

PART 248—CHANGE OF NONIMMIGRANT CLASSIFICATION

3. Section 248.2 is amended to read as follows:

§ 248.2 Application.

Application for change of nonimmigrant classification shall be made on Form I-506. The application shall be accompanied by documentary evidence establishing that the applicant has been

maintaining his nonimmigrant status and that he is eligible for the change of classification being requested. The original of any Form I-94 issued to the applicant and his passport, unless he is exempted from the passport requirement, shall also be submitted with the application. If the application is granted, the alien's nonimmigrant status under his new classification shall be subject to the terms and conditions applicable generally to such classification and to such other additional terms and conditions, including exaction of bond which the district director deems appropriate to the case, and the district director shall cause a new set of Forms I-94 to be prepared, the original of which shall be delivered to the applicant. When a change of nonimmigrant classification is granted, the alien shall also be granted a new period of time to remain in the United States without the requirement of filing a separate application and paying a separate fee for an extension of stay. The applicant shall be notified of the decision and if the application is denied, of the reasons therefor and of his right to appeal in accordance with the provisions of Part 103 of this chapter.

PART 249—CREATION OF RECORDS OF LAWFUL ADMISSION FOR PERMANENT RESIDENCE

4. Section 249.2 is amended to read as follows:

§ 249.2 Application.

An application by an alien after he has been served with an order to show cause or warrant of arrest shall be made and considered only in proceedings under Part 242 of this chapter. In any other case, an alien who believes that he meets the eligibility requirements enumerated in section 249 of the Act shall apply on Form I-485 to the district director having jurisdiction over his place of residence. The application shall be accompanied by documentary evidence establishing continuous residence in the United States prior to June 28, 1940, or since entry and prior to July 1, 1924. Original documents shall be presented but may later be returned provided copies are furnished with the originals. Documentary evidence may include any records of official or personal transactions or recordings of events occurring during the period of claimed residence. Affidavits of credible witnesses may also be accepted. Women unemployed since marriage and unable to furnish evidence in their own names may furnish evidence in the names of parents or other persons with whom they have been living if affidavits of the parents or other persons are submitted attesting to the residence. The applicant shall be notified of the decision and if the application is denied of the reasons therefor. If the application is granted, a Form I-151, showing that the applicant has acquired the status of an alien lawfully admitted for permanent residence, shall not be issued until the applicant surrenders any other document in his possession evidencing compliance with the alien-

registration requirements of former or existing law. No appeal shall lie from the denial of an application by the district director but such denial shall be without prejudice to the alien's right to renew an application in proceedings under Part 242 of this chapter.

5. Section 249.3 is added to read as follows:

§ 249.3 Reopening and reconsideration.

An applicant who alleged entry and residence since prior to July 1, 1924, but in whose case a record was created as of the date of approval of the application because evidence of continuous residence prior to July 1, 1924, was not submitted, may have his case reopened and reconsidered pursuant to § 103.5 of this chapter. Upon the submission of satisfactory evidence, a record of admission as of the date of alleged entry may be created.

6. Part 289 is added to Chapter I, Title 8, Code of Federal Regulations, to read as follows:

PART 289—AMERICAN INDIANS BORN IN CANADA

Sec.

289.1 Definition.

289.2 Lawful admission for permanent residence.

AUTHORITY: The provisions of this Part 289 issued under sec. 103, 66 Stat. 173; 8 U.S.C. 1103. Interpret and apply secs. 262, 289, 66 Stat. 224, 234; 8 U.S.C. 1302, 1359; Act of April 2, 1928 (45 Stat. 401); Alien Registration Act of 1940 (54 Stat. 670; 8 U.S.C. 451).

§ 289.1 Definition.

The term "American Indian born in Canada" as used in section 289 of the Act includes only persons possessing 50 per centum or more of the blood of the American Indian race. It does not include a person who is the spouse or child of such an Indian or a person whose membership in an Indian tribe or family is created by adoption, unless such person possess at least 50 per centum or more of such blood.

§ 289.2 Lawful admission for permanent residence.

Any American Indian born in Canada who at the time of entry was entitled to the exemption provided for such person by the Act of April 2, 1928 (45 Stat. 401), or section 289 of the Act, and has maintained residence in the United States since his entry, shall be regarded as having been lawfully admitted for permanent residence. A person who does not possess 50 per centum of the blood of the American Indian race, but who entered the United States prior to December 24, 1952, under the exemption provided by the Act of April 2, 1928, and has maintained his residence in the United States since such entry shall also be regarded as having been lawfully admitted for permanent residence. In the absence of a Service record of arrival in the United States, the record of registration under the Alien Registration Act, of 1940 (54 Stat. 670; 8 U.S.C. 451), or section 262 of the Act, or other satisfactory evidence may be accepted to establish the date of entry.

PART 299—IMMIGRATION FORMS

7. The titles and descriptions of the following forms in § 299.1 *Prescribed forms* are amended to read as follows:

§ 299.1 Prescribed forms.

- Form No. Title and description
- AR-4----- Alien Registration Fingerprint Chart.
- I-17----- Petition for Approval of School for Nonimmigrant Students.
- I-20----- Certificate of Eligibility (for Nonimmigrant "F-1" Student Status).
- I-53----- Alien Address Report.
- I-67----- Inspection Record (Hungarian Parolee).
- I-94----- Arrival-Departure Record.
- I-122----- Notice to Applicant for Admission Detained for Hearing Before Special Inquiry Officer.
- I-130----- Petition to Classify Status of Alien Relative for Issuance of Immigrant Visa.
- I-140----- Petition to Classify Status of Alien as First Preference Quota Immigrant or as Nonquota Minister.
- I-151----- Alien Registration Receipt Card.
- I-259A --- Agreement by Transportation Line to Assume Responsibility for Removal of Aliens. (One-time basis)
- I-259B --- Agreement by Transportation Line to Assume Responsibility for Removal of Aliens. (Continuing basis)
- I-287----- Special Care and Attention for Alien.
- I-288----- Notice to Transportation Line Regarding Deportation Expenses of Alien Completely Ready for Deportation.
- I-305----- Receipt of Immigration Officer—United States Bonds or Notes, or Cash, Accepted as Security on Immigration Bond.
- I-310----- Bond for Payment of Sums and Fines Imposed Under Immigration and Nationality Act (Term or Single Entry).
- I-323----- Notice—Immigration Bond Breached.
- I-391----- Notice—Immigration Bond Canceled.
- I-509----- Notice to Alien of Proposed Change from Lawfully Admitted for Permanent Residence to Non-immigrant.
- I-591----- Assurance by a United States Sponsor in Behalf of a Refugee—Escapee Designated as Difficult to Resettle (Act of July 14, 1960).
- I-601----- Application for Waiver of Grounds of Excludability under section 212(f), (g), or (h) of the Immigration and Nationality Act.
- I-612----- Application for Waiver of the Foreign Residence Requirement of Section 212(e) of the Immigration and Nationality Act, as amended.

(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 and are interpretative in nature.

Dated: August 6, 1964.

RAYMOND F. FARRELL,
Commissioner of
Immigration and Naturalization.
[F.R. Doc. 64-8059; Filed, Aug. 10, 1964;
8:47 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-793]

PART 13—PROHIBITED TRADE PRACTICES

Atlantic School, Inc., and R. W. Harriman

Subpart—Advertising falsely or misleadingly: § 13.115 *Jobs and employment service*; § 13.143 *Opportunities*; § 13.170 *Qualities or properties of product or service*: 13.170-35 Educational, informative, training. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1905 *Terms and conditions*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Atlantic School, Inc., et al., Kansas City, Mo., Docket C-793, July 17, 1964]

In the Matter of Atlantic School, Inc., a Corporation, and R. W. Harriman, Individually and as an Officer of Said Corporation

Consent order requiring Kansas City, Mo., sellers of a course of study, part by correspondence and part through residence training, to prepare students for employment as stewardesses, ticket agents, reservation agents and other positions with airlines, to cease representing falsely in advertisements in magazines and newspapers, brochures, and pamphlets, and by statements of their sales agents, that completion of their course of study would qualify a person for employment with the airlines and that persons who completed the course were assured of such employment.

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

It is ordered, That respondents Atlantic School, Inc., a corporation, and its officers, and R. W. Harriman, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any other corporate or other device, in connection with the offering for sale, sale or distribution of courses of study or instruction, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that completion of respondents' course, by itself, qualifies a person for employment with any airline.
2. Representing, directly or by implication, that persons completing respondents'

course are assured of employment with an airline by virtue of completing said course or otherwise misrepresenting the opportunities for employment available to persons completing said course.

3. Making any representations concerning the ability of respondents to obtain or help to obtain employment in the airline industry for persons completing their course or the ability of such persons to otherwise obtain employment in the airline industry as a result of completing respondents' course without making clear disclosure to the effect that respondents do not guarantee or promise employment.

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

Issued: July 17, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 64-8034; Filed, Aug. 10, 1964;
8:45 a.m.]

[Docket No. C-794]

PART 13—PROHIBITED TRADE PRACTICES

Fashion Park, Inc.

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*.

(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, Fashion Park, Inc., Rochester, N.Y., Docket C-794, July 17, 1964]

Consent order requiring a Rochester, N.Y., distributor of wearing apparel to cease violating section 2(d) of the Clayton Act by granting substantial allowances for the promoting and advertising for its wearing apparel products to certain department stores and others while not making comparable allowances available to all competitors of the favored customers—the effective date of the order to be postponed until further order of the Commission.

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

It is ordered, That respondent Fashion Park, Inc., 432 Portland Avenue, Rochester 2, N.Y., a corporation, its officers, directors, agents and representatives and employees, directly or through any corporate or other device, in the course of its business 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 the respondent as compensation or in consideration for advertising or promotional services, or any other service or facility, furnished by or through such customer in connection with the sale of wearing apparel.

tion with the handling, sale or offering for sale of wearing apparel products manufactured, sold or offered for sale by respondent, unless such payment or consideration is made available on proportionally equal terms to all other customers competing with such favored customer in the distribution or resale of such products.

It is further ordered, That the effective date of this order to cease and desist be and it hereby is postponed until further Order of the Commission.

Issued: July 17, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 64-8035; Filed, Aug. 10, 1964;
8:45 a.m.]

[Docket No. C-791]

PART 13—PROHIBITED TRADE PRACTICES

Illinois Fraternal News, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections*: 13.15-25 *Concealed subsidiary, fictitious collection agency, etc.*; 13.15-30 *Connections or arrangements with others*. Subpart—Enforcing dealings or payments wrongfully: § 13.1045 *Enforcing dealings or payments wrongfully*. Subpart—Securing orders by deception: § 13.2170 *Securing orders by deception*. Subpart—Using misleading name—Vendor: § 13.2365 *Concealed subsidiary, fictitious collection agency, etc.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Illinois Fraternal News, Inc., et al., Chicago, Ill., Docket C-791, July 16, 1964]

In the Matter of Illinois Fraternal News, Inc., a Corporation, Woods-Illinois Agency, Inc., a Corporation, and Frederick Woods Bodoff, Also Known as Frederick Woods, and Anita Lefton, Individually and as Officers of Said Corporations, and Illinois Clubwoman's Agency, Inc., a Corporation, and Frederick Woods Bodoff, Also Known as Frederick Woods, Individually and as an Officer of Said Corporation, and Continental Credit and Collection Agency, Inc., a Corporation, and Anita Lefton and Rosalie Feig, Individually and as Officers of Said Corporations

Consent order requiring three associated corporations and their officers with a common Chicago address, deriving their income from the sale of advertising space in the two magazines—the National Fraternal Club News and the Masonic News—published by one of them, and in a variety of other publications for which they acted as advertising brokers, to cease representing falsely—as they did in telephone solicitations—that their publication was endorsed by, affiliated with, or an official publication of the Masons, Eastern Star, Rotarians, or other similar organizations; and to cease, through their salesmen, exaggerating the circulation figures and repre-

sented falsely that the publication went to members of fraternal organizations; to cease publishing advertisements without an order and seeking to exact payment therefor through repeated "demand letters" and threatening legal action to collect; and to cease representing falsely, by the name "Continental Credit and Collection Agency, Inc.", and by letters and fictitious addresses and notices, that their wholly subsidiary of that name, used for making and enforcing collections, was an independent, bona fide collection agency, and, in such connection, using various methods of intimidation and harassment to induce payment for advertising, whether authorized or not.

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

It is ordered, That the respondents Illinois Fraternal News, Inc., a corporation, and Woods-Illinois Agency, Inc., a corporation, and Frederick Woods Bodoff, also known as Frederick Woods, and Anita Lefton, individually and as officers of said corporations, and Illinois Clubwoman's Agency, Inc., a corporation, and Frederick Woods Bodoff, also known as Frederick Woods, individually and as an officer of said corporation, and Continental Credit and Collection Agency, Inc., a corporation and Anita Lefton and Rosalie Feig, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the soliciting, offering for sale or sale in commerce of advertising space in any newspaper, magazine or other publication, and in connection with the offering for sale, sale, or distribution of such publications in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that any of said publications is endorsed by, is affiliated with, is an official publication of, or is otherwise connected with, any fraternal, religious, social or any other organization, unless respondents establish that such is the fact; or representing, directly or by implication, that any of the respondents is endorsed by, affiliated with, or is otherwise connected with, any fraternal, religious, social or any other organization, unless respondents establish that such is the fact.

2. Placing, printing or publishing any advertisement on behalf of any person or firm in any publication without a prior order or agreement to purchase said advertisement.

3. Sending or causing to be sent, bills, letters or other collection notices to any person or firm with regard to an advertisement which has been or is to be printed, inserted or published on behalf of said person or firm, or in any other manner seeking to exact payment for any such advertisement, without a bona fide order or agreement to purchase said advertisement.

4. Misrepresenting in any manner the extent of the circulation of any publication for which an advertisement is being solicited.

5. Using threats of legal action or other forms of coercion and intimidation to induce any person or firm to pay for advertising which has not been authorized by such person or firm.

6. Using the letterheads, billheads or other stationery of any lawyer, or the letterheads, billheads or other stationery purporting to be that of a lawyer in attempting to enforce the collection of accounts.

7. Representing, directly or indirectly, that the Continental Credit and Collection Agency is an independent and unaffiliated collection agency.

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

Issued: July 16, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 64-8036; Filed, Aug. 10, 1964;
8:45 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 56235]

PART 5—CUSTOMS RELATIONS WITH CONTIGUOUS FOREIGN TERRITORY

Merchandise in Transit Between Ports

The regulations governing shipments in transit between ports in the United States through contiguous foreign territory were amended by Treasury Decision 55377, approved April 28, 1961, to prescribe the use of a revised in-transit manifest for both less-than-carload shipments and shipments in carload lots. The Bureau understood that the format of the revised in-transit manifest would permit its preparation in one operation by the carbon process for both the Canadian and United States customs services. The Bureau later learned that the form was insufficient for Canadian customs purposes for less-than-carload shipments.

The Canadian and United States customs services have now agreed on the format of a revised in-transit manifest to permit the simultaneous preparation thereof for both services in one operation by carbon process for both less-than-carload shipments and shipments in carload lots. The sheet or sheets of the manifest required for United States customs purposes have been assigned customs Form number 7533-C and the two sheets (white and green) of each set required by the Canadian customs service are currently identified as Form A4½.

A customs field officer has suggested that only one set of an in-transit manifest is needed for an in-transit rail shipment that alternately moves through Canadian and United States territory two or more times in a continuing move-

ment to a destination in the United States. The Canadian customs service agrees and the Bureau concurs.

To give effect to the foregoing, the Customs Regulations are amended as follows:

Section 5.8(b) is amended to read as follows:

§ 5.8 Merchandise in transit between ports in the United States through contiguous foreign territory; procedure at port of exit or lading in vessel.

(b) The merchandise shall be transported in sealed conveyances or compartments unless (1) it is in less-than-load or compartment lots, in which case the packages may be forwarded without being corded and sealed, or (2) it consists of live animals to be transported in accordance with paragraph (c) of this section, or (3) its treatment in the same manner as less-than-load or compartment lots is authorized by the Bureau. The merchandise shall be covered by manifests conforming to such requirements as to color, size, form, and content as the Commissioner of Customs may specify for particular types of transactions. A separate multiple-copy in-transit manifest (U.S. customs Form 7533-C and Canada Form A4½) furnished by the carrier shall be used on the Canadian border for each carload and less-than-carload shipment. When a rail shipment will enter and reenter Canada in transit in a continuing movement that alternately takes it into Canada and the United States while en route to a destination in the United States, the port of reentry to the United States shown on the in-transit manifest shall be the final port of reentry. In the case of a conveyance other than a railroad car, the conveyance shall be identified in a suitable manner, as by the name and rig of a vessel, in the place provided for car number and initials, and the certificate on the in-transit manifest shall be modified appropriately. The collector may require that the carrier execute the certificate on the U.S. Customs In-Transit Manifest as an alternative to certification of the form by a customs officer. In such a case, if the merchandise is forwarded without being under customs Tyden seals, the agent of the carrier shall carefully examine the packages covered by the in-transit manifests to satisfy himself that the merchandise agrees with the manifests as to quantity and description.

(Secs. 824, 554, 46 Stat. 743, 759; 19 U.S.C. 1554, 1624)

Section 5.10(c) is amended to read:

§ 5.10 Diversion or delay in foreign territory; procedure and treatment at port of reentry or discharge from vessel.

(c) On arrival of an in-transit shipment the following procedure shall be followed:

(1) At the first port in the United States after transportation through for-

eign territory, the carrier shall present to the customs officer for each loaded conveyance the accompanying manifest or manifests described in § 5.8 and § 5.9; and in the case of a railroad train the conductor shall also present a train sheet showing the car initials and the car numbers. In the case of mixed loadings under § 5.8(e), the waybills shall be available at the port of return or discharge for use by customs officers for necessary checking purposes.

(2) Upon arrival at an intermediate port of reentry, or exit, a rail shipment which has transited Canada and is destined for further in-transit movement through Canada may be permitted to go forward upon verification by the collector at the intermediate port that the accompanying in-transit manifest properly identifies the shipment. After satisfactory identification of the shipment, the in-transit manifest shall be returned to the carrier for further use. When the shipment arrives at the final port of reentry in the United States, the manifest shall be surrendered with the train sheet to the customs officer at that port for checking and filing.

(Secs. 554, 624, 46 Stat. 743, 759; 19 U.S.C. 1554, 1624)

The above amendments concerning the use of only one set of an in-transit manifest for an in-transit rail shipment that alternately moves through Canadian and United States territory two or more times in a continuing movement to a destination in the United States shall be effective on October 1, 1964. The other amendments shall be effective as soon as the revised multiple-copy in-transit manifest form (U.S. customs Form 7533-C and Canadian customs Form A4½) is available for use but stocks of the form now in use may be used until they are exhausted.

[SEAL] N. G. STRUB,
Acting Commissioner of Customs.

Approved: August 4, 1964.

JAMES POMEROY HENDRICK,
Acting Assistant Secretary
of the Treasury.

[F.R. Doc. 64-8051; Filed, Aug. 10, 1964; 8:46 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

SUBCHAPTER A—BUREAU OF ACCOUNTS

[Department Circular No. 930, Revised, Amdt. 1]

PART 281—PURCHASE, CUSTODY, TRANSFER AND SALE OF FOREIGN EXCHANGE BY EXECUTIVE DEPARTMENTS AND AGENCIES OF THE UNITED STATES

Paragraph (a) of § 281.6 and paragraph (d) of § 281.7 of Department Cir-

cular No. 930, Revised, dated October 20, 1961 (31 CFR 281.6 and 281.7), are hereby amended to read as follows:

§ 281.6 Withdrawals from Treasury accounts.

(a) Sales. With respect to the sale of foreign exchange held in accounts of the Secretary, the payment in dollars shall be calculated at the rate of exchange that would otherwise be available to the United States for the acquisition of the foreign exchange for its official disbursements unless otherwise determined by the Treasury Department in consultation with the agencies concerned. When the rate that would otherwise be available to the United States is not readily ascertainable, the Treasury Department shall be consulted. The dollar proceeds realized from the sale of exchange shall be credited to the appropriate receipt, appropriation or refund account on the books of the Treasury. The dollar payment for foreign exchange purchased shall not be charged as an appropriation expenditure until the foreign exchange is disbursed.

§ 281.7 Limitations.

(d) To the maximum extent possible, foreign exchange accounts which are earmarked for specific programs shall be maintained on an unfunded basis. Each agency responsible for administering international agreements pertaining to the use of foreign exchange held in funded accounts shall review the agreement and other considerations relevant to each such account at least annually to determine if the account can be placed on an unfunded basis, and shall initiate appropriate action to accomplish the objective of minimizing the number of funded program accounts and the amounts therein. The resulting determinations and the status of actions undertaken shall be furnished in writing to the Treasury Department within sixty days from the date of this regulation and each time thereafter that there is a change of status of a particular account, or as requested by the Treasury Department. Exchange which becomes eligible for removal from a funded status either as a result of the foregoing determinations, or because of the expiration of the period of availability for restricted use under the terms of international agreements, or for other reasons, shall be released promptly by the program agency for transfer to a nonrestricted Treasury sales account.

(Sec. 114, 64 Stat. 836 and sec. 613, 75 Stat. 443; 31 U.S.C. 66b and 22 U.S.C. 2362; E.O. 10488, 18 F.R. 5699, 3 CFR, 1949-1953 Comp.; E.O. 10900, 26 F.R. 143, 3 CFR, 1961 Supp.)

Dated: August 3, 1964.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 64-8052; Filed, Aug. 10, 1964; 8:46 a.m.]

Title 32—NATIONAL DEFENSE

Chapter XIV—The Renegotiation Board

SUBCHAPTER B—RENEGOTIATION BOARD REGULATIONS UNDER THE 1951 ACT

PART 1456—METHODS OF SEGREGATING RENEGOTIABLE AND NON-RENEGOTIABLE SALES

PART 1458—RECEIPTS OR ACCRUALS UNDER STATUTORY MINIMUM

Receipts or Accruals Subject to Renegotiation; Aggregate Receipts and Accruals

1. Section 1456.3 *How to determine receipts or accruals subject to renegotiation; generally* is amended by deleting from paragraph (a) "other than those exempted pursuant to section 106 (a) and (d) of the act (see Parts 1453 and 1455 of this subchapter)" and inserting in lieu thereof "other than those exempted pursuant to section 106 (a), (d), and (e) of the act (see Parts 1453, 1455 and 1467 of this subchapter)".

2. Section 1458.2 *Computation of aggregate receipts and accruals* is amended by deleting from paragraph (b) "which are exempt from renegotiation under section 106 (a) or (d) of the act (see Parts 1453 and 1455 of this subchapter)" and inserting in lieu thereof "which are exempt from renegotiation under section 106 (a), (d), and (e) of the act (see Parts 1453, 1455 and 1467 of this subchapter)".

(Sec. 109, 65 Stat. 22; 50 U.S.C. App. Sup. 1219)

Dated: August 6, 1964.

LAWRENCE E. HARTWIG,
Chairman.

[F.R. Doc. 64-8063; Filed, Aug. 10, 1964; 8:48 a.m.]

PART 1467—MANDATORY EXEMPTION OF CONTRACTS AND SUBCONTRACTS FOR STANDARD COMMERCIAL ARTICLES OR SERVICES

Application of Exemption

Section 1467.22(e) *Initial treatment* is amended by deleting subparagraphs (3) and (4), and inserting in lieu thereof a new subparagraph (3) to read as follows:

§ 1467.22 Application of exemption.

(e) * * *

(3) If, in addition to receipts or accruals for which the contractor has filed an Application for Commercial Exemption, the contractor in the same fiscal year has other renegotiable receipts or accruals, the contractor shall not be entitled to file a Standard Form of Contractor's Report or a Statement of Non-Applicability for such fiscal year (see § 1470.3 (a) and (b) of this subchapter) until the Board has completed its action

upon the Application for Commercial Exemption. A Standard Form of Contractor's Report or a Statement of Non-Applicability filed before such time will be returned to the contractor, and will not constitute the filing of a financial statement under section 105(e) (1) of the Act and will not commence the running of the 1-year period of limitations prescribed in section 105(c) of the Act.

(Sec. 109, 65 Stat. 22; 50 U.S.C. App. Sup. 1219)

Dated: August 6, 1964.

LAWRENCE E. HARTWIG,
Chairman.

[F.R. Doc. 64-8064; Filed, Aug. 10, 1964; 8:48 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 14843]

PART 95—CITIZENS RADIO SERVICE Station Operating Requirements

In the matter of amendment of Part 19 (now Part 95) Citizens Radio Service, to revise Subpart D, Station Operating Requirements, and to make other changes; Docket No. 14843, RM-252, RM-311, RM-312, RM-342, RM-347.

Paragraph 16 of Appendix B to the Report and Order¹ in the above-entitled matter, FCC 64-687, adopted July 22, 1964, is corrected by adding § 95.121, which was inadvertently omitted, to read as follows:

§ 95.121 Civil defense communications.

A licensee of a station authorized under this part may use the licensed radio facilities for the transmission of messages relating to civil defense activities in connection with official tests or drills conducted by, or actual emergencies proclaimed by, the civil defense agency having jurisdiction over the area in which the station is located: *Provided*, That:

(a) The operation of the radio station shall be on a voluntary basis.

(b) [Reserved]

(c) Such communications are conducted under the direction of civil defense authorities.

(d) As soon as possible after the beginning of such use, the licensee shall send notice to the Commission in Washington, D.C., and to the Engineer in Charge of the Radio District in which the station is located, stating the nature of the communications being transmitted and the duration of the special use of the station. In addition, the Engineer in Charge shall be notified as soon as possible of any change in the nature of or termination of such use.

(e) In the event such use is to be a series of pre-planned tests or drills of the same or similar nature which are scheduled in advance for specific times

¹ Published July 31, 1964, 29 F.R. 11099.

or at certain intervals of time, the licensee may send a single notice to the Commission in Washington, D.C., and to the Engineer in Charge of the Radio District in which the station is located, stating the nature of the communications to be transmitted, the duration of each such test, and the times scheduled for such use. Notice shall likewise be given in the event of any change in the nature of or termination of any such series of tests.

(f) The Commission may, at any time, order the discontinuance of such special use of the authorized facilities.

Released: August 6, 1964.

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

[F.R. Doc. 64-8084; Filed, Aug. 10, 1964; 8:50 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

SPECIALLY ADAPTED HOUSING

In § 3.809, paragraphs (b) and (d) are amended to read as follows:

§ 3.809 Specially adapted housing.

(b) *Disability*. The disability must have been incurred or aggravated as the result of service as indicated in paragraph (a) of this section and the veteran must be entitled to compensation for permanent and total disability due to:

(1) The loss, or loss of use, of both lower extremities, such as to preclude locomotion without the aid of braces, crutches, canes, or a wheelchair, or

(2) Blindness in both eyes, having only light perception, plus the anatomical loss or loss of use of one lower extremity.

(d) *"Preclude locomotion."* This term means the necessity for regular and constant use of a wheelchair or other mechanical aid or contrivance as a normal mode of locomotion although occasional locomotion by other methods may be possible. (38 U.S.C. 801, 804; Pub. Law 88-401)

(72 Stat. 1114; 38 U.S.C. 210)

This VA regulation is effective August 4, 1964.

Approved: August 4, 1964.

By direction of the Administrator.

[SEAL] W. J. DRIVER,
Deputy Administrator.

[F.R. Doc. 64-8058; Filed, Aug. 10, 1964; 8:47 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER C—THE NATIONAL WILDLIFE REFUGE SYSTEM

PART 32—HUNTING

Migratory Game Birds; Alabama and Massachusetts; Open Areas

On page 8271 of the FEDERAL REGISTER of July 1, 1964, there was published a notice of a proposed amendment to § 32.11 of Title 50, Code of Federal Regulations. The purpose of this amendment is to provide for public hunting of migratory game birds on the Wheeler National Wildlife Refuge, Alabama, and the Parker River National Wildlife Refuge, Massachusetts, as legislatively permitted.

Interested persons were given 30 days in which to submit written comments, suggestions or objections with respect to the proposed amendment. All communications received were favorable. The proposed amendment is hereby adopted without change.

Since this amendment benefits the public by relieving existing restrictions on hunting, it shall become effective upon publication in the FEDERAL REGISTER. (Sec. 10, 45 Stat. 1224; 16 U.S.C. 7151 and sec. 4, 48 Stat. 451, as amended, 16 U.S.C. 718d.)

1. Section 32.11 is amended by the addition of the following areas where hunting of migratory game birds is authorized:

§ 32.11 List of open areas; migratory game birds.

ALABAMA

Wheeler National Wildlife Refuge.

MASSACHUSETTS

Parker River National Wildlife Refuge.

STEWART L. UDALL,
Secretary of the Interior.

AUGUST 5, 1964.

[F.R. Doc. 64-8046; Filed, Aug. 10, 1964; 8:46 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

PART 1—GENERAL RULES OF PRACTICE

Filing of Applications

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 24th day of July A.D., 1964.

There being under consideration the matters of special rules governing notice

of filing of applications by motor carriers of property or passengers under sections 5(2) and 210a(b) of the Interstate Commerce Act and certain other procedural matters with respect thereto, 49 CFR 1.240, and conforming changes in §§ 1.21 (b) and 1.247(f) (3), and good cause appearing therefor:

It is ordered, That § 1.240 be amended to read as follows:

§ 1.240 Special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(2) and 210a(b) of the Interstate Commerce Act and certain other procedural matters with respect thereto.

(a) *Scope of special rules.* These special rules govern the filing and handling of (1) applications under section 5(2) or the Interstate Commerce Act respecting control, lease, and unification of operating rights and properties of motor carriers of property or passengers, and (2) applications for approval under section 210a(b) of the act of the temporary operation of motor carrier properties sought to be acquired in an application under section 5(2) of the act. Except as otherwise herein provided, the General Rules of Practice shall apply.

(b) *Notice to interested persons.* (1) Notice of the filing of applications under section 5(2) will be given by the publication of a summary of the authority sought in the FEDERAL REGISTER. Such summaries will be prepared by the Commission, and it shall be the responsibility of applicants promptly to advise the Commission if the summary does not properly describe the authority sought.

(2) If applicants propose that any portion of the operating rights involved in the transaction be canceled or restricted, such proposal will be included in the summary.

(3) The summary will state whether an application has or has not been filed for temporary authority under section 210a(b) of the act.

(4) No notice by applicants to interested persons is required, except that applicants are not relieved from the obligation to file copies of applications with Governors, State Boards, and District Directors of the Commission's Bureau of Motor Carriers as may be required by the prescribed form of application, and except as hereinafter provided in paragraph (d) (3) of this section.

(5) Except for good cause shown, amendments to applications which broaden the scope of the proposed transaction will not be allowed if tendered after notice of the filing of an application has been published in the FEDERAL REGISTER. Restrictive amendments may be submitted at any time, but if tendered after such publication, they may be allowed only in the discretion of the Commission, or by the hearing officer if the matter is assigned for hearing or pre-hearing conference.

(c) *Protests and requests for hearing under section 5(2).* (1) Protests to the granting of an application under section 5(2) of the act shall be filed with the Commission within 30 days after the date notice of the filing of the application is published in the FEDERAL REGISTER. A

protest filed under these rules shall be served upon applicants' representatives named in the notice of filing published in the FEDERAL REGISTER. Unless otherwise specified in the notice, the original and one copy of the protest shall be filed with the Commission. Protests not in reasonable compliance with the requirements of this section may be rejected in the discretion of the Commission.

(2) Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding.

(3) A protest against an application shall set forth specifically the grounds upon which it is made and the protestant's interest in the proceeding, shall request an oral hearing if one is desired, and shall specify with particularity the facts, matters and things relied upon, but shall not include issues or allegations phrased generally.

(4) Any request for an oral hearing shall be supported by a specific explanation as to why the evidence to be presented cannot reasonably be submitted in the form of affidavits, and shall set forth the approximate number of witnesses who would be presented by the protestant, an estimate of the hearing time required for such presentation, and whether a hearing at Washington, D.C., would be objectionable, and, if so, what place would be more suitable; and protestant shall certify in its protest that, if an oral hearing is held, it will appear and present evidence.

(5) Where a person has a limited interest in an application, which possibly could be eliminated by a restrictive amendment of the proposed transaction, such person may also include in a protest filed in conformity with this paragraph an offer to withdraw the protest in the event of acceptance by applicants of such amendment.

(6) Except as provided in subparagraph (5) of this paragraph, or for good cause shown, the failure of any person filing a protest to an application to appear at a hearing scheduled thereon shall be construed as a waiver of his right to participate further in the proceeding; such person shall no longer be considered as a party to the proceeding, and such person and any representative responsible for his participation in the proceeding may be subject to censure for failure to appear.

(7) Any interested person, not a protestant, desiring to receive notice of the time and place of any hearing, conference, or other proceedings shall notify the Commission by telegram or letter within 30 days from the date of the publication of the notice of the filing of the application in the FEDERAL REGISTER.

(d) *Procedure to be followed under section 210a(b).* (1) Subject to subparagraph (4) of this paragraph, protests to the granting of an application for temporary authority under section 210a(b) may be filed by persons who oppose, or intend seasonably to oppose, the application under section 5(2).

(2) The protest to temporary approval may be by telegram, letter, or other writing, of which only an original need be filed, or may be included in a protest filed under paragraph (c) of this section. It should state the interest of the protes-

tant and the grounds for the position taken in opposition to temporary approval, and should show service upon applicants' representatives.

(3) If an application for temporary authority is filed in a contested proceeding after the period for filing protests under paragraph (c) of this section has expired, applicants are required to furnish copies of such application to protestants. Notice will not thereafter be given by publication in the FEDERAL REGISTER.

(4) Applications for temporary authority under section 210a(b) will be disposed of without hearings or other proceedings, and without necessarily awaiting expiration of the period allowed for protests.

(5) Unless circumstances requiring immediate action are shown, applications for temporary authority under section 210a(b) will not be disposed of before 10 days after the date the notice of filing of the application under section 5(2) is published in the FEDERAL REGISTER, or 10 days after the date an amended notice is published, if the application for temporary authority is filed within 30 days after the date of initial publication; or, if the application for temporary authority is filed after expiration of the 30 days from the date of initial publication of notice of the section 5 application, and protests have been filed, copies of the temporary authority application shall be served on protestants, and action will not be taken in less than 20 days from the date of such service, unless circumstances require immediate action.

(e) *Hearing or other procedures under section 5(2).* (1) The Commission will determine whether an assignment for oral hearing should be made, after notice to interested persons of the filing of the application has been published in the FEDERAL REGISTER and the period for filing protests has expired. At or prior to such time, applicants who do not intend to prosecute their application should promptly request dismissal thereof.

(2) Applicants who believe their application is not susceptible of handling without oral hearing may request oral

hearing when the application is filed, or later, if additional evidence which cannot reasonably be submitted in the form of affidavits is required.

(3) If applicants request an oral hearing and show that such hearing is necessary, or if the proceeding is contested, applicants shall advise the approximate number of witnesses who will be presented, furnish an estimate of the hearing time required for such presentation, and state whether a hearing at Washington, D.C., would be objectionable, and, if so, what place would be more suitable.

(f) *Notice of hearing, conference or other proceedings.* (1) Notice of the time and place of any hearing, conference, or other proceedings will be given to applicants' representatives, applicants, protestants, and other interested parties by mailing to them the order or notice assigning the application for hearing, conference, or other procedure.

(2) A request by any party for a change in the time or place of an assigned hearing must set forth good and sufficient cause for the action requested, must be in writing and filed with the Commission not less than 10 days before the assigned hearing date, except in emergency circumstances, and must be served on all known parties of record at the same time and by the same method of communication as service is made on the Commission. Where such requests are filed less than 10 days before the date of hearing, the petitioning party shall state the reasons for his failure to make such request within the prescribed time.

(3) The applicants' representatives, protestants, and those who request notice of changes in time or place of hearing, conference, or other proceedings will be informed of such changes if notice is given by mail. If telegraphic notice becomes necessary, notice of such changes will be given by telegram only to those who request telegraphic notice at their expense.

(4) Upon receipt of an order or notice of a hearing assignment, applicants who no longer intend to proceed to hearing shall immediately and jointly request dismissal of their application, with appropriate notification to all protestants, falling in which applicants or their rep-

resentatives, or both, may be subject to censure.

(g) *Intervention.* Section 1.73 relating to participation without intervention is inapplicable to applications subject to this section, except with respect to persons seeking to intervene in support. No person who fails to file a protest as provided in these rules will be permitted to intervene in opposition except upon a showing of substantial reasons in a petition submitted in accordance with § 1.72.

§ 1.21 [Amended]

It is further ordered, That in § 1.21 *Time*, paragraph (b) *Modification* is amended by deleting the third reference to "10 days" and substituting in lieu thereof the word "time."

§ 1.247 [Amended]

It is further ordered, That in § 1.247, paragraph (f) *Notice of hearing, conference or other proceedings*, subparagraph (3) *Requests for change* is amended by deleting the third reference to "10 days" and substituting in lieu thereof the word "time."

It is further ordered, That this order shall become effective on October 1, 1964, with respect to notices of filing published in the FEDERAL REGISTER on and after that date; and

It is further ordered, 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 and by filing a copy with the Director, Office of the Federal Register.

(Secs. 5, 12, 17, 24 Stat. 380, as amended, 383, as amended, 385, as amended; secs. 204, 205, 206, 209, 211, 49 Stat. 546, as amended, 548, as amended, 551, as amended, 552, as amended, 554, as amended; sec. 210a, 52 Stat. 1238; secs. 302, 303, 304, 309, 54 Stat. 929, 931, as amended, 933, 941; secs. 403 and 410, 56 Stat. 285, 291, as amended; 49 U.S.C. 5, 12, 17, 304, 305, 306, 309, 310a, 311, 902, 903, 904, 909, 1003, and 1010)

By the Commission.

[SEAL]

HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 64-8054; Filed, Aug. 10, 1964;
8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 925]

HANDLING OF FRESH PRUNES GROWN IN DESIGNATED COUNTIES IN IDAHO AND IN MALHEUR COUNTY, OREGON

Proposed Expenses and Fixing of Rate of Assessment for 1964-65 Fiscal Year

Consideration is being given to the following proposals submitted by the Idaho-Malheur County, Oregon Fresh Prune Marketing Committee, established under the marketing agreement and Order No. 925 (7 CFR Part 925), regulating the handling of fresh prunes grown in designated counties in Idaho and in Malheur County, Oregon, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), as the agency to administer the terms and provisions thereof:

(a) That the Secretary of Agriculture find that expenses that are reasonable and likely to be incurred by said committee during the fiscal period beginning July 1, 1964, and ending June 30, 1965, to enable it to perform its functions in accordance with the provisions of the said amended marketing agreement and order will amount to \$3,850.

(b) That the Secretary of Agriculture fix, as the share of such expenses which each handler who first handles fresh prunes shall pay during the fiscal period ending June 30, 1965, in accordance with the applicable provisions of said marketing agreement and order, the rate of assessment of \$0.005 per one-half bushel or equivalent quantity of prunes so handled by such handler during such fiscal period.

(c) Terms used in the marketing agreement and order, shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should 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 10th 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)).

Dated: August 5, 1964.

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

[F.R. Doc. 64-8049; Filed, Aug. 10, 1964;
8:46 a.m.]

[7 CFR Part 987]

HANDLING OF DOMESTIC DATES PRODUCED OR PACKED IN A DESIGNATED AREA OF CALIFORNIA

Proposed Free and Restricted Percentages and Withholding Factors for 1964-65 Crop Year

Notice is hereby given of a proposal to establish, for the 1964-65 crop year beginning August 1, 1964, free and restricted percentages and withholding factors applicable to marketable dates of the Deglet Noor, Zahidi, Halawy, and Khadrawy varieties. The proposed percentages and withholding factors would be established in accordance with the provisions of the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987; 29 F.R. 9706), regulating the handling of domestic dates produced or packed in a design-

ated area of California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The proposal is based on the unanimous recommendation of the Date Administrative Committee and other available information.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal should 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 eighth 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)).

Estimates pertinent to the establishment of such proposed percentages and withholding factors are as follows:

Factors	1,000 pounds			
	Deglet Noor	Zahidi	Halawy	Khadrawy
1. Uncertified handler carryover (July 31, 1964).....	12,511	191	57	16
2. Production of marketable dates (1964-65 crop year).....	33,300	1,480	310	630
3. Total available supply of marketable dates subject to regulation.....	45,811	1,671	367	646
4. Trade demand.....	26,000	1,200	300	660
5. Plus: Desirable handler carryover (July 31, 1965).....	12,500	150	50	50
6. Less: Certified handler carryover (July 31, 1964).....	5,268	44	6	17
7. Requirements for free dates.....	33,232	1,306	344	693
8. Marketable dates in excess of requirements for free dates (item 3 minus item 7).....	12,579	365	23	(47)

† The Date Administrative Committee included no countries other than the United States and Canada in its determination of trade demand.

On the basis of the foregoing estimates, free and restricted percentages and a withholding factor for Deglet Noor dates of 72.5 percent, 27.5 percent, and 37.9 percent, respectively, and for Zahidi dates of 78.2 percent, 21.8 percent, and 27.9 percent, respectively, appear to be appropriate for the 1964-65 crop year.

For the Halawy variety and also the Khadrawy variety, the estimated total available supply of marketable dates subject to regulation so closely approximates the estimated requirements for free dates as not to indicate the need for establishing the free percentage for either variety at less than 100 percent.

The proposal is as follows:

§ 987.212 Free and restricted percentages, and withholding factors.

The various free percentages, restricted percentages, and withholding factors applicable to marketable dates of each variety shall be, for the crop year beginning August 1, 1964, and ending July 31, 1965, as follows: (a) Deglet Noor variety dates: Free percentage, 72.5 percent; restricted percentage, 27.5 percent; and withholding factor, 37.9 percent; (b) Zahidi variety dates: Free percentage, 78.2 percent; restricted percentage, 21.8 percent; and withholding factor (27.9 percent); (c) Halawy variety dates: Free percentage, 100 percent; restricted per-

centage, 0 percent; and withholding factor, 0 percent; and (d) Khadrawy variety dates: Free percentage, 100 percent; restricted percentage, 0 percent; and withholding factor, 0 percent.

Dated: August 6, 1964.

PAUL A. NICHOLSON,
Deputy Director,
Fruit and Vegetable Division.

[F.R. Doc. 64-8078; Filed, Aug. 10, 1964;
8:49 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 241]

[Economic Regs. Docket No. 14790]

UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS ACCOUNTING FOR INVESTMENT TAX CREDITS

Supplemental Notice of Proposed Rule Making

AUGUST 5, 1964.

The Board, by publication in 28 F.R. 10785 and by circulation of a notice of proposed rule making, EDR-61, dated October 2, 1963, gave notice that it had under consideration proposed amend-

ments to Part 241 of the Economic Regulations (Uniform System of Accounts and Reports for Certificated Air Carriers) to prescribe accounting requirements for investment tax credits under section 38 of the Internal Revenue Code. Since these proposals were based upon provisions of the Revenue Act of 1962, and since the Revenue Act of 1964 (Pub. L. 88-272) modified the 1962 Act with respect to the investment tax credit, the Board revised its proposed amendments and issued a supplemental notice of proposed rule making, EDR-61B, dated July 9, 1964, which was circulated and published in 29 F.R. 9540. Interested persons were invited to participate in the rule making proceeding by the submission of ten (10) copies of written data, views, or arguments pertaining to the

revised proposed amendments, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C., 20428, on or before August 12, 1964.

A request has been received that the time for filing such data, views, or arguments be extended in order to give industry representatives adequate opportunity to complete exploration of available alternatives to the proposed amendments. The undersigned finds that good cause has been shown for extending the time for filing comments on these proposals.

Accordingly, pursuant to authority delegated under section 7.3C of Public Notice PN-15, dated July 3, 1961, the undersigned hereby extends the date for submitting comments on the subject proposal until August 26, 1964. All relevant

matter in communications received on or before that date will be considered by the Board before taking action on this proposal. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 711 Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

(Secs. 204(a) and 1001 of the Federal Aviation Act of 1958, 72 Stat. 743 and 788, 49 U.S.C. 1324 and 1481)

By the Civil Aeronautics Board.

[SEAL] CHARLES A. HASKINS,
Acting Associate General Counsel,
Rules and Special Counsel
Division.

[F.R. Doc. 64-8080; Filed, Aug. 10, 1964; 8:47 a.m.]

Notices

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration ALLIED CHEMICAL CORP. ET AL. Filing of Petition Regarding Food Additive Nylon 6 Resins

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 1293) has been filed by Allied Chemical Corp., 61 Broadway, New York 6, N.Y.; Foster Grant Company, Inc., 289 North Main Street, Leominster, Mass.; and Spencer Chemical Company, Dwight Building, Kansas City 5, Mo., proposing the amendment of § 121.2502 to provide for the use of nylon 6 resins in the production of articles intended for use in processing, handling, and packaging food.

Dated: August 5, 1964.

J. K. KIRK,
Assistant Commissioner
for Operations.

[F.R. Doc. 64-8050; Filed, Aug. 10, 1964;
8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary SOUTH DAKOTA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of South Dakota natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

SOUTH DAKOTA
Brookings. Shannon.
Miner.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1965, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 6th day of August 1964.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 64-8079; Filed, Aug. 10, 1964;
8:49 a.m.]

TEXAS

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of Texas natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

TEXAS

Brazoria. Hartley.
Dallam. Jefferson.
Dawson. Lavaca.
Falls. Navarro.
Gonzales. Wharton.
Hardin. Wilson.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1965, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 6th day of August 1964.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 64-8080; Filed, Aug. 10, 1964;
8:50 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary INTERAGENCY COMMITTEES

Committees Chaired by Department of Commerce

The following information on interagency committees chaired by the Department of Commerce is published pursuant to the provisions of Bureau of the Budget Circular No. A-63.

COMMITTEES ESTABLISHED BY THE DEPARTMENT OF COMMERCE OR OTHER AGENCIES OF GOVERNMENT CONTINUED BEYOND JUNE 30, 1964

New Haven Railroad Committee.
Advisory Committee on Export Policy.
ACEP Operating Committee.
Committee on Balance of Payments Information.
Subcommittee on Foreign Trade Commodity Classifications.
Interdepartmental Board for the Cooperation of the Coast and Geodetic Survey with the Armed Services.
Ocean Survey Advisory Panel.
Interdepartmental Committee for Atmospheric Sciences.
Executive Council on Port Utilization and Control.
Interagency Committee on Cargo Preference.
Working Committee-Interdepartmental Highway Safety Board.
Interdepartmental Screw Thread Committee.

NBS-Air Force Working Group on Standards.
Committee on Systems and Equipment.
Interdepartmental Travel Policy Committee.
Interagency Shoe Committee.
Interdepartmental Committee on Radiation Preservation of Food.
Panel I-Telecommunications Committee.

NEWLY ESTABLISHED INTERAGENCY COMMITTEES
Interagency Committee-Automobiles in Canada.
GATT Country Committee for Latin America.

Dated: August 5, 1964.

HERBERT W. KLOTZ,
Assistant Secretary
for Administration.

[F.R. Doc. 64-8062; Filed, Aug. 10, 1964;
8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 13777; Order E-21152]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 5th day of August 1964.

Agreements adopted by Joint Conference 3-1 of the International Air Transport Association relating to specific commodity rates; Docket No. 13777, Agreement C.A.B. 17456, R-9.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Joint Conference 3-1 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 (Commodity Rates Board).

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in IATA memorandum SFO Board/10/JT31-Rates 349, names an additional specific commodity rate as follows:

Item 0007, Fruits and/or vegetables.
Rate, 70 cents per kilogram, minimum weight 250 kilograms, from Auckland to West Coast.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the subject agreement to be adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That Agreement C.A.B. 17456, R-9, is approved, provided that such approval shall not constitute approval of the specific commodity description contained therein for purposes of tariff publication.

Any air carrier party to the agreement, or any interested person, may, within 15

days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 64-8061; Filed, Aug. 10, 1964;
8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[List 60; FCC 64-744]

STANDARD BROADCAST APPLICATIONS READY AND AVAILABLE FOR PROCESSING

AUGUST 6, 1964.

The applications listed below were filed in response to the Commission's public notice (FCC 64-142) of February 20, 1964, for the vacated frequency of Station KRLA, Pasadena, Calif. The applications were timely filed pursuant to the public notice and all are mutually exclusive under the doctrine of Ashbacker v. F.C.C., 326 U.S. 327 (1945) and were accepted for filing by the Commission's Memorandum Opinion and Order, released August 6, 1964 (FCC 64-743). Accordingly, notice is hereby given that on September 11, 1964, the listed applications will be considered as ready and available for processing.

As stated in the public notice, any party in interest desiring to file pleadings pursuant to section 309(d) (1) of the Communications Act of 1934, as amended, concerning any applications accepted for filing by the Commission's Memorandum Opinion and Order is directed to § 1.580(i) of the Commission's rules for the provisions governing the time of filing and other requirements relating to such pleading. Notwithstanding the provisions of § 1.580(i), petitions to deny may be filed no later than 30 days after the release date of the Commission's Memorandum Opinion and Order accepting the listed applications.

As set forth in the Commission's Memorandum Opinion and Order those applicants that incorporated the engineering data of Station KRLA, Pasadena, Calif., on file with the Commission in lieu of filing the engineering data required by Section V-A, FCC Form 301 may file such engineering data required by said Section V-A in the form of an amendment to their application. Such amendment must be on file no later than 60 days following the release date of the Commission's Memorandum Opinion

and Order accepting the listed applications.

Adopted: July 29, 1964.

FEDERAL COMMUNICATIONS COMMISSION,¹

[SEAL] BEN F. WAPLE,
Secretary.

NEW, Costa Mesa, Newport Beach, Calif.,
Charles W. Jobbins.
Req: 1110 kc, 1 kw, Day, Class II.
NEW, Pasadena, Calif.,
Radio Southern California, Inc.
Req: 1110 kc, 10 kw, 50 kw-LS, DA-2, U, Class II.
NEW, Pasadena, Calif.,
Goodson-Todman Broadcasting, Inc.
Req: 1110 kc, 50 kw-LS, DA-2, U, Class II.
NEW, Fullerton, Calif.,
Orange Radio, Inc.
Req: 1110 kc, 10 kw, 50 kw-LS, DA-2, U, Class II.
NEW, Whittier, Calif.,
Pacific Fine Music, Inc.
Req: 1110 kc, 10 kw, 50 kw-LS, DA-2, U, Class II.
NEW, Pasadena, Calif.,
The Bible Institute of Los Angeles, Inc.
Req: 1110 kc, 10 kw, 50 kw-LS, DA-2, U, Class II.
KCJH, Arroyo Grande, Calif.,
Christina M. Jacobson and Leslie H. Hacker
d/b as Radio Station KCJH.
Has: 1280 kc, 500 w, Day, Class III.
Req: 1100 kc, 1 kw, 5 kw-LS, DA-2, U, Class II.
NEW, Topanga, Calif.,
C. D. Funk and George A. Baron d/b as
Topanga Malibu Broadcasting Co.
Req: 1110 kc, 500 w, DA-2, U, Class II.
NEW, Pasadena, Calif.,
California Regional Broadcasting Corp.
Req: 1110 kc, 50 kw, DA-2, U, Class II.
KGBS, Pasadena, Calif.,
Standard Broadcasting Co.
Has: 1020 kc, 50 kw, DA-1, L-KDKA, Class II, Los Angeles, Calif.
Req: 1110 kc, 50 kw, DA-2, U, Class II, Pasadena, Calif.
Mitchell B. Howe, Peter Davis,
Edwin M. Dillhoefer, and C. Hunter Shel-
den d/b as Pasadena Civic Broadcasting
Company.
Req: 1110 kc, 10 kw, 50 kw-LS, DA-2 U, Class II.
NEW, Pasadena, Calif.,
Marshall S. Neal, Robert S. Morton, Arthur
Hanisch, Macdonald Carey, Ben F. Smith,
Donald C. McBain, Robert Breckner, Louis
R. Vincenti, Robert C. Mardian, James B.
Boyle, Robert M. Vallancourt, and Edwin
Earl d/b as Crown City Broadcasting Co.
Req: 1110 kc, 10 kw, 50 kw-LS, DA-2, Class II.
KDHI, Twenty Nine Palms, Calif.,
HI-Desert Broadcasting Corp.
Has: 1250 kc, 1 kw, Day, Class III.
Req: 1110 kc, 10 kw, DA-N, Class II.
NEW, Pasadena, Calif.,
Pasadena Community Station, Inc.
Req: 1110 kc, 10 kw, 50 kw-LS, DA-2, U, Class II.
NEW, Pasadena, Calif.,
Broadcasters of Burbank, Inc.
Req: 1110 kc, 10 kw, 50 kw-LS, DA-2, U, Class II.
NEW, Pasadena, Calif.,
Voice of Pasadena, Inc.
Req: 1110 kc, 10 kw, 50 kw-LS, DA-2, U, Class II.
NEW, Pasadena, Calif.,
Western Broadcasting Corp.
Req: 1110 kc, 10 kw, 50 kw-LS, DA-2, U, Class II.

¹ Commissioner Bartley concurring in the result; Commissioner Loevinger dissenting.

NEW, Pasadena, Calif.,
Pasadena Broadcasting Co.
Req: 1110 kc, 10 kw, 50 kw-LS, DA-2, U, Class II.

KFOX, Pasadena, Calif.,
KFOX, Inc.
Has: 1230 kc, 1 kw, Day, Class III, Long Beach, Calif.

Req: 1110 kc, 10 kw, 50 kw-LS, DA-2, U, Class II, Pasadena, Calif.

[F.R. Doc. 64-8085; Filed, Aug. 10, 1964;
8:50 a.m.]

[Docket Nos. 15593, 15594; FCC 64-756]

ST. ALBANS-NITRO BROADCASTING CO. AND WCHS-AM-TV CORP.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of St. Albans-Nitro Broadcasting Co., St. Albans, West Virginia, Req.: 96.1 mc, No. 241; 50 kw; 500 feet, Docket No. 15593, File No. BPH-4146; WCHS-AM-TV Corporation, Charleston, West Virginia, Req.: 96.1 mc, No. 241; 15.8 kw; 800 feet, Docket No. 15594, File No. BPH-4332; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 29th day of July 1964:

The Commission having under consideration the above-captioned and described applications;

It appearing, that, except as indicated by the issues specified below, each of the applicants is legally, technically, financially, and otherwise qualified to construct and operate as proposed; and

It further appearing, that the above-captioned applications are mutually exclusive in that concurrent operation would result in mutually destructive interference; and

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations within the respective 1 mv/m contours, and the availability of other FM service (at least 1 mv/m) to said areas and populations.

2. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient, and equitable distribution of radio service.

3. To determine, in the event it is concluded that a choice between the applications should not be based solely on considerations relating to section 307(b), which of the operations proposed in the

above-captioned applications would better serve the public interest, in light of the evidence adduced pursuant to the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate the FM station as proposed.

(b) The proposals of each of the applicants with respect to the management and operation of the FM broadcast station as proposed.

(c) The programming services proposed in each of the above-captioned applications.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues which of the applications should be granted.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible, and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: "To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated."

Released: August 4, 1964.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-8086; Filed, Aug. 10, 1964;
8:50 a.m.]

[Docket No. 8739 etc.; FCC 64R-394]

WHDH, INC., ET AL.

Memorandum Opinion and Order
Amending Issues

In the matter of WHDH, Inc., Boston, Massachusetts, Docket No. 8739, File No. BPCT-248; Greater Boston Television Corp., Boston, Massachusetts, Docket No. 11070, File No. BPCT-1657; for construction permits for new television stations (Channel 5). In re applications of WHDH, Inc., Boston, Massachusetts, Docket No. 15204, File No. BRCT-530;

for renewal of license. Charles River Civic Television, Inc., Boston, Massachusetts, Docket No. 15205, File No. BPCT-3164; Boston Broadcasters, Inc., Boston, Massachusetts, Docket No. 15206, File No. BPCT-3170; Greater Boston TV Co., Inc., Boston, Massachusetts, Docket No. 15207, File No. BPCT-3171; for construction permits for new VHF television broadcast stations.

1. Boston Broadcasters, Inc. (BBI) petitions the Review Board to enlarge issues with respect to WHDH, Inc. (WHDH), the existing licensee in this comparative proceeding, to determine whether there has been an unauthorized transfer of control of WHDH and whether WHDH possesses the requisite character qualifications to be a Commission licensee in light of the facts developed under the former issue.¹

2. In a similar petition to enlarge issues filed November 18, 1963, Charles River Civic Television, Inc. (Charles River) also urged that an unauthorized transfer of control of WHDH had occurred through transfers of stock of the Boston Herald-Travelers Corp. (Herald-Traveler)² by officers, directors and others owning 1 percent or more of its stock. Charles River suggested that control of a widely held corporation rests with that group of stockholders whose stock transfers must be reported to the Commission and pointed out that those stockholders who owned 100 percent of the "control group" stock of Herald-Traveler in 1954 now own only 37.5 percent of the new "control group." The Review Board denied Charles River's requested enlargement in a Memorandum Opinion and Order (FCC 64R-128) released March 12, 1964, on the basis that the 1954 "control group" did not have de jure control and that Charles River had failed to show that it had de facto control.

3. BBI's contention that de facto control of WHDH has been transferred is based upon an earlier Commission Decision (WHDH, Inc., 22 FCC 767, 13 RR 507 (1957)). Petitioner points out Paragraph 14 of that Decision, wherein the Commission found that Sidney Winslow, Jr., and his family owned the principal holding (about 23 percent) in Herald-Traveler and that Winslow, the president, was a "major factor" on the Board of Directors, and that Winslow was one of three members of a Standing Proxy Committee, which, at the annual stockholders' meeting of Herald-Traveler in March of 1954, voted over 80 percent of all of the shares that were voted. These facts, BBI contends, are a prima facie indication that Winslow had de facto control of Herald-Traveler in 1954. Since Winslow died on July 14, 1963, and since only one member of the original proxy committee remains today,

¹ The pleadings before the Review Board include: (1) Petition to enlarge issues, filed May 13, 1964, by Boston Broadcasters, Inc.; (2) Opposition, filed June 8, 1964, by WHDH, Inc.; (3) Opposition, filed June 8, 1964, by the Broadcast Bureau; and (4) Reply, filed June 15, 1964, by petitioner.

² WHDH is wholly owned by the Herald-Traveler which, itself, is a widely held corporation.

BBI alleges that a shift in de facto control can be assumed. Also noted by BBI is the additional finding by the Commission in paragraph 5 of the cited decision, that Winslow as president of Herald-Traveler voted all of the stock of WHDH, Inc. BBI also attempts to trace a transfer in de jure control in that more than 50 percent of the Herald-Traveler stock is now held by persons who have acquired such interests since 1954. Petitioner points out that ownership reports filed by WHDH through April 13, 1964, reflect total stockholdings (ranging from 0.01 percent to 12.22 percent) of persons who are strangers to the original 1954 applicant in the amount of 52.59 percent of the total Herald-Traveler stock issued and outstanding.³ The ownership reports, according to BBI, also show that the 1954 officers, directors and 1 percent or more stockholders have reduced their interests from 31.95 percent to 6.551 percent of Herald-Traveler stock. Since the original owners of WHDH no longer own 50 percent of the licensee's parent corporation and since the Commission's prior consent to such a transfer of control has not been sought or granted, BBI contends that section 310(b) of the Communications Act has been violated and that such violation raises a question concerning WHDH's character qualifications.⁴

4. Both WHDH and the Broadcast Bureau oppose BBI's request to enlarge issues in the proceeding. WHDH asserts that however important "executive control" (as allegedly exercised by Winslow) might be in the qualifications of a corporate licensee, it is not within the purview of section 310(b) which has been construed to apply to voting control. WHDH also attacks BBI's claim of a shift in de jure control on the basis that there has been no showing of privity among the new majority stockholders of the Herald-Traveler as is required by the note to § 1.343(c)(4) of the rules and by the instructions to FCC Form 323. In countering BBI's assumption that control shifts between any two arbitrarily selected dates if more than 50 percent of a corporation's stock comes into new hands, WHDH points to Commission authorizations subsequent to 1957 which have dealt with the qualifications of WHDH; therefore, BBI's selection of 1954 as a basic

³ In its reply to WHDH's opposition, BBI notes that WHDH, in its June, 1964, ownership report, discloses the purchase of an additional 7,830 shares by Greater Boston Distributors which increases its total holding to 72,395 shares (13.7 percent) and which raises the 52.59 percent figure to 54.07 percent.

⁴ BBI also notes, in response to WHDH, that the Instructions of FCC Form 323 "Ownership Report" list specific examples of transfers of control which require prior Commission approval. BBI asserts that the seventh illustration governs the present situation when it states: "A, B, C, D, and E each own 20 percent of the stock of X corporation. A, B, and C sell their stock to F, G, and H at different times. A transfer is effectuated at such time as C sells 10 percent or more of his stock. In other words, a transfer is effectuated at such time as 50 percent or more of the stock passes out of the hands of the stockholders who held stock at the time the original authorization for the licensee or permittee corporation was issued."

date has no warrant in statute or precedent. The Broadcast Bureau, in its opposition, further asserts that BBI's petition is improper in seeking to enlarge issues in Docket Nos. 8739 and 11070 since those proceedings are before the U.S. Court of Appeals for the District of Columbia Circuit.⁵ The Bureau contends that BBI is not a party to those proceedings and its petition to enlarge issues with respect thereto is addressed to a tribunal without jurisdiction.

5. Section 310(b) of the Communications Act, as amended, requires prior Commission consent to a transfer of control of any corporation (or parent corporation) holding a license. The term "control," as used in section 310(b) and in the Commission's rules, may embrace de facto as well as de jure control; however, there is no exact formula by which the Commission is bound to determine whether "control" of a corporate licensee has been transferred or acquired. Press-Union Publishing Co., 7 RR 83 (1951); Western Gateway Broadcasting Corp. (WSNY), 6 RR 1325 (1951). In this proceeding, petitioner's allegations present a substantial question of whether there has been a transfer of effective de facto control of Herald-Traveler since 1954. A substantial question is likewise presented by BBI's claim of a transfer in de jure control of Herald-Traveler. According to the latest ownership reports filed by WHDH and interpreted in the BBI petition, more than 50 percent of the stock of Herald-Traveler is now held by strangers to the original 1954 applicant.⁶ As the Instructions to FCC Form 323 point out, a transfer of control is effectuated at such time as 50 percent or more of the stock passes out of the hands of stockholders who held stock at the time the original authorization was issued. The fact that de jure control in these circumstances might not amount to actual control of the corporate licensee because of a failure to exercise de facto control does not mean its existence can be ignored. See Pacifica Foundation, FCC 64-43, 1 RR 2d 747 (1964). Accordingly, petitioner has alleged sufficient facts to raise a substantial question of whether there has been a transfer of control (either de facto or de jure) of the Herald-Traveler and the issues in this proceeding will be enlarged as requested.

6. The Board also notes that the Commission has considered the opinion of April 16, 1964, of the U.S. Court of Appeals for the District of Columbia Circuit, in Greater Boston Television Corporation v. Federal Communications

Commission (Case Nos. 17785 and 17788), which remanded this case for further proceedings to determine the effect of the death of Robert B. Choate (a principal of WHDH) on the Commission's Decision (33 FCC 449) of September 25, 1962.⁷ In a Memorandum Opinion and Order (FCC 64-404) released May 8, 1964, the Commission reopened the proceedings in Docket Nos. 8739 and 11070 and specified issues relative to Choate's death and its effect on the earlier grant to WHDH. The Commission also consolidated those proceedings (Docket Nos. 8739 and 11070) with the proceedings in Docket Nos. 15204-15207 for the limited purpose of adducing evidence on the specific issues relating to Choate's death in accordance with the Court's remand order. Therefore, the Bureau correctly maintains that BBI's petition is improper in seeking to enlarge issues in Docket Nos. 8739 and 11070, which proceedings are before the Court and to which BBI is not a party; and insofar as BBI's request pertains to said proceedings, it will be dismissed.⁸

7. Two minor matters remain. First, the Bureau in its opposition contends that the petition is untimely. However, as is pointed out by the petitioner in its reply pleading, the transfers which placed over 50 percent of the stock in the hands of strangers were not reported to the Commission until April 13, 1964; the filing of the instant petition one month thereafter does not constitute an unconscionable delay. Second, WHDH points out that since 1957 it has received various authorizations and licenses and it argues that any question of transfer of control must turn upon whether there has been a transfer since the date of such formal Commission determination. The flaw in their argument is that none of these Commission actions purported to approve a transfer of control, nor was such approval requested by WHDH; the Commission is not stopped from instituting an inquiry into a matter upon which it did not rule and was not requested to rule.

Accordingly, it is ordered, This 4th day of August 1964, that the petition to enlarge issues, filed May 13, 1964, by Boston Broadcasters, Inc., is granted insofar as it pertains to Docket Nos. 15204-15207, and is dismissed insofar as it pertains to Docket Nos. 8739 and 11070; and the issues in this proceeding are enlarged by the addition of the following issues.

To determine whether the control of WHDH, Inc., and the Boston Herald-Traveler Corporation has been transferred without Commission authorization in violation of section 310(b) of the Communications Act.

⁷ In that decision, the Commission granted the application of WHDH, Inc., and denied competing applications filed by Greater Boston Television Corp. and Massachusetts Bay Telecasters, Inc.

⁸ In a Memorandum Opinion and Order (FCC 64-691) released July 27, 1964, the Commission denied a petition to reopen the record in Docket Nos. 8739 and 11070 in order to evaluate further changes in the applicants. The Commission noted again that the proceedings were reopened only to consider the effect of Choate's death on the WHDH application.

To determine, in view of the facts developed under the foregoing issue, whether WHDH, Inc., possesses the requisite character qualifications to be a Commission licensee.

Released: August 6, 1964.

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

[F.R. Doc. 64-8087; Filed, Aug. 10, 1964;
8:50 a.m.]

[Docket Nos. 15595-15597; FCC 64-759]

WPFA RADIO, INC., ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of WPFA Radio, Inc., Springfield, Illinois, Requests: 104.5 mc, No. 283; 46.6 kw; 423 feet, Docket No. 15595, File No. BPH-4265; WTAX, Inc. (WTAX), Springfield, Illinois, Has: 103.7 mc, No. 279; 6.7 kw; 315 feet, Requests: 104.5 mc, No. 283; 17 kw; 316 feet, Docket No. 15596, File No. BPH-4314; Harold J. Hoskins, John H. Johnson, W. F. Wingerter, and R. W. Deffenbaugh, d/b as Capital Broadcasting Co., Springfield, Illinois, Requests: 104.5 mc, No. 283; 10.25 kw; 201 feet, Docket No. 15597, File No. BPH-4337; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 29th day of July 1964;

The Commission having under consideration the above-captioned and described applications;

It appearing, that, except as indicated by the issues specified below, each of the applicants is legally, technically, financially, and otherwise qualified to construct and operate as proposed; and

It further appearing, that the above-captioned applications are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference, and

It further appearing, that the areas for which the applicants propose to provide FM Broadcast service are significantly different in size and that for purposes of comparison, the areas and populations within the respective 1 mv/m contours together with the availability of other FM service (at least 1 mv/m) within such areas will be considered in the hearing ordered below for the purpose of determining whether a comparative preference should accrue to any of the applicants; and

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be

⁵ Greater Boston Television Corporation v. Federal Communications Commission, et al. Case No. 17785.

⁶ In its opposition, Herald-Traveler asserts that some 6 percent of the 52 percent total was transferred prior to the 1957 Commission decision. However, it is not shown that the 1954 application was amended to reflect these alleged transfers. Moreover, as is pointed out in footnote 3, additional stock was transferred after the filing of the petition. Under the circumstances, it cannot be determined on the basis of the interlocutory pleadings before us whether more or less than 50 percent of the stock has been transferred; such determination should be made on the basis of an evidentiary record.

specified in a subsequent order, upon the following issues:

1. To determine the area and population within each of the proposed 1 mv/m contours and the availability of other FM services (at least 1 mv/m) to such areas and populations.

2. To determine the areas and populations which may be expected to gain or lose FM service (at least 1 mv/m) from the operation of Station WTAX (FM) as proposed and the availability of other FM service (at least 1 mv/m) to such areas and populations.

3. To determine, on a comparative basis, which of the proposals would best serve the public interest, convenience, and necessity in light of the evidence adduced pursuant to the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate its proposed station.

(b) The proposals of each of the applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the said applications.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues which of the applications should be granted.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: "To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated."

Released: August 4, 1964.

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

[F.R. Doc. 64-8088; Filed, Aug. 10, 1964;
8:51 a.m.]

FEDERAL MARITIME COMMISSION GULF/SCANDINAVIAN & BALTIC SEA PORTS CONFERENCE

Notice of Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. L. M. Paine, Jr., Secretary,
Gulf/Scandinavian and Baltic Sea Ports
Conference,
Suite 927, Whitney Building,
New Orleans 12, La.

Agreement 5400-5 between member lines of the Gulf/Scandinavian and Baltic Sea Ports Conference, modifies the basic agreement (5400, as amended) to provide for the inclusion of procedures relating to Admission, Withdrawal and Expulsion pursuant to General Order 9 (46 CFR Part 523). Agreement 5400-5 also relates to apportionment of conference expenses among member lines in accordance with the terms and conditions set forth in the agreement.

Dated: August 6, 1964.

By order of the Federal Maritime
Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-8070; Filed, Aug. 10, 1964;
8:49 a.m.]

JAPAN-ATLANTIC AND GULF FREIGHT CONFERENCE

Notice of Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San

Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. D. P. Gillette, Secretary,
Japan-Atlantic and Gulf Freight Conference,
Kindai Building, 11, 3-Chome, Kyobashi,
Chuo-Ku, Tokyo.

Agreement 3103-24 between member lines of the Japan-Atlantic and Gulf Freight Conference, modifies the basic agreement (3103, as amended) to provide for the inclusion of procedures relating to Admission, Withdrawal and Expulsion pursuant to General Order 9 (46 CFR Part 523). Agreement 3103-24 also relates to voting provisions and matters relating to accredited representation at all meetings in accordance with the terms and conditions set forth in the agreement.

Dated: August 6, 1964.

By order of the Federal Maritime
Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-8071; Filed, Aug. 10, 1964;
8:49 a.m.]

NIAGARA FRONTIER PORT AUTHORITY AND NIAGARA FRONTIER SEAWAY CO., INC.

Notice of Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Niagara Frontier Port Authority,
Suite 432, City Hall,
Buffalo 2, N.Y.

Agreement No. T-850, between the
Niagara Frontier Port Authority (Au-
thority), and Niagara Frontier Seaway

Company, Inc. (Company), provides for a one year nonexclusive lease of certain terminal property at Buffalo, N.Y., to be used by Company as a public marine terminal. Company is the only user of the pier authorized to handle pig iron or scrap on the premises, except by arrangement with Company. Company agrees to charge fair, reasonable, and non-discriminatory rates for its services and agrees that all such rates will be uniform and competitive in the industry. The parties have also agreed on maximum competitive rates for loading scrap, which may be open to negotiation from time to time. As rental Company agrees to pay a fixed amount per each ton handled at the facility subject to a minimum of \$5,000.

Dated: August 6, 1964.

By order of the Federal Maritime Commission,

THOMAS LISI,
Secretary.

[F.R. Doc. 64-8072; Filed, Aug. 10, 1964;
8:49 a.m.]

A. P. MOLLER-MAERSK LINE AND SEA-LAND SERVICE, INC.

Notice of Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Sea-Land Service, Inc.,
A. J. Bruno, Traffic Supervisor,
P.O. Box 1050,
Elizabeth, N.J., 07207.

Agreement 8885-1 between A. P. Moller-Maersk Line (Initial Carrier) and Sea-Land Service, Inc. (Delivering Carrier), modifies the basic agreement (8885) to hereinafter change all references to Sea-Land of Puerto Rico, Division of Sea-Land Service, Inc., to read, "Sea-Land Service, Inc.". In addition, Agreement 8885-1 modifies the basic agreement by deleting the name of the transshipment point from the "port of

New York Harbor, N.Y." to read, "port of New York, N.Y.".

Dated: August 6, 1964.

By order of the Federal Maritime Commission,

THOMAS LISI,
Secretary.

[F.R. Doc. 64-8073; Filed, Aug. 10, 1964;
8:49 a.m.]

TRANS-ATLANTIC PASSENGER STEAMSHIP CONFERENCE

Notice of Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. D. I. Knowles, Chairman/Secretary,
Trans-Atlantic Passenger Steamship Conference,
17 Battery Place,
New York, N.Y., 10004.

Agreement 120-78 between member lines of the Trans-Atlantic Passenger Steamship Conference, modifies the basic agreement and the rules thereunder as they relate to travel agents, pursuant to the order issued by the Commission on January 30, 1964, in its Investigation of Passenger Steamship Conferences Regarding Travel Agents. The modification provides, among other things, for the establishment, publication and application of definite, objective standards for screening of applicants who apply for placement on the conference list of travel agents eligible for appointment by member lines; for the giving of notice of conference rules and practices to agents and prospective agents; and the furnishing of complete reasons for conference action in excluding applicants from the eligible list. In accordance with the aforesaid Commission Order, interested parties are invited to comment on these modifications.

Dated: August 6, 1964.

By order of the Federal Maritime Commission,

THOMAS LISI,
Secretary.

[F.R. Doc. 64-8074; Filed, Aug. 10, 1964;
8:49 a.m.]

TRANS PACIFIC FREIGHT CONFERENCE (HONG KONG)

Notice of Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

C. F. Warren, Esquire,
Graham, James & Rolph,
1725 DeSales Street NW.,
Washington 6, D.C.

Agreement 14-21 between the member lines of the Trans Pacific Freight Conference (Hong Kong), modifies the basic agreement (14-1, as amended) by amending the Admission, Withdrawal and Expulsion provisions in order to comply with the requirements of the Commission's General Order 9 (46 CFR Part 523).

Dated: August 6, 1964.

By order of the Federal Maritime Commission,

THOMAS LISI,
Secretary.

[F.R. Doc. 64-8075; Filed, Aug. 10, 1964;
8:49 a.m.]

TRANS-PACIFIC FREIGHT CONFERENCE OF JAPAN

Notice of Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any

such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. D. P. Gillette, Chairman,
Trans-Pacific Freight Conference of Japan,
Kindai Building, 11 3-Chome Kyobashi,
Chuo-Ku, Tokyo.

Agreement 150-28 between member lines of the Trans-Pacific Freight Conference of Japan, modifies the basic agreement (150, as amended) to provide for the inclusion of procedures relating to Admission, Withdrawal and Expulsion pursuant to General Order 9 (46 CFR Part 523). Agreement 150-28 also relates to voting provisions and matters relating to accredited representation at all meetings in accordance with the terms and conditions set forth in the agreement.

Dated: August 6, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-8076; Filed, Aug. 10, 1964;
8:49 a.m.]

UNITED STATES GREAT LAKES BORDEAUX/HAMBURG RANGE EASTBOUND CONFERENCE

Notice of Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. R. P. DeGroote, Manager-Secretary,
United States Great Lakes Bordeaux/Hamburg Range Eastbound Conference,
108 North State Street,
Chicago 2, Ill.

Agreement 7820-9 between member lines of the United States Great Lakes Bordeaux/Hamburg Range Eastbound Conference, modifies the basic agreement (7820, as amended) to provide for the inclusion of procedures relating to Admission, Withdrawal and Expulsion in accordance with General Order 9 (46 CFR Part 523). Agreement 7820-9 also provides that the conference will file

copies of tariffs, minutes of meetings and other action pertaining to the carrying out of conference activity in accordance with the terms and conditions set forth in the agreement.

Dated: August 6, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-8077; Filed, Aug. 10, 1964;
8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP64-236]

PANHANDLE EASTERN PIPE LINE CO.

Notice of Application

AUGUST 4, 1964.

Take notice that on April 13, 1964, as amended on June 4, 1964, Panhandle Eastern Pipe Line Company (Applicant), One Chase Manhattan Plaza, New York, N.Y., 10005, filed in Docket No. CP64-236 an application pursuant to subsections (b) and (c) of section 7 of the Natural Gas Act for: (1) Permission and approval to abandon approximately 10,393 feet of its North Springfield lateral, 13,928 feet of its South Springfield lateral and 2,777 feet of its Peoria lateral by sale to Central Illinois Light Company (CILCO) for consideration equal to the original cost less accumulated depreciation of these facilities, and (2) for a certificate of public convenience and necessity to construct and operate two new measuring and regulating stations at points on the North and South Springfield laterals where the facilities of Applicant and CILCO connect, all as more fully described in the application on file with the Commission and open to public inspection.

All of the facilities above described are located in the State of Illinois.

Applicant states that the sale of the above described facilities will result in increased economy of operations to it and to CILCO and that no changes in its delivered volumes of gas type of service rendered to customers or rates will result from the proposals made, if granted.

The estimated cost of construction of the measuring and regulating stations is \$77,100 to be financed from funds on hand.

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.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

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 24, 1964.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 64-8042; Filed, Aug. 10, 1964;
8:45 a.m.]

[Docket Nos. RI65-70 etc.]

ATLANTIC REFINING CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates¹

JULY 31, 1964.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A below.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention 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 and 1.37(f)) on or before September 14, 1964.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

¹ Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date ¹ unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI65-70	The Atlantic Refining Co., P.O. Box 2819, Dallas 21, Tex.	240	4	El Paso Natural Gas Co. (Spraberry Field, Reagan County, Tex.) (R.R. Dist. 7-C) (Permian Basin).	\$170	6-26-64	8-1-64	1-1-65	17.2295	\$ 18.2430	RI63-228.
RI65-71	Richard C. Davoust, c/o Mr. Sherman S. Poland, Ross, Marsh & Foster, 725 15th Street N.W., Washington, D.C., 20005.	1	5	El Paso Natural Gas Co. (Leveland Field, Cochran Co., Tex.) (R.R. Dist. 8) (Permian Basin).	2,282	6-26-64	8-1-64	1-1-65	15.7093	\$ 16.7228	RI61-106.
RI65-72	Cabot Corp. (S.W.), P.O. Box 1101, Pampa, Tex. Attn: Mr. Homer D. Johnson.	23	6	El Paso Natural Gas Co. (Denton Plant, Lea County, N. Mex.) (Permian Basin).	372	6-26-64	8-1-64	1-1-65	17.0	\$ 18.0	RI60-27.
		50	2	El Paso Natural Gas Co. (Spraberry and Zulette-Fusselman Fields, Reagan County, Tex.) (R.R. Dist. 7-C) (Permian Basin).	1,642	6-26-64	8-1-64	1-1-65	17.2295	\$ 18.2430	RI61-293.
RI65-73	Shell Oil Co., 50 West 50th Street, New York 20, N.Y. Attn: Mr. F. C. Sweet.	16	9	El Paso Natural Gas Co. (Monahans Field, Ward and Winkler Counties, Tex.) (R.R. Dist. 8) (Permian Basin).	8,271	6-29-64	8-1-64	1-1-65	15.6488	\$ 16.6584	RI61-475.
		34	13	El Paso Natural Gas Co. (Langmat Field, Lea County, N. Mex.) (Permian Basin).	3,057	6-29-64	8-1-64	1-1-65	\$ 15.8563	\$ 16.8793	RI64-132.
RI65-74	Hunt Oil Co., 700 Mercantile Bank Bldg., Dallas 1, Tex. Attn: Mr. Donald K. Young.	36	9	El Paso Natural Gas Co. (Amacker-Tippett Field, Upton County, Tex.) (R.R. Dist. 7-C) (Permian Basin).	11,122	6-29-64	8-1-64	1-1-65	\$ 13.6823	\$ 15.2025	RI60-202.
						6-29-64	8-1-64	1-1-65	10 15.7093	\$ 16.7228	G-18555.
		7	9	El Paso Natural Gas Co. (Dollarhide Field, Andrews County, Tex.) (R.R. Dist. 8) (Permian Basin).	679	6-29-64	8-1-64	1-1-65	17.2295	\$ 18.243	G-20531.
		31	6	El Paso Natural Gas Co. (McElroy Wilshire Plant, Upton County, Tex.) (R.R. Dist. 7-C) (Permian Basin).	16,824	6-29-64	8-1-64	1-1-65	17.2295	\$ 18.243	G-18464.
RI65-75	Sinclair Oil & Gas Co., P.O. Box 621, Tulsa, Okla.	33	12	El Paso Natural Gas Co. (Amacker-Tippett Field, Upton County, Tex.) (R.R. Dist. 7-C) (Permian Basin).	1,520	6-29-64	8-1-64	1-1-65	\$ 13.6823	\$ 15.2025	G-20532.
					5,068	6-29-64	8-1-64	1-1-65	10 15.7093	\$ 16.7228	G-20531.
		48	3	El Paso Natural Gas Co. (Wemac Field, Andrews County, Tex.) (R.R. Dist. 8) (Permian Basin).	16	6-29-64	8-1-64	1-1-65	13.6823	\$ 15.2025	G-20531.
		7	12	El Paso Natural Gas Co. (Spraberry Area, Upton and Reagan Counties, Tex.) (R.R. Dist. 7-C) (Glasscock and Midland Counties, Tex.) (R.R. Dist. 8) (Permian Basin).	5,427	6-29-64	8-1-64	1-1-65	22 17.2295	\$ 18.2430	RI60-31.
					210	6-29-64	8-1-64	1-1-65	22 17.2008	\$ 18.2126	RI60-31.
		8	21	El Paso Natural Gas Co. (Various Fields, Lea County, N. Mex.) (Permian Basin).	12,908	6-29-64	8-1-64	1-1-65	\$ 15 15.8563	\$ 16 16.8793	RI64-3.
RI65-76	Lamar Hunt, 700 Mercantile Bank Bldg., Dallas 1, Tex. Attn: Mr. Donald K. Young.				6,015	6-29-64	8-1-64	1-1-65	\$ 15 15.3993	\$ 16 16.4223	RI64-3.
					1,803	6-29-64	8-1-64	1-1-65	\$ 10 14 15.8119	\$ 11 14 16.5819	RI64-3.
					6,404	6-29-64	8-1-64	1-1-65	\$ 14 15.3561	\$ 15 16.3762	RI64-3.
					1,828	6-29-64	8-1-64	1-1-65	17.0	\$ 18.0	RI60-31.
		28	5	El Paso Natural Gas Co. (Denton Plant, Lea County, N. Mex.) (Permian Basin).							
		65	10	El Paso Natural Gas Co. (Langley Mattix Field, Lea County, N. Mex.) (Permian Basin).	7,934	6-29-64	8-1-64	1-1-65	\$ 16 15.8118	\$ 17 16.8319	RI64-3.
					602	6-29-64	8-1-64	1-1-65	\$ 15.3561	\$ 16.3762	RI64-3.
		1	8	El Paso Natural Gas Co. (Tubb Field, Lea County, N. Mex.) (Permian Basin).	1,020	6-29-64	8-1-64	1-1-65	\$ 15.7964	\$ 16.8156	RI64-52.
		8	4	El Paso Natural Gas Co. (Blinberry Field, Lea County, N. Mex.) (Permian Basin).	306	6-29-64	8-1-64	1-1-65	\$ 15.7964	\$ 16.8156	RI64-52.
		1	8	El Paso Natural Gas Co. (Tubb Field, Lea County, N. Mex.) (Permian Basin).	611	6-29-64	8-1-64	1-1-65	\$ 15.7964	\$ 16.8156	RI64-51.
RI65-77	N. B. Hunt, 700 Mercantile Bank Bldg., Dallas 1, Tex. Attn: Mr. Donald K. Young.	1	4	El Paso Natural Gas Co. (Blinberry Field, Lea County, N. Mex.) (Permian Basin).	1,020	6-29-64	8-1-64	1-1-65	\$ 15.7964	\$ 16.8156	RI64-51.
		9	4	El Paso Natural Gas Co. (Blinberry Field, Lea County, N. Mex.) (Permian Basin).							
RI65-78	W. H. Hunt, 700 Mercantile Bank Bldg., Dallas 1, Tex. Attn: Mr. Donald K. Young.	1	8	El Paso Natural Gas Co. (Tubb Field, Lea County, N. Mex.) (Permian Basin).	662	6-29-64	8-1-64	1-1-65	\$ 15.7964	\$ 16.8156	RI64-63.
		6	4	El Paso Natural Gas Co. (Blinberry Field, Lea County, N. Mex.) (Permian Basin).	204	6-29-64	8-1-64	1-1-65	\$ 15.7964	\$ 16.8156	RI64-74.
RI65-79	H. L. Hunt, 700 Mercantile Bank Bldg., Dallas 1, Tex. Attn: Mr. Donald K. Young.	6	8	El Paso Natural Gas Co. (Pecos Valley, Devonian Field, Pecos County, Tex.) (R.R. Dist. 8) (Permian Basin).	1,084	6-29-64	8-1-64	1-1-65	15.7093	\$ 16.7228	G-18554.
		15	7	El Paso Natural Gas Co. (Amacker-Tippett Field, Upton County, Tex.) (R.R. Dist. 7-C) (Permian Basin).	923	6-29-64	8-1-64	1-1-65	15.7093	\$ 16.7228	G-18554.
		16	7	El Paso Natural Gas Co. (Amacker-Tippett Field, Upton County, Tex.) (R.R. Dist. 7-C) (Permian Basin).	213	6-29-64	8-1-64	1-1-65	13.6823	\$ 15.2025	G-20527.
		22	3	do	35	6-29-64	8-1-64	1-1-65	15.7093	\$ 16.7228	RI60-324.
27	6	do	608	6-29-64	8-1-64	1-1-65	15.7093	\$ 16.7228	RI60-84.		
28	6	do	76	6-29-64	8-1-64	1-1-65	13.6823	\$ 15.2025	RI60-84.		

See footnotes at end of table.

APPENDIX A—Continued

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date ² unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI65-80....	H. L. Hunt, et al., 700 Mercantile Bank Bldg., Dallas 1, Tex. Attn: Mr. Donald K. Young.	21	2	El Paso Natural Gas Co. (Pecos Valley Field, Pecos County, Tex.) (R.R. Dist. 8) (Permian Basin).	\$710	6-29-64	8- 1-64	1- 1-65	15.7093	* 16.7228	RI60-110.
RI65-81....	Hunt Oil Co. (Operator), et al., 700 Mercantile Bank Bldg., Dallas 1, Tex. Attn: Mr. Donald K. Young.	34	12	El Paso Natural Gas Co. (Amacker-Tippett Field, Upton County, Tex.) (R.R. Dist. 7-C) (Permian Basin).	5,777	6-29-64	8- 1-64	1- 1-65	13.6823	* 15.2025	G-20532.
RI65-82....	Hunt Industries, 700 Mercantile Bank Bldg., Dallas 1, Tex. Attn: Mr. Donald K. Young.	4	5	do	1,673	6-29-64	8- 1-64	1- 1-64	13.6823	* 15.2025	G-20535.
		3	7	El Paso Natural Gas Co. (Amacker-Tippett Field, Upton County, Tex.) (R.R. Dist. 7-C) (Permian Basin).	304	6-29-64	8- 1-64	1- 1-65	15.7093	* 16.7228	G-20535.
RI65-83....	Continental Oil Co. (Operator), et al., P.O. Box 2197, Houston, Tex., 77001. Attn.: Fred T. O'Leary and Bruce R. Merrill.	214	13	El Paso Natural Gas Co. (Jalmat & Eumont Fields, Lea County, N. Mex.) (Permian Basin).	4,604	6-29-64	8- 1-64	1- 1-65	* 15.8563	* 16.8793	RI64-29.
			19	El Paso Natural Gas Co. (Various Fields, Lea County, N. Mex.) (Permian Basin).	42,966	6-29-64	8- 1-64	1- 1-65	* 15.8563	16.8793	RI64-29.
			20	El Paso Natural Gas Co. (Various Fields, Lea County, N. Mex.) (Permian Basin).	4,297	6-29-64	8- 1-64	1- 1-65	* 14.3218	* 15.3448	RI64-5.
			92	El Paso Natural Gas Co. (Jalmat Field, Lea County, N. Mex.) (Permian Basin).	256	6-29-64	8- 1-64	1- 1-65	* 15.8563	* 16.8793	RI64-29.
			104	El Paso Natural Gas Co. (Jalmat Field, Lea County, N. Mex.) (Permian Basin).	20	6-29-64	8- 1-64	1- 1-65	* 15.3993	* 16.4223	RI64-29.
			109	El Paso Natural Gas Co. (Various Fields, Lea County, N. Mex.) (Permian Basin).	24,865	6-29-64	8- 1-64	1- 1-65	* 15.7982	* 16.8793	RI64-29.
RI65-84....	Hunt Petroleum Corp., 700 Mercantile Bank Bldg., Dallas 1, Tex. Attn.: Mr. Donald K. Young.	2	1	El Paso Natural Gas Co. (Lancaster Hills Area, Crockett County, Tex.) (R.R. Dist. 7-C) (Permian Basin).	6,081	6-29-64	8- 1-64	1- 1-65	15.7093	* 16.7228	
RI65-85....	Secure Trusts, 700 Mercantile Bank Bldg., Dallas 1, Tex., Attn: Mr. Donald K. Young.	3	7	El Paso Natural Gas Co. (Amacker-Tippett Field, Upton County, Tex.) (R.R. Dist. 7-C) (Permian Basin).	811	6-29-64	8- 1-64	1- 1-65	15.7093	* 16.7228	G-18558.
		4	7	El Paso Natural Gas Co. (Amacker-Tippett Field, Upton County, Tex.) (R.R. Dist. 7-C) (Permian Basin).	288	6-29-64	8- 1-64	1- 1-35	13.6823	* 15.2025	G-20536.
RI65-86....	Continental Oil Co., P.O. Box 2197, Houston, Tex., 77001. Attn: Fred T. O'Leary and Bruce R. Merrill.	145	6	El Paso Natural Gas Co. (Wemac Field, Andrews County, Tex.) (R.R. Dist. 8) (Permian Basin).	760	6-29-64	8- 1-64	1- 1-65	13.6823	* 15.2025	RI61-472.
		146	6	El Paso Natural Gas Co. (Keystone McKee Field, Winkler County, Tex.) (R.R. Dist. 8) (Permian Basin).	1,419	6-29-64	8- 1-64	1- 1-65	15.7093	* 16.7228	RI61-471.
RI65-87....	Joseph E. Seagrams & Sons, Inc. d/b/a Texas Pacific Oil Co., P.O. Box 747, Dallas, Tex., 75221.	11	12	El Paso Natural Gas Co. (Payton Field, Pecos and Ward Counties, Tex.) (R.R. Dist. 8) (Permian Basin).	439	6-29-64	8- 1-64	1- 1-65	15.7093	* 16.7228	RI61-357.
		13	15	El Paso Natural Gas Co. (Jalmat Field, Lea County, N. Mex.) (Permian Basin).	84,300	6-29-64	8- 1-64	1- 1-65	* 15.6238	* 16.8793	RI63-435.
		14	11	El Paso Natural Gas Co. (South Fullerton Gas Plant, Andrews County, Tex.) (R.R. Dist. 8) (Permian Basin).	3,946	6-29-64	8- 1-64	1- 1-65	17.0934	* 18.0989	RI61-357.
		15	6	El Paso Natural Gas Co. (Spraberry Field, Reagan County, Tex.) (R.R. Dist. 7-C) (Permian Basin).	1,910	6-29-64	8- 1-64	1- 1-65	17.2295	* 18.2430	RI61-357.
		17	6	El Paso Natural Gas Co. (Bagley Field, Lea County, N. Mex.) (Permian Basin).	2,543	6-29-64	8- 1-64	1- 1-65	* 15.6238	* 16.8793	RI63-435.
		20	6	Hunt Oil Co. and El Paso Natural Gas Co. (King Mountain Field, Upton County, Tex.) (R.R. Dist. 7-C) (Permian Basin).	2,034	6-29-64	8- 1-64	1- 1-65	13.6823	* 15.2025	RI61-357.
		37	8	El Paso Natural Gas Co. (Leveland Field, Cochran County, Tex.) (R.R. Dist. 8) (Permian Basin).	133	6-29-64	8- 1-64	1- 1-65	15.7093	* 16.7228	RI61-544.
		38	6	El Paso Natural Gas Co. (Crosby Devonian Field, Lea County, N. Mex.) (Permian Basin).	(11)	6-29-64	8- 1-64	1- 1-65	* 15.6238	* 16.8793	RI63-435.
		41	7	El Paso Natural Gas Co. (Jalmat Pool, Lea County, N. Mex.) (Permian Basin).	(11)	6-29-64	8- 1-64	1- 1-65	* 15.6238	* 16.8793	RI63-435.
		56	10	El Paso Natural Gas Co. (Jalmat Field, Lea County, N. Mex.) (Permian Basin).	767	6-29-64	8- 1-64	1- 1-65	* 15.6238	* 16.8793	RI63-435.
		57	9	El Paso Natural Gas Co. (Jalmat Field, Lea County, N. Mex.) (Permian Basin).	86	6-29-64	8- 1-64	1- 1-65	* 15.6238	* 16.8793	RI63-435.

See footnotes at end of table.

APPENDIX A—Continued

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date ¹ unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI65-88	Joseph E. Seagrams & Sons, Inc. d/b/a Texas Pacific Oil Co. (Operator), et al. P.O. Box 747, Dallas, Tex., 75221.	28	9	El Paso Natural Gas Co. (Fumont Field, Lea County, N. Mex.) (Permian Basin).	\$528	6-29-64	8-1-64	1-1-65	* 15.6238	* 16.8793	RI63-434.
		40	14	El Paso Natural Gas Co. (Langlemattix and Jalmat Fields, Lea County, N. Mex.) (Permian Basin).	3,972	6-29-64	8-1-64	1-1-65	* 15.6238	* 16.8793	RI63-434.
		42	17	El Paso Natural Gas Co. (S. Eunice, Langlemattix and Jalmat Fields, Lea County, N. Mex.) (Permian Basin).	15,555	6-29-64	8-1-64	1-1-65	* 15.6238	* 16.8793	RI63-434.
		43	8	El Paso Natural Gas Co. (Langlemattix and Crosby Devonian Fields, Lea County, N. Mex.) (Permian Basin).	4,133	6-29-64	8-1-64	1-1-65	* 15.6238	* 16.8793	RI63-434.
		44	10	El Paso Natural Gas Co. (Langlemattix Field, Lea County, N. Mex.) (Permian Basin).	2,086	6-29-64	8-1-64	1-1-65	* 15.6238	* 16.8793	RI63-434.
		50	4	El Paso Natural Gas Co. (Henderson Field, Winkler County, Tex.) (R.R. Dist. 8) (Permian Basin).	(¹¹)	6-29-64	8-1-64	1-1-65	15.7093	* 16.7228	RI60-118.
		58	25	El Paso Natural Gas Co. (Jalmat, Blinbery, Tubbs, and Justice Fields, Lea County, N. Mex.) (Permian Basin).	19,156	6-29-64	8-1-64	1-1-65	* 15.6238	* 16.8793	RI63-434.
		59	10	El Paso Natural Gas Co. (Jalmat Field, Lea County, N. Mex.) (Permian Basin).	2,183	6-29-64	8-1-64	1-1-65	* 15.6238	* 16.8793	RI63-434.

¹ "Effective Date Unless Suspended" is the date proposed by Respondent.

² Periodic and tax reimbursement increase.

³ Periodic increase.

⁴ Rate includes partial reimbursement for full 2.55 percent of the New Mexico Emergency School Tax.

⁵ Proposed rate is a periodic increase plus partial reimbursement for full 2.55 percent of New Mexico Emergency School Tax. Respondent has previously filed for tax reimbursement at the full 2.55 percent level.

⁶ Rate includes partial reimbursement for 0.55 percent of the New Mexico Emergency School Tax.

⁷ Proposed rate is a periodic increase plus partial reimbursement for full 2.55 percent of the New Mexico Emergency School Tax. Respondent has not previously filed for tax reimbursement at the full 2.55 percent level.

⁸ Low pressure gas.

⁹ High pressure gas.

¹⁰ No current production or sales.

¹¹ Regular leases.

¹² University leases.

¹³ State leases.

¹⁴ Proposed rate not applicable to acreage added by Supplement No. 14 to the subject rate schedule.

Shell Oil Co., Sinclair Oil & Gas Co., Lamar Hunt, N. B. Hunt, W. H. Hunt, Continental Oil Co. (Operator), et al., Joseph E. Seagrams & Sons, Inc., d/b/a Texas Pacific Oil Co., and Joseph E. Seagrams & Sons, Inc. d/b/a Texas Pacific Oil Co. (Operator), et al., as noted in footnotes 6 and 8, have filed proposed increased rates reflecting partial reimbursement for the full 2.55 percent New Mexico Oil and Gas Emergency School Tax which was increased from 2.0 percent to 2.55 percent on April 1, 1963. El Paso Natural Gas Co., the buyer, has questioned the right of the sellers under the tax reimbursement clauses of their contracts to file rate increases reflecting tax reimbursement computed on the basis of an increase in tax rate by the New Mexico Legislature in excess of 0.55 percent. While El Paso has conceded that the New Mexico tax legislation effected a higher tax rate of at least 0.55 percent, it has claimed there is a controversy as to whether or not the new legislation effected an increased tax rate in excess of 0.55 percent. Under the circumstances, the hearings provided for herein, with regard to the above-mentioned producers' proposed rates, shall concern themselves with the contractual basis for the producers' rate filings which El Paso has or will protest, as well as the statutory lawfulness of the increased rates contained in the proposed supplements.

All of the proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR Ch. I, Part 2, § 2.56).

[F.R. Doc. 64-7977; Filed, Aug. 10, 1964; 8:45 a.m.]

[Project No. 2280]

PENNSYLVANIA ELECTRIC CO. AND CLEVELAND ELECTRIC ILLUMINATING CO.

Notice of Application for Amendment of Application for License

AUGUST 5, 1964.

Public notice is hereby given that Pennsylvania Electric Company (correspondence to: R. F. Pruner, Secretary, Pennsylvania Electric Company, 1001 Broad Street, Johnstown, Pa., 15906) and The Cleveland Electric Illuminating Company (correspondence to: Lee C. Howley, Vice President and General Counsel, The Cleveland Electric Illuminating Co., P.O. Box 5000, 55 Public Square, Cleveland, Ohio, 44101) has applied for amendment of the application for license initially filed by the Pennsylvania Electric Company (See Commission notice of March 13, 1962) for Project No. 2280, to be known as the Kinzua Pumped Storage Project, to be located on the Allegheny River, in Kinzua Township, Warren County, Pa., and affecting the U.S. Corps of Engineers, Allegheny Dam and Reservoir, and the Allegheny National Forest.

The proposed amendment would: (1) make The Cleveland Electric Illuminating Company a joint applicant for license; (2) instead of four units proposed initially, the powerhouse would contain

three units, one 150,000 kilowatt Reversible Pump-Turbine, one 180,000 kilowatt (maximum head) Reversible Pump-Turbine with a divided draft tube (150,000 kw at normal head), and one 25,000 kw generator connected to a High Head Turbine; (3) other minor change in design of project works.

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 of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is September 8, 1964. The application is on file with the Commission for public inspection.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 64-8043; Filed, Aug. 10, 1964; 8:46 a.m.]

[Docket Nos. RI65-101 etc.]

GULF OIL CORP. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates¹

JULY 31, 1964.

The Respondents named herein have filed proposed increased rates and

¹ Does not consolidate for hearing or dispose of the several matters herein.

charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention 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 and 1.37(f)) on or before September 15, 1964.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf/14.65 psia		Rate in effect subject to refund in docket Nos.	
									Rate in effect	Proposed increased rate		
RI65-101...	Gulf Oil Corp., P.O. Box 1589, Tulsa, Okla., 74102. Attn: Mr. Arthur F. Whitt.	205	2	Phillips Petroleum Co. ¹ (Fradean Field, Upton County, Tex.) (R.R. Dist. 7-C) (Permian Basin Area).	\$780	6-29-64	8-1-64	1-1-65	12.0	13.0	RI61-300.	
			187	2	Mesquite Gas Products, Inc. ⁴ (Davis Field, Upton County, Tex.) (R.R. Dist. 7-C) (Permian Basin Area).	120	6-29-64	8-1-64	1-1-65	12.0		13.0
RI65-102...	Sohio Petroleum Co., 970 First National Annex, Oklahoma City, Okla. Attn: Gas-Gasoline Division.	65	2	Phillips Petroleum Co. ¹ (Fradean Field, Upton County, Tex.) (R.R. Dist. 7-C) (Permian Basin Area).	420	6-30-64	8-1-64	1-1-65	12.0	13.0		
RI65-103...	Shell Oil Co., 50 West 50th St., New York 20, N.Y. Attn: Mr. F. C. Sweat.	239	1	Phillips Petroleum Co. (Fradean Field, Upton County, Tex.) (R.R. Dist. 7-C) (Permian Basin Area).	3,136	6-29-64	8-1-64	1-1-65	12.0369	13.0469		
RI65-104...	BTA Producers, (Operator), agent for Carlton Beal, et al.	17	1	El Paso Natural Gas Co. (Spraberry Trend Area, Reagan County, Tex.) (R.R. Dist. 7-C) (Permian Basin Area).	480	7-2-64	8-2-64	1-2-65	16.0	18.0		
			15	1	El Paso Natural Gas Co. (Spraberry Trend Area, Reagan County, Tex.) (R.R. Dist. 7-C) (Permian Basin Area).	480	7-2-64	8-2-64	1-2-65	16.0		18.0
			8	2	El Paso Natural Gas Co. (Spraberry Trend Area, Reagan County, Tex.) (R.R. Dist. 7-C) (Permian Basin Area).	120	7-2-64	8-2-64	1-2-65	16.0		17.0
			*	1	El Paso Natural Gas Co. (Spraberry Trend Area, Reagan County, Tex.) (R.R. Dist. 7-C) (Permian Basin Area).	480	7-2-64	8-2-64	1-2-65	16.0		17.0
RI65-105...	BTA Oil Producers, agent for Ernst Wolff, et al.	19	1	El Paso Natural Gas Co. (Spraberry Trend Area, Reagan County, Tex.) (R.R. Dist. 7-C) (Permian Basin Area).	480	7-2-64	8-2-64	1-2-65	16.0	17.0		
RI65-106...	BTA Oil Producers...	16	1	El Paso Natural Gas Co. (Spraberry Trend Area, Reagan County, Tex.) (R.R. Dist. 7-C) (Permian Basin Area).	1,200	7-2-64	8-2-64	1-2-65	16.0	18.0		
RI65-107...	BTA Oil Producers (Operator), et al.	13	1	do	1,680	7-2-64	8-2-64	1-2-65	16.0	18.0	G-20525. G-20525.	
			12	1	do	240	7-2-64	8-2-64	1-2-65	16.0		18.0
			11	1	do	480	7-2-64	8-2-64	1-2-65	16.0		18.0
			10	1	do	600	7-2-64	8-2-64	1-2-65	16.0		17.0
			6	9	do	3,900	7-6-64	8-6-64	1-6-65	17.0		18.0
			1	6	do	2,700	7-6-64	8-6-64	1-6-65	17.0		18.0
			9	2	do	600	7-2-64	8-2-64	1-2-65	16.0		17.0
7	2	do	240	7-2-64	8-2-64	1-2-65	16.0	17.0				
RI65-108...	Sinclair Oil & Gas Co. (Operator), et al., P.O. Box 521, Tulsa, Okla., 74102.	*265	10	El Paso Natural Gas Co. (Talmat, et al., Fields, Lea County, N. Mex.) (Permian Basin Area).	5,584 28,735 7,076 25,652 13,366 564	6-29-64	8-1-64	1-1-65	15.8563 15.3993 15.8118 15.3561 15.8563 15.3993	16.8793 16.4223 16.8319 16.3762 16.8793 16.4223	RI64-108.	
RI65-109...	Pan American Petroleum Corp. (Operator), et al., P.O. Box 1410, Fort Worth, Tex., 76101. Attn: Messrs. Harry O. Hickman and J. K. Smith.	*136	20	El Paso Natural Gas Co. (Langlie Mattix et al., Fields, Lea County, N. Mex.) (Permian Basin Area).	13,366 564	7-6-64	8-6-64	1-6-65	15.8563 15.3993	16.8793 16.4223	RI63-483.	
RI65-110...	Pan American Petroleum Corp., et al.	68	8	El Paso Natural Gas Co. (Kelley Snyder Gasoline Plant, Scurry County, Tex.) (R.R. Dist. No. 8) (Permian Basin Area).	542	7-6-64	8-6-64	1-6-65	16.0744	17.1114	RI61-43.	
RI65-111...	Pan American Petroleum Corp.	*101	7	El Paso Natural Gas Co. (Langlie Mattix et al., Fields, Lea County, N. Mex.) (Permian Basin Area).	31	7-6-64	8-6-64	1-6-65	15.5	16.0	RI61-58.	
			129	30	El Paso Natural Gas Co. (Spraberry Field, Reagan County, Tex.) (R.R. Dist. 7-C) (Permian Basin Area).	3,143	7-6-64	8-6-64	7-1-6-65	17.1632	18.2430	RI61-44.
			133	7	El Paso Natural Gas Co. (Connell Field, Kent and Scurry Counties, Tex.) (R.R. Dist. 7-C) (Permian Basin Area).	590	7-6-64	8-6-64	1-6-65	16.0	17.0	RI61-58.
			*249	6	El Paso Natural Gas Co. (Crosby Devonian Field, Lea County, N. Mex.) (Permian Basin Area).	14,710	7-6-64	8-6-64	1-6-65	15.7964	16.8793	RI63-481.
			110	22	El Paso Natural Gas Co. (Eunice Monument et al., Fields, Lea County, N. Mex.) (Permian Basin Area).	44,549 1,213 6,441	7-2-64	8-2-64	1-2-65	15.8563 15.3993 14.3218	16.8793 16.4223 15.8563	RI63-481. RI63-481. RI64-6.

See footnotes at end of table.

APPENDIX A—Continued

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf/14.65 psia		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI65-112	Pan American Petroleum Corp. (Operator), Box 1410, Fort Worth, Tex., 76101. Attn: Mr. J. K. Smith.	18	10	El Paso Natural Gas Co. (Slaughter Gasoline Plant, Hockley County, Tex.) (R.R. Dist. No. 8) (Permian Basin Area).	\$40,842	7-2-64	7-8-2-64	1-2-65	17.0979	18.1046	RI61-53.
		21	11	El Paso Natural Gas Co. (Levelland Gasoline Plant, Hockley County, Tex.) (R.R. Dist. No. 8) (Permian Basin Area).	24,067	7-2-64	7-8-2-64	1-2-65	17.1013	18.1060	RI61-53.
		23	13	El Paso Natural Gas Co. (South Fullerton Gasoline Plant, Andrews County, Tex.) (R.R. Dist. No. 9) (Permian Basin Area).	35,881	7-2-64	7-8-2-64	1-2-65	17.0972	18.1039	RI61-53.
		313	8	El Paso Natural Gas Co. (Slaughter Gasoline Plant, Hockley Company, Tex.) (R.R. Dist. No. 8) (Permian Basin Area).	45,152	7-2-64	7-8-2-64	1-2-65	17.0979	18.1046	RI60-32.
RI65-113	Northwest Production Corp. (Operator), P.O. Box 1796, El Paso, Tex., 79949.	2	7	El Paso Natural Gas Co. (Barnhart Gasoline Plant, Reagan Company, Tex.) (R.R. Dist. No. 7-C) (Permian Basin Area).	10,167	7-1-64	7-8-1-64	1-1-65	17.2295	18.2430	G-20418.
RI65-114	Hanley Co. (Operator), et al. 400 Davis Bldg., Dallas, Tex., 75202. Attn: Mr. E. R. Berry.	21	2	El Paso Natural Gas Co. (Spraberry Area, Upton Company, Tex.) (R.R. Dist. 7-C) (Permian Basin Area).	327	6-30-64	7-8-1-64	1-1-65	17.1632	18.1728	RI60-76.

¹ For resale to El Paso Natural Gas Co. (El Paso), under Phillips Petroleum Co. (Operator), FPC Gas Rate Schedule No. 9.

² Contractually provided effective date.

³ Subject to 0.5 cent per Mcf compression charge if buyer elects to compress to enable delivery of minimum volumes.

⁴ Exclusive of pro rata share of any tax reimbursement received by Phillips Petroleum Co.

⁵ For resale to El Paso under Mesquite Gas Production, Inc. (Operator), et al., FPC Gas Rate Schedule No. 1.

⁶ The stated effective date is the first day after expiration of the required statutory notice.

⁷ Initial rate.

⁸ Contract provides for maximum of 1,000 grains of hydrogen sulfide per 100 cu. ft. of gas.

⁹ Regular leases, high pressure gas.

¹⁰ Includes partial reimbursement for 2.55 percent New Mexico Oil and Gas Emergency School Tax. El Paso Natural Gas Co. has filed protest regarding such tax reimbursement.

¹¹ Regular lease, low pressure gas, rate reduced 0.4467 cent per Mcf for compression.

¹² State leases, high pressure gas.

¹³ State leases, low pressure gas rate reduced 0.4467 per Mcf for compression.

¹⁴ Rate for high pressure gas (600 psig gathering system).

¹⁵ Rate for low pressure gas (includes 0.4467 cent per Mcf compression charge by buyer).

¹⁶ Subject to deduction of 0.4467 cent per Mcf for compression of low pressure gas (below 600 psig).

¹⁷ Rate for high pressure gas not to exceed 600 psig.

¹⁸ Applicable only to spent lift gas.

Pan American Petroleum Corp. (Pan American) submitted, as part of its proposed rate increases, amendatory agreements which eliminate the favored-nation provisions of the related contracts and establish revised schedules of periodic price escalations, which provide the basis for the proposed increased rates. All of the proposed increased rates and charges, including those of Pan American, exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR Ch. I, Part 2, § 2.56).

[F.R. Doc. 64-7979; Filed, Aug. 10, 1964; 8:45 a.m.]

[Docket No. CP64-280]

CIMARRON TRANSMISSION CO.

Notice of Application

AUGUST 4, 1964.

Take notice that on May 22, 1964, as supplemented on June 24, 1964, Cimarron Transmission Company (Applicant), National Bank of Tulsa Building, Tulsa 3, Okla., filed in Docket No. CP64-280 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain gas pipeline facilities and the acquisition by purchase of an existing gathering system located in the Southwest Marietta Basal Oil Creek Sand Unit in Love County, Okla. The California Oil Company (California) and other gas producers are the owners of the facilities to be acquired by applicant and they are now operated as a gathering system which connect with producing wells at the well heads and transport gas to a

processing plant owned by California. The details are more fully described in the application which is on file with the Commission and open to public inspection.

Applicant states that the processing plant will be operated, as it now is, by California after the acquisition by applicant of the gathering system above referred to. The estimated total consideration to be paid by applicant for the gathering facilities is \$520,000, including the cost of improvements thereon during the three years following acquisition, which costs will be financed by the sale of preferred stock to stockholders of applicant and a 15-year bank loan for \$375,000 at the rate of 6 percent per annum.

Applicant is presently authorized to deliver to Natural Gas Pipeline Company of America on a cost of service basis, a minimum daily average of 30,000 Mcf of gas and up to a maximum of 40,000 Mcf and proposes by the use of the acquired facilities to increase these volumes to a minimum of 40,000 Mcf and up to a maximum of 55,000 Mcf of gas.

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 21, 1964.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 64-8039; Filed, Aug. 10, 1964; 8:45 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

AUGUST 5, 1964.

On May 15, 1964, Highland Oil Company (Highland) submitted an offer of settlement in these proceedings pursuant to § 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. 1 in Duval County, Texas (Texas R.R. Com. Dist. 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 offer 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 Rate Schedule No. 1, eliminating the favored-nation, price redetermination, and the periodic escalation provisions therefrom. The notice of change and the contractual amendment shall be submitted in accord-

ance with Part 154 of the Commission's regulations 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. 1, 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. 64-8040; Filed, Aug. 10, 1964;
8:45 a.m.]

[Project No. 2252]

MONTANA POWER CO.

Notice of Application for License

AUGUST 4, 1964.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by The Montana Power Company (correspondence to: J. E. Corette, President, The Montana Power Company, 40 East Broadway, Butte, Mont.) for license for redevelopment of the existing Thompson Falls Development, presently designated as Project No. 1869, and redesignated in the application for redevelopment as Project No. 2252. The Thompson Falls Development is located on Clark Fork River, tributary of Columbia River in Sanders County, Mont., near Thompson Falls, and affects lands of the United States.

According to the application the existing Thompson Falls Project will be redeveloped by: (1) Increasing the installed capacity from 30,000 kilowatts to 65,000 kilowatts along with other additions consisting of: (2) Two concrete gravity type dams with spillway sections

* This matter was decided prior to the death of Commissioner Woodward who participated in the decision.

surmounted by flashboards which are to be raised two feet above the existing height, while a portion of the flashboards on the main dam will be replaced with tainter gates; (3) a reservoir about 11 miles long with a capacity of 18,000 acre-feet at an 18-foot drawdown, and a canal from the reservoir to the powerhouse forebay which is to be extended downstream; (4) six existing penstocks and two new penstocks; (5) the existing powerhouse containing six 9,350-horsepower turbines each connected to a 5,000 kilowatt generator and a new powerhouse (a short distance downstream from the existing powerhouse) containing two 26,000 horsepower turbines each connected to a 17,500-kilowatt generator; (6) step-up transformers; and (7) appurtenant electrical and mechanical equipment.

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 of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is September 27, 1964. The application is on file with the Commission for public inspection.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 64-8041; Filed, Aug. 10, 1964;
8:45 a.m.]

[Docket No. E-7163]

PUBLIC SERVICE COMPANY OF INDIANA, INC.

Order Fixing Date of Hearing and Prescribing Procedure

AUGUST 4, 1964.

By order issued May 1, 1964 (31 FPC) the Commission initiated this proceeding, directed a staff investigation and provided for a hearing. It is now appropriate to fix the date of hearing and the dates prior thereto when the staff and the Public Service Company of Indiana, Inc. (PSCI) shall file prepared testimony and exhibits as well as motions addressed to the proffered prepared testimony.

The Commission finds: It is appropriate and in the public interest to follow the procedure herein described and to hold a public hearing on the matters involved and the issues presented by this Commission's previous order of May 1, 1964, all as hereinafter provided.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Federal Power Act and the regulations thereunder, particularly section 308 of the Act, and the Commission's rules of practice and procedure, a public hearing shall be held on October 26, 1964, at 10:00 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., respecting the matters raised by this order and the Commission's order of May 1, 1964, herein.

(B) The following procedure is prescribed for the public hearing hereby provided for:

¹ Highland's FPC Gas Rate Schedule No. 1 is subject to a dehydration charge by TGT, for which allowance must be made in computing the refund.

(1) The Commission staff shall file its prepared direct case not later than September 4, 1964.

(2) PSCI shall file its prepared case not later than October 5, 1964.

(3) All of the testimony, except exhibits, shall be in question and answer form.

(4) All exhibits (except those of which official notice may properly be taken) shall contain brief and appropriate titles, and the exhibits shall be fully explained in the prepared testimony by the witness or witnesses sponsoring them.

(5) Each witness shall execute an affidavit adopting the testimony for which he assumes responsibility and an original and two conformed copies of such affidavit shall be filed with his prepared testimony.

(6) Any party submitting more than one exhibit shall enclose a cover sheet listing the title of each exhibit in the sequence they wish them to be marked for identification.

(7) Any motion to strike any part of the staff's direct testimony and exhibits (prior to cross examination) shall be filed with the Presiding Examiner or the Chief Examiner not later than September 18, 1964; answers thereto shall be filed by October 2, 1964; and rulings on such motions will be made by the Presiding Examiner at the time such testimony or exhibits are offered.

(8) Any motion to strike any part of PSCI's case, testimony and exhibits (prior to cross examination), shall be filed with the Presiding Examiner or the Chief Examiner not later than October 16, 1964; answers thereto shall be filed by October 22, 1964; and rulings on such motions will be made by the Presiding Examiner at the time such testimony or exhibits are offered.

(9) The Presiding Examiner will specify the order of cross examination for the information of the parties in making their respective witnesses available for cross examination.

(C) The Commission's rules of practice and procedure shall apply in this proceeding except to the extent that they are modified or supplemented herein.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-8044; Filed, Aug. 10, 1964;
8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-4059]

EASTERN SHORE PUBLIC SERVICE COMPANY OF MARYLAND AND DELAWARE POWER & LIGHT CO.

Notice of Proposed Extension of Au- thorization of the Issue and Sale of Promissory Notes by Subsidiary Public-Utility Company to Parent Company

AUGUST 5, 1964.

Notice is hereby given that Delaware Power & Light Company ("Delaware"),

600 Market Street, Wilmington, Delaware, 19899, a registered holding company, and its public-utility subsidiary company, The Eastern Shore Public Service Company of Maryland ("Eastern Shore"), 114 North Division Street, Salisbury, Maryland, 21801, all of whose outstanding securities are owned by Delaware, have filed with this Commission a post-effective amendment and amendments thereto to their joint application-declaration in this matter previously filed pursuant to sections 6(b), 10 and 12(d) of the Public Utility Holding Company Act of 1935 ("Act") and Rule 44 thereunder. All interested persons are referred to the amended application-declaration, on file at the office of the Commission, for a statement of the transactions therein proposed which are summarized as follows:

By order dated September 6, 1962, the Commission authorized Eastern Shore to issue and sell to Delaware, from time to time prior to August 31, 1964, \$2,000,000 face amount of 4¼ percent promissory notes, due October 1, 1973 (Holding Company Act Release No. 14694). It is stated that prior to June 30, 1964, only \$500,000 face amount of said notes were issued, since Eastern Shore's construction program had not advanced as rapidly as originally anticipated.

The instant filing requests that Eastern Shore's authority to issue and sell, and Delaware's authority to acquire, the balance of \$1,500,000 face amount of notes be extended to August 31, 1965. Eastern Shore and Delaware state further that no notes will be issued under such extended authority prior to the consummation by Delaware, later this year, of its contemplated issuance and sale of additional first mortgage bonds, and propose that the interest rate on all further notes issued by Eastern Shore hereunder shall be equal to Delaware's cost of money on its new bonds, rounded to the next higher one-tenth of one percent. In respect of all other terms and provisions, the notes to be issued are to remain the same as those heretofore authorized in the Commission's order of September 6, 1962. The notes will be pledged by Delaware with Chemical Bank New York Trust Company, Trustee, in accordance with the provisions of the Indenture of Mortgage and Deed of Trust of Delaware to said Trustee (successor by merger to The New York Trust Company) dated as of October 1, 1943, as security for Delaware's first mortgage bonds.

The proposed transactions have been approved by the Public Service Commission of Maryland, the State commission of the State in which Eastern Shore is organized and doing business.

No additional fees and expenses are anticipated in respect of the transactions proposed herein.

Notice is further given that any interested person may, not later than August 25, 1964, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said amended joint application-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 applicant's-declarants at the above-stated addresses 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 said date, the joint application-declaration, as amended or as it may be further amended, may be granted and 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] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 64-8037; Filed, Aug. 10, 1964;
8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[Docket No. M-18563; No. 34444]

SOUTHWESTERN STATES, COLORADO, AND WYOMING

Increased Rates and Minimum Charge; Investigation and Suspension

It appearing, that by order dated July 2, 1964, the above-entitled proceedings were referred to Examiner Jair S. Kaplan for hearing on October 12, 1964, at 9:30 o'clock a.m., U.S. standard time, or 9:30 a.m., local d.s.t., if that time is observed, at the Baker Hotel, Dallas, Tex., and for the recommendation of an appropriate order thereon, accompanied by the reasons therefor.

It is ordered, That the order dated July 2, 1964, to the extent that it assigned the proceedings for hearing, be, and it is hereby, amended in the following respects:

(1) That the respondents and interveners in support thereof shall serve on the parties of record on or before September 28, 1964, their direct evidence in the form of verified statements, with exhibits and appendixes, if any; and that they also, at the same time, shall file the original (with affidavits and signatures in ink) and two copies with this Commission, together with certificates of service in accordance with § 1.22(a) of the general rules of practice;

(2) That the protestants and interveners in support thereof shall serve on the parties of record on or before October 16, 1964, their evidence in the form of verified statements, with exhibits and appendixes, if any; and that they shall comply also with the provisions in the preceding paragraph regarding the filing and service of statements;

(3) That these proceedings be, and they are hereby, referred to Examiner Jair S. Kaplan for hearing on October 29, 1964, at 9:30 a.m., U.S. standard time, or 9:30 a.m., local d.s.t., if that time is observed, at the Baker Hotel, Dallas, Tex., for the purpose of cross-examination and the introduction of rebuttal evidence and to permit the examiner to close the record; and for the recommendation of an appropriate order thereon, accompanied by the reasons therefor;

(4) That parties desiring to cross-examine witnesses who have submitted verified statements must give notice in writing of such request to affiant and his counsel, if any, on or before October 22, 1964, a copy of such notice to be filed simultaneously with this Commission. Failure of any witness whose attendance is requested to appear at the hearing for cross-examination shall be considered good cause for the rejection of his verified statement;

(5) That all underlying data used in the preparation of evidence set forth in the verified statements (with exhibits and appendixes, if any) shall be made available in the office of the party serving such verified matter during usual office hours for inspection by any party of record desiring to do so; and that underlying data shall be made available also at the hearing, but only if and to the extent specifically requested in writing and required by any party for the purpose of cross-examination;

(6) That anyone desiring to become a party of record and to participate in the hearing, and receive and/or serve copies of the evidence to be filed in accordance with the procedure set forth above, must notify the Commission and all the then known parties of record, in writing, on or before September 14, 1964. Below is a list of the presently known parties of record.

(7) That evidence presented which fails to conform to the above-outlined procedure will not become a part of the record in these proceedings.

It is further ordered, That, except to the extent amended herein, the order of July 2, 1964, shall remain in full force and effect;

And it is further ordered, That a copy of this order be delivered to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to all interested persons.

Dated at Washington, D.C., this 3d day of August A.D. 1964.

By the Commission, Commissioner Freas.

[SEAL] HAROLD D. McCoy,
Secretary.

No. 34444

INCREASED RATES WITHIN SOUTHWEST AND BETWEEN COLORADO AND WYOMING AND SOUTHWEST

Investigation and Suspension Docket
No. M-18563

INCREASED MINIMUM CHARGE IN SOUTHWESTERN STATES

Service list covering parties of record as of August 4, 1964;

RESPONDENTS

J. D. Hughett, Agent, Southwestern Motor Freight Bureau, 4112 San Jacinto Street, Dallas 4, Tex.

PROTESTANTS

S. P. Baker, Oklahoma City Chamber of Commerce, 200 Skirvin Tower, Oklahoma City, Okla., 73102.

John T. Bateman, Manager, Transportation Department, Shreveport Chamber of Commerce, 529 Crockett Street, Shreveport, La.

John M. Cleary, Attorney, The National Industrial Traffic League, 700 Brawner Building, 888 17th Street NW., Washington, D.C., 20006.

James H. Eubanks, Transportation Department, The Amarillo Chamber of Commerce, Amarillo Building, Amarillo Tex., 79101.

John J. C. Martin, Attorney, American Home Products Corp., 685 Third Avenue, New York 17, N.Y.

Robert B. Reedy, The Lubbock Chamber of Commerce, P.O. Box 561, Lubbock, Tex.

Kenneth P. Tubbs, Texas Industrial Traffic League, Dallas Chamber of Commerce, Fidelity Union Tower, Dallas, Tex., 75201.

[F.R. Doc. 64-8055; Filed, Aug. 10, 1964; 8:47 a.m.]

[Notice 1028]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 6, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 66994. By order of August 4, 1964, The Transfer Board approved the transfer to Robert Claude Moates, doing business as E. M. Rowland Trucking Company, Eunice, N. Mex., of the operating rights in Certificate in No. MC 106810 Sub 1, issued November 23, 1949, and in Certificate of Registration in No. MC 106810 Sub 7, issued March 9, 1964, to Ellis Mason Rowland, doing business as E. M. Rowland Trucking Co., Eunice, N. Mex., authorizing the transportation, over irregular routes, of crude oil, in bulk, in tank trucks, between oil tank and oil well locations in Lea County, N. Mex., on the one hand, and, on the other, terminals of railroads, pipelines, and motor carriers in Lea County, N. Mex., oil and water in Lea and Eddy Counties, and all liquids, in bulk, in tank trucks, used in connection with the discovery, development, production, refining, manufacture, processing, and storage of natural gas,

and petroleum and their products and byproducts, as restricted, with points of origin or destination being within Lea and Eddy Counties, N. Mex., with no diversion of shipments in transit to storage. W. D. Girand, P.O. Box 1290, Hobbs, N. Mex., 88240, attorney for applicants.

No. MC-FC 67058. By order of August 5, 1964, The Transfer Board approved the transfer to Leonard McKee, Kalamazoo, Mich., of Permit in No. MC 119394, issued June 26, 1963, to A. F. Murch Company, a corporation, Paw Paw, Mich., authorizing the transportation of: Wastepaper and scrap paper stock, from points in New York (except Long Island), Connecticut, Maryland, Massachusetts, New Jersey, Pennsylvania, and Rhode Island, to Plainwell, Mich., and points in Kalamazoo County, Mich. Leonard D. Verdier, Jr., 300 Michigan Trust Building, Grand Rapids, Mich., attorney for applicants.

[SEAL] HAROLD D. McCoy,
Secretary.

[F.R. Doc. 64-8056; Filed, Aug. 10, 1964; 8:47 a.m.]

[Notice 1028-A]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 6, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 66643. By order of August 4, 1964, The Commission, Division 3, acting as an Appellate Division, on reconsideration, approved the transfer of the operating rights in Certificate No. MC 37294 issued May 11, 1950, to Schumer Theatrical Transfer, Inc., New York, N.Y., authorizing the transportation, over irregular routes, of: Theatrical production equipment, and materials used therefor, musical instruments, trunks and wardrobes, between points in New York, New Jersey, and Connecticut, within 75 miles of New York, N.Y., including New York, N.Y., to Louis Destefanis, doing business as Acme Van Company, New York, N.Y. Leonard Morrow, 160 Broadway, New York 38, N.Y., attorney for applicants.

[SEAL] HAROLD D. McCoy,
Secretary.

[F.R. Doc. 64-8057; Filed, Aug. 10, 1964; 8:47 a.m.]

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