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FEDERAL REGISTER

VOLUME 29 NUMBER 165

Washington, Saturday, August 22, 1964

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Title 3—THE PRESIDENT

Proclamation 3608

UNITED STATES MARSHAL DAY

By the President of the United States of America

A Proclamation

September 24, 1964, marks the one hundred and seventy-fifth anniversary of the enactment of the Judiciary Act of 1789, which provided for the appointment of United States Marshals for each of the thirteen newly-created Federal judicial districts. The contribution of the United States Marshals and their staffs to the development of the Federal judicial system is now a legend in the annals of our country. Their role in establishing the rule of law throughout the length and breadth of this Nation, including the new territories where some recognized no authority other than raw courage, is inscribed in history and enshrined in our national folklore. First in establishing the authority of the new Federal Government, and thereafter in performing a central function in Federal law enforcement, the United States Marshal has become a foremost symbol and servant of the law.

The marshal's duties have changed with the times. Some of the services once performed by marshals have now been reassigned to specialized agencies. However, the importance of the marshal's position as an indispensable arm of our judicial system remains undiminished. Throughout the changes which have characterized this country's rise from a young republic to the foremost power in this world, the marshal has always performed with steadfast dedication, competency, and inspiration. Over the past century and three-quarters, the marshal's star has symbolized a tradition of service and courage; it has shone with the gleam of constancy and integrity in the performance of duty.

On this the one hundred and seventy-fifth anniversary of the establishment of that service, it is fit and appropriate that a grateful Nation acknowledge and extol the distinguished record of our United States Marshals, past and present, and of their deputies, special deputies, and other staff assistants. To them all we owe special recognition and commendation.

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do hereby proclaim Thursday, September 24, 1964, as "United States Marshal Day," and I call upon the Federal courts, Federal departments and agencies, bar associations and other civic groups, and members of the bar and other interested individuals to plan and participate in appropriate ceremonies and activities providing public recognition for the one hundred and seventy-five years of devoted public service performed by United States Marshals and their staffs.

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 eighteenth day of August in the year of our Lord nineteen hundred and sixty-four, [SEAL] 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. 64-8591; Filed, Aug. 20, 1964; 2:20 p.m.]

Executive Order 11172

SETTING ASIDE FOR THE USE OF THE UNITED STATES CERTAIN PUBLIC LANDS AND OTHER PUBLIC PROPERTY LOCATED AT THE KAPALAMA MILITARY RESERVATION, HAWAII

By virtue of the authority vested in me by section 5(d) of the Act of March 18, 1959, providing for the admission of the State of Hawaii into the Union (73 Stat. 5), and as President of the United States, it is hereby ordered as follows—

All lands and other property hereinafter described, being lands and property which were ceded to the United States by the Republic of Hawaii under the joint resolution of annexation, approved July 7, 1898 (30 Stat. 750), or which have been acquired in exchange for lands or properties so ceded, are hereby set aside for the use of the United States* in fee simple subject to valid existing rights—

KAPALAMA MILITARY RESERVATION

PORTION OF TRACT D

Land situated at Kaliawa and Mokauea, Kalihi, Honolulu, Oahu, Hawaii.

Being portions of the former Kaliawa Fishery (Territorial Condemnation Law No. 16653) and the former Mokauea Fishery (Territorial Condemnation Law No. 16696).

Beginning at the south corner of this piece of land, also being on the easterly boundary of Sand Island Access Road, the coordinates of said point of beginning from Government Survey Triangulation Station "Punchbowl" being 1,718.21 feet North and 13,602.01 feet West, thence running by azimuths measured clockwise from true South:

1. 154°00'20" 1,561.35 feet along the easterly boundary of Sand Island Access Road
2. 247°21' 64.77 feet along U.S. Civil Action 504;
3. 277°54' 17.30 feet along U.S. Civil Action 504;
4. 310°35' 62.70 feet along U.S. Civil Action 496;
5. 318°35' 47.50 feet along U.S. Civil Action 496;
6. 288°00' 80.00 feet along U.S. Civil Action 496;
7. 264°40' 28.08 feet along U.S. Civil Action 496;
8. 339°50' 148.44 feet along U.S. Civil Action 496;
9. 336°21' 199.76 feet along U.S. Civil Action 496;
10. 323°05' 111.00 feet along U.S. Civil Action 496;
11. 301°02' 30.84 feet along U.S. Civil Action 496;
12. 279°21' 128.30 feet along U.S. Civil Action 496;
13. 265°10' 168.85 feet along U.S. Civil Action 496;
14. 264°03' 90.10 feet along U.S. Civil Action 496;
15. 355°06' 94.36 feet along U.S. Civil Action 469;
16. 353°22' 159.69 feet along U.S. Civil Action 469;
17. 350°46' 285.65 feet along U.S. Civil Action 469;
18. 345°53' 154.93 feet along U.S. Civil Action 469;
19. 340°27' 30" 67.53 feet along U.S. Civil Action 469;
20. 64°00'20" 352.96 feet to the beginning and containing an area of 11.36 acres, more or less.

LYNDON B. JOHNSON

THE WHITE HOUSE,
August 19, 1964.

[F.R. Doc. 64-8606; Filed, Aug. 20, 1964; 4:59 p.m.]

*See the Act of December 23, 1963 (77 Stat. 472).

Executive Order 11173

AMENDING EXECUTIVE ORDER NO. 11073, RELATING TO FEDERAL SALARY ADMINISTRATION

By virtue of the authority vested in me by subsection (d) of section 504 of the Federal Salary Reform Act of 1962 (as added by section 123 of the Government Employees Salary Reform Act of 1964), and as President of the United States, section 301 of Executive Order No. 11073 of January 2, 1963, entitled "Providing for Federal Salary Administration," is hereby amended by inserting "(a)" immediately after "Section 301" and by adding at the end thereof a new subsection (b) as follows:

"(b) The Civil Service Commission is hereby designated and authorized to exercise the authority conferred upon the President by the provisions of section 504(d) of the Federal Salary Reform Act of 1962 (as added by section 123 of the Government Employees Salary Reform Act of 1964) to prescribe the rules and regulations required by section 504(d)."

LYNDON B. JOHNSON

THE WHITE HOUSE,
August 20, 1964.

[F.R. Doc. 64-8627; Filed, Aug. 21, 1964; 12:26 p.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of the Army

Section 213.3307 is amended to show the exception of the position of Director of Civil Defense under Schedule C. Effective upon publication in the FEDERAL REGISTER, subparagraph (13) is added to paragraph (a) of § 213.3307 as set out below.

§ 213.3307 **Department of the Army.**

(a) *Office of the Secretary.* * * *

(13) The Director of Civil Defense.

* * * * *

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 64-8547; Filed, Aug. 21, 1964; 8:48 a.m.]

Title 7—AGRICULTURE

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

[Amdt. 3]

PART 730—RICE

Subpart—Amendments to Regulations for Determination of Acreage Allotments for 1964 and Subsequent Crops of Rice

MISCELLANEOUS AMENDMENTS

On page 8482 of the FEDERAL REGISTER of July 7, 1964, and pages 10399 and 10400 of the FEDERAL REGISTER of July 25, 1964, were published notices of proposed rule making to issue amendments to the regulations for determination of acreage allotments for 1964 and subsequent crops of rice. Interested persons were given 30 days from the date of publication of the notice in the FEDERAL REGISTER of July 7, 1964, and 15 days from the date of publication of the notice in the FEDERAL REGISTER of July 25, 1964, in which to submit written data, views or recommendation with respect to the proposed amendments.

After consideration of views and recommendations received, the proposed amendments are adopted as set forth below.

1. A paragraph of basis and purpose is added immediately preceding the text of the amendments.

2. That part of the definition of "rice acreage" in § 730.1511(h) providing that a second planting and maturing of rice on a farm on which one crop has been planted and matured in the same crop year shall be considered additional rice acreage is made effective beginning with the 1965 crop of rice.

3. An effective date paragraph is added immediately following the text of the amendments.

4. An authority clause is added immediately following the effective date paragraph.

Signed at Washington, D.C., on August 18, 1964.

RAY FITZGERALD,
Acting Administrator, Agricultural Stabilization and Conservation Service.

Basis and purpose. The amendments herein are issued under and in accordance with the rice marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended.

The purpose of these amendments is to provide that (1) effective with 1965 and subsequent crops of rice, a second planting and maturing of rice on a farm on which one crop has been planted and matured in the same crop year shall be considered additional acreage when determining the farm rice acreage, (2) a person for whom a new producer allotment is approved must be engaged in the production of rice in at least four out of the next five years following approval before his allotment for the current year becomes available for transfer under the provisions of paragraph (b) (2), (3) or (4) of § 730.1525, (3) a producer who has withdrawn from the production of rice as provided in paragraph (b) (2) or (3) of § 730.1525 may become a rice producer and re-enter the production of rice as provided in paragraph (b) (1) or (2) of § 730.1525, and (4) a farm which includes land acquired by an agency having the right of eminent domain for which the entire rice allotment was pooled pursuant to Part 719 of this chapter, which is subsequently returned to agricultural production, shall not be eligible for a new farm rice allotment for a period of five years from the date the former owner was displaced from the acquired farm.

1. Paragraph (h) of § 730.1511 is amended by adding at the end thereof the following sentence:

§ 730.1511 **Definitions.**

* * * * *

(h) * * * Effective with 1965 and subsequent crops of rice, a second planting and maturing of rice on a farm on which one crop has been planted and matured in the same crop year shall be considered additional acreage when determining the farm rice acreage.

§ 730.1525 [Amended]

* * * * *

2. Paragraph (a)(1) of § 730.1525 is amended by changing the period at the end of the first sentence, as amended, to a colon and inserting the following: *"Provided further,* That a person for whom a new producer allotment is approved must be engaged in the production of rice in at least four out of the next five years following approval before his allotment for the current year becomes available for transfer under the provisions of paragraph (b) (2), (3) or (4) of this section."

3. Paragraph (c) of § 730.1525 is amended to read as follows:

§ 730.1525 **Succession of interest in producers allotments.**

(c) Notwithstanding any other provision of this section, a producer who has withdrawn from the production of rice as provided in paragraph (b) (2) or (3) of this section may become a rice producer and re-enter the production of rice as provided in paragraph (b) (1) or (2) of this section.

4. Section 730.1529 is amended by adding at the end thereof the following new paragraph:

§ 730.1529 **Determination of allotments for new farms.**

* * * * *

(g) Notwithstanding any other provisions of this section, a farm which includes land acquired by an agency having the right of eminent domain for which the entire rice allotment was pooled pursuant to Part 719 of this chapter, which is subsequently returned to agricultural production, shall not be eligible for a new farm rice allotment for a period of five years from the date the former owner was displaced from the acquired farm.

Effective date: 30 days after publication in the FEDERAL REGISTER, except for the amendment to paragraph (h) of § 730.1511 which shall become effective January 1, 1965, to be applicable to 1965 and subsequent crops of rice.

(Secs. 301, 352, 353, 354, 375, 378, 52 Stat. 38, as amended, 60, as amended, 61, as amended, 66, as amended, 72 Stat. 995; 7 U.S.C. 1301, 1352, 1353, 1354, 1375, 1378)

[F.R. Doc. 64-8552; Filed, Aug. 21, 1964; 8:48 a.m.]

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

[Valencia Orange Reg. 98]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.398 **Valencia Orange Regulation 98.**

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part

908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 20, 1964.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., August 23, 1964, and ending at 12:01 a.m., P.s.t., August 30, 1964, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 450,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "handler," "District 1," "District 2," and "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

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

Dated: August 21, 1964.

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

[F.R. Doc. 64–8622; Filed, Aug. 21, 1964; 11:13 a.m.]

[Lemon Reg. 125]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.425 Lemon Regulation 125.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910; 27 F.R. 8346), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 18, 1964.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., August 23, 1964, and ending at 12:01 a.m., P.s.t., August 30, 1964, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 279,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

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

Dated: August 20, 1964.

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

[F.R. Doc. 64–8601; Filed, Aug. 21, 1964; 8:50 a.m.]

[Avocado Order 4, Amdt. 2]

PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 915, as amended (7 CFR Part 915), regulating the handling of avocados grown in south Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Avocado Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of avocados, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that the time intervening between the date when information upon which these amendments are based became available and the time when such amendments must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter set forth. A reasonable determination as to the quality, size, and the time of maturity of avocados must await the development of the crop; a determination as to the quality, size, and the stage of maturity of the varieties of avocados covered by these amendments was made

at the meeting of the Avocado Administrative Committee on August 11, 1964, after consideration of all available information relative to the growing conditions prevailing during the current season, at which time recommendations and supporting information for such grade and maturity regulations were submitted to the Department; such meeting was held to consider recommendation for such regulation after giving due notice thereof, and interested parties were afforded opportunity to submit their views at this meeting; the provisions hereof are identical with the aforesaid recommendations of the committee and information concerning such provisions has been disseminated among the handlers of avocados; such recommendation is based on and nearly conforms to recent research findings with respect to fruit weights and corresponding diameters for Florida avocados; and compliance with the provisions hereof will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

It is, therefore, ordered, That:

I. The provisions of paragraph (b) of § 915.304 (29 F.R. 8462, 11704) are hereby amended as follows:

1. By revising the corresponding diameters appearing in Table I which are applicable to several varieties of avocados so that, after such revision, Table I shall read as follows:

TABLE I

Variety (1)	Date (2)	Minimum weight or diameter (3)	Date (4)	Minimum weight or diameter (5)	Date (6)	Minimum weight or diameter (7)	Date (8)
Arue	7- 8-64	14 oz. 3 3/16 in.	9-21-64				
Fuchs	7- 8-64	12 oz. 3 in.	7-27-64	10 oz. 2 1/16 in.	8-10-64		
Dr. DuPuis	7- 8-64	12 oz. 3 3/16 in.	8- 2-64				
Pollock	7-20-64	18 oz. 3 1/16 in.	8- 3-64	16 oz. 3 1/16 in.	8-17-64		
Simmonds	7-20-64	16 oz. 3 3/16 in.	8- 3-64	14 oz. 3 1/16 in.	8-17-64		
Hardee	7-13-64	13 oz. 3 in.	8-10-64				
Nadir	7-20-64	14 oz. 3 3/16 in.	8-17-64	9 oz. 2 13/16 in.	8-24-64		
Katherine	7-20-64	12 oz.	8-10-64				
Trapp	8-17-64	12 oz. 3 1/16 in.	9-14-64				
Waldin	8-17-64	16 oz. 3 3/16 in.	8-31-64	14 oz 3 1/16 in.	9-14-64	12 oz. 3 1/16 in.	9-28-64
Peterson	8-24-64	10 oz. 3 2/16 in.	9- 7-64	8 oz. 2 1/16 in.	9-21-64		
Pinelli	8-31-64	16 oz. 3 1/16 in.	9-21-64				
Tonnage	8-31-64	14 oz. 3 1/16 in.	9- 7-64	12 oz 3 in.	9-14-64	10 oz 2 13/16 in.	9-21-64
Booth 8	9-14-64	16 oz. 3 3/16 in.	9-28-64	15 oz. 3 1/16 in.	10-12-64	13 oz. 3 1/16 in.	10-26-64
Simpson	10-12-64	16 oz. 3 3/16 in.	11- 2-64				
B. Prince	10- 5-64	15 oz. 3 3/16 in.	10-26-64				
Lula	10-26-64	18 oz. 3 1/16 in.	11- 9-64	14 oz. 3 3/16 in.	11-23-64		
Booth 7	10-19-64	16 oz. 3 1/16 in.	11- 2-64	14 oz 3 3/16 in.	11-16-64		
Vacs	10-12-64	16 oz. 3 3/16 in.	11- 2-64				
Hickson	10-12-64	15 oz. 3 1/16 in.	11- 2-64				
Catalina	10-26-64	18 oz.	11-16-64				
Collinson	10- 5-64	16 oz. 3 1/16 in.	11- 2-64				
Avon	10-19-64	15 oz. 3 1/16 in.	11- 9-64				
Booth 5	10-12-64	16 oz. 3 1/16 in.	11- 2-64				
Blair	10- 5-64	14 oz. 3 3/16 in.	10-26-64				
Winslowson	10-19-64	18 oz. 3 1/16 in.	11- 9-64				
Monroe	10- 5-64	26 oz. 4 3/16 in.	10-19-64	24 oz. 4 1/16 in.	11-23-64		
Hall	10-26-64	20 oz. 3 3/16 in.	11- 9-64				
Herman	10-26-64	16 oz. 3 3/16 in.	11- 9-64	14 oz. 3 1/16 in.	11-23-64		
Booth 10	10-19-64	16 oz. 3 1/16 in.	11-16-64				
Booth 11	10-19-64	16 oz. 3 1/16 in.	11- 9-64				
Ajax (B-7B)	11- 2-64	18 oz. 3 1/16 in.	11-23-64				
Booth 3	11- 2-64	16 oz. 3 1/16 in.	11-23-64				
Booth 1	11- 2-64	16 oz. 3 1/16 in.	11-23-64				
Taylor	11- 2-64	14 oz. 3 1/16 in.	11-23-64				
Choquette	10-26-64	24 oz. 4 1/16 in.	11-23-64				
Linda	11-23-64	18 oz. 3 1/16 in.	12-14-64				
Byars	11-23-64	16 oz. 3 1/16 in.	12-14-64				
Nabal	11-23-64	14 oz. 3 3/16 in.	12-14-64				
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2. By changing in subparagraph (6) the diameter requirement for the Booth 8 variety so that, after such amendment, said subparagraph (6) reads as follows:

(6) During the period beginning at 12:01 a.m., e.s.t., October 26, 1964, and ending at 12:01 a.m., e.s.t., November 16, 1964, no handler shall handle any avocados of the Booth 8 variety unless the individual fruit in each lot of such avocados weighs at least 11 ounces or is at least 3 3/16 inches in diameter;

The provisions of this amendment shall become effective at 12:01 a.m., e.s.t., August 24, 1964.

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

Dated: August 19, 1964.

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

[F.R. Doc. 64-8553; Filed, Aug. 21, 1964; 8:48 a.m.]

[958.309]

PART 958—ONIONS GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

Limitation of Shipments

Findings. (a) Pursuant to Marketing Agreement No. 130 and Order No. 958 (7 CFR Part 958), regulating the handling of onions grown in the production area defined therein, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and upon the basis of recommendations and information submitted by the Idaho-Eastern Oregon Onion Committee, established pursuant to the said marketing agreement and order, and other available information, it is hereby found that the limitation of shipments hereinafter set forth, will tend to maintain orderly marketing conditionings and increase returns to producers.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, and engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003) in that (1) shipments of 1964 crop onions grown in the production area will begin on or about the effective date specified herein, (2) to maximize benefits to producers, this regulation should apply to all such shipments during the effective period, (3) producers and handlers have operated under this marketing order program since 1957, so special preparation on the part of handlers is not required, and (4) information regarding the committee's recommendation has been made available to producers and handlers in the production area.

§ 958.309 Limitation of shipments.

During the period from August 24, 1964, through June 30, 1965, no person may handle any lot of yellow or white varieties of onions unless such onions meet the requirements of paragraph (a) of this section, or unless such onions are handled in accordance with paragraphs (b) or (c) of this section.

(a) *Minimum grade and size requirements*—(1) *yellow varieties*—(i) *Grade.* U.S. No. 1 grade; or U.S. No. 2 grade if each lot of number twos contains not more than 30 percent U.S. No. 1 grade.

(ii) *Size.* 2 inches minimum diameter.

(2) *White varieties*—(i) *Grade.* U.S. No. 1 grade; or U.S. No. 2 grade if each lot of number twos contains not more than 30 percent U.S. No. 1 grade.

(ii) *Size.* 1½ inches minimum diameter, except that 1 inch minimum to 2 inch maximum diameter onions if U.S. No. 2 or better grade, may be shipped.

(b) *Special purpose shipments.* The minimum grade and size requirements set forth in paragraph (a) of this section shall not be applicable to shipments of onions for any of the following purposes:

(1) Planting;
(2) Livestock feed;
(3) Charity;
(4) Dehydration;
(5) Canning; and
(6) Freezing.

(c) *Safeguards.* Each handler making shipments of onions for dehydration, canning, or freezing pursuant to paragraph (b) of this section shall:

(1) First, apply to the committee for, and obtain a Certificate of Privilege to make such shipments;

(2) Prepare, on forms furnished by the committee, a report in quadruplicate on each individual shipment to such outlets authorized in paragraph (b) of this section;

(3) Bill each shipment direct to the applicable processor; and

(4) Forward one copy of such report to the committee office, and two copies to the receiver for signing and returning one copy to the committee office. Failure of a handler or receiver to report such shipments by promptly signing and returning the applicable report to the committee office shall be cause for cancellation of such handler's Certificate of

Privilege and/or the receiver's eligibility to receive further shipments pursuant to such Certificate of Privilege. Upon cancellation of any such Certificate of Privilege the handler may appeal to the committee for reconsideration.

(d) *Minimum quantity exception.* Each handler may ship up to, but not to exceed, one ton of onions any day without regard to the inspection and assessment requirements of this part, if such onions meet minimum grade and size requirements of paragraph (a) of this section. This exception shall not apply to any portion of a shipment that exceeds one ton of onions.

(e) *Definitions.* The terms "U.S. No. 1" and "U.S. No. 2" shall have the same meaning as when used in the United States Standards for Onions (§§ 51.2830–51.2850 of this title). Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 958 and this part.

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

Dated August 19, 1964, to become effective August 24, 1964.

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

[F.R. Doc. 64–8554; Filed, Aug. 21, 1964; 8:49 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[C.C.C. Grain Price Support Regs. 1964-Crop Wheat Supp. Amdt. 3]

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, 9957, and 11492, 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 include as eligible for a warehouse-storage loan, wheat grading Sample on the factor of total defects provided the total of foreign material and shrunken and broken kernels does not exceed 20 percent 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 (i) test weight, provided the test weight is not less than 40 pounds per bushel, and (ii) total damage, provided heat damage does not exceed 3 percent, and (iii) total defects, provided the total of foreign material and shrunken and broken kernels does not exceed 20 percent.

* * * * *

2. Section 1421.2133 is amended as follows:

In paragraph (f)(2)(ii), the entry is deleted which now reads "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.)" A new entry is substituted. Paragraph (f)(4) is amended to clarify the provisions for applying sedimentation and protein premiums, so that the narrative preceding the table of premiums and discounts for sedimentation value and protein content. The substituted entry under paragraph (f)(2)(ii), and the amended paragraph (f)(4) read as follows:

§ 1421.2133 Support rates.

* * * * *

(f) *Premiums and discounts.* * * *

(2) *Grade premium and discounts.* * * *

(ii) *Discounts.* * * *

	Cents per bushel
No. 4 or No. 5 on factors other than "test weight" and "total damage"; or Sample on the factor of "total defects" only, but otherwise No. 5 or better. (When wheat grades below No. 3 on account of test weight or total damage, do not apply this discount.)	−3

* * * * *

(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 apply only to wheat grading No. 5 or better with no more than 7 percent total damage, except that the wheat may grade Sample solely because of test weight.

* * * * *

(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.

Signed at Washington, D.C., on August 18, 1964.

RAY FITZGERALD,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 64–8558; Filed, Aug. 21, 1964; 8:49 a.m.]

[C.C.C. Grain Price Support Regs., 1964 Crop Corn Supp.]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1964 Crop Corn Loan and Purchase Program

The General Regulations Governing Price Support for the 1964 and Subsequent Crops (29 F.R. 2686 and 7662) issued by the Commodity Credit Corporation which contain regulations of a general nature with respect to price support loan and purchase operations are supplemented for the 1964-crop of corn as follows:

Sec.
1421.2321 Purpose.
1421.2322 Availability.
1421.2323 Compliance requirements.
1421.2324 Eligible corn.
1421.2325 Determination of quality.
1421.2326 Determination of quantity.
1421.2327 Warehouse receipts.
1421.2328 Service charges.
1421.2329 Warehouse charges.
1421.2330 Maturity of loans.
1421.2331 Delivery period.
1421.2332 Support rates.

AUTHORITY: The provisions of this subpart issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 105, 401, 63 Stat. 1051 as amended; 15 U.S.C. 714c, 7 U.S.C. 1421, 1441.

§ 1421.2321 Purpose.

This subpart contains additional program provisions which, together with the applicable provisions of the General Regulations Governing Price Support for the 1964 and Subsequent Crops and any amendments thereto, apply to loans and purchases for 1964 crop corn. (Such regulations are referred to herein as "General Regulations".)

§ 1421.2322 Availability.

Producers desiring price support must file an application not later than May 31, 1965. Loans will be available through June 30, 1965: *Provided,* That in areas where it is determined by the State committee that producers may not be or are not in a position to store corn safely for the full storage period because of infestation by angoumois moths or other insects, adverse climatic conditions, or other factors affecting the safe storage of corn, the final date for filing applications and for obtaining loans shall be such earlier date as established by the State committee. Public announcement of the final date for filing applications and for obtaining loans shall be made sufficiently in advance of such dates in order to allow producers a reasonable period of time to file applications and obtain loans.

§ 1421.2323 Compliance requirements.

(a) A producer shall not be eligible for a loan or purchase unless he is eligible to receive a price support payment on corn of the 1964 crop under the 1964 and 1965 Feed Grain Program Regulations (29 F.R. 590 and any amendments thereto) on the farm on which the corn tendered for loan or purchase is produced, except as provided below.

(b) The requirements of this section shall not be applicable to corn produced in Alaska or in any other area of the United States where the 1964 and 1965 Feed Grain Program is not applicable on corn of the 1964 crop and price support payments are not made on such corn because of an emergency created by drought or other disaster or in order to prevent or alleviate a shortage in the supply of the commodity.

(c) A producer shall not be considered ineligible for a loan or purchase on corn

because he has not received a price support payment on corn of the 1964 crop under the 1964 and 1965 Feed Grain Regulations if he would be eligible for a payment except for the fact that (1) he has declined a price support payment or (2) the corn has been produced on land owned by the Federal Government and leased subject to restrictions prohibiting the receipt of Federal payments for diversion of acreage but not prohibiting the production of corn.

§ 1421.2324 Eligible corn.

(a) *General.* Corn must be merchantable for food or feed or for other uses, as determined by CCC, and must not contain mercurial compounds or other substances poisonous to man or animals in order to be eligible for price support.

(b) *Shelling requirements.* The corn may be ear or shelled corn: *Provided,* That the corn must be shelled before placed under a warehouse-storage loan or before delivery is made under a loan or purchase. If the corn is not shelled prior to delivery, the cost of shelling on or after delivery shall be for the account of the producer. A producer with a farm-storage loan on ear corn may, with the approval of the county committee, shell the corn and keep it under loan on the farm.

(c) *Warehouse stored loan grade requirements.* Corn to be placed under a Warehouse Storage Loan must also meet the following requirements:

(1) The corn must, except for moisture content, grade No. 3 or better, or No. 4 or better on the factor of test weight only, but otherwise No. 3 or better.

(2) Corn must not grade "Weevily" unless the warehouse receipt is accompanied by a supplemental certificate which provides for delivery by the warehouseman of corn which does not contain such designation and which is otherwise of an eligible grade and quality. If the warehouse receipt shows "Weevily" the grade, grading factors, and the quantity shown on the supplemental certificate must be as specified in § 1421.2327 (c).

(3) Corn must not contain over 14 percent moisture unless the warehouse receipt is accompanied by a supplemental certificate which provides for the delivery by the warehouseman of corn which contains not over 14 percent moisture and which is otherwise of an eligible quality. The grade, grading factors and the quantity shown on the supplemental certificate must be as specified in § 1421.2327(c).

§ 1421.2325 Determination of quality.

The class, grade, grading factors and all other quality factors shall be based on the Official Grade Standards of the United States for corn, whether or not such determinations are made on the basis of an official inspection.

§ 1421.2326 Determination of quantity.

When the quantity is determined by weight, a bushel of shelled corn shall be 56 pounds. In determining the quantity of sacked corn by weight, a deduction of three-fourths of a pound for each sack shall be made.

(a) *In warehouse.* The quantity of corn on which a warehouse storage loan shall be made and the quantity delivered to or acquired by CCC in an approved warehouse shall be the net weight specified on the warehouse receipt or on the supplemental certificate, if applicable. If the corn has been dried or blended to reduce the moisture content, the quantity specified on the warehouse receipt or the supplemental certificate, if applicable, shall represent the quantity after drying or blending, and such quantity shall reflect a minimum shrink in the receiving weight of 1.2 times the percentage difference of the moisture content of the corn when received, and 14 percent.

(b) *On farm.* The quantity eligible to be placed under farm storage loan shall be determined in accordance with § 1421.67 of the general regulations. The quantity acquired by CCC shall be determined by weight.

§ 1421.2327 Warehouse receipts.

Warehouse receipts tendered to CCC in connection with a loan or purchase must meet the requirements in this section.

(a) *Separate receipt.* A separate warehouse receipt must be submitted for each grade and class of corn.

(b) *Entries.* Each warehouse receipt, or the warehouseman's supplemental certificate (in duplicate) properly identified with the warehouse receipt, must show: (1) Gross weight and net bushels, (2) class, (3) grade, (4) test weight, (5) moisture, (6) broken corn and foreign material, (7) any other grading factor(s) when such factor(s) and not test weight determine the grade.

(c) *Where warehouse receipt shows "Weevily" or moisture over 14 percent.* If a warehouse receipt tendered for loan shows the corn grades "Weevily" or contains over 14 percent moisture, the warehouse receipt must be accompanied by a supplemental certificate as provided in § 1421.2324(c) in order for the corn to be eligible for price support. The grade, grading factors, and the quantity to be delivered must be shown on the supplemental certificate as follows: (1) If the warehouse receipt shows "Weevily" and the corn has been conditioned to correct the "Weevily" condition, the supplemental certificate must show the same grade without the "Weevily" designation and the same grading factors and quantity as shown on the warehouse receipt; (2) if the warehouse receipt shows moisture over 14 percent and the corn has been dried or blended, the supplemental certificate must show the grade, grading factors, and quantity after drying or blending to a moisture content of not over 14 percent. The quantity shown on the Supplemental Certificate shall reflect a drying or blending shrink as specified in § 1421.2326; (3) the supplemental certificate must state that no lien for processing will be claimed by the warehouseman from Commodity Credit Corporation or any subsequent holder of the warehouse receipt; (4) in the case of conditions specified in subparagraphs (1) and (2) of this paragraph, the grade, grading factors, and the quantity shown on the supplemental certificate shall supersede the entries for such items on the warehouse receipt.

(d) *Liens.* The warehouse receipts may be subject to liens for warehouse charges only to the extent indicated in § 1421.2329.

§ 1421.2328 Service charges.

A charge of one-half cent per bushel will be made for the quantity acquired by CCC and such charge shall be handled in accordance with § 1421.60(b) of the general regulations.

§ 1421.2329 Warehouse charges.

(a) *Handling and storage liens.* Warehouse receipts and the corn represented thereby stored in approved warehouses operating under the Uniform Grain Storage Agreement may be subject to liens for warehouse handling and storage charges at not to exceed the Uniform Grain Storage Agreement rates from the date the corn is deposited in the warehouse for storage. Warehouse receipts and the corn represented thereby stored in approved warehouses operated by Eastern common carriers may be subject to liens for warehouse elevation (receiving and deliveries) and storage charges from the date of deposit at rates approved by the Interstate Commerce Commission. In no event shall a warehouseman be entitled to satisfy the lien by sale of the corn when CCC is holder of the warehouse receipt.

(b) *Deduction of storage charges—UGSA warehouses.* The table shown below provides the deduction for storage charges to be made from the amount of the loan or purchase price in the case of corn stored in an approved warehouse operated under the Uniform Grain Storage Agreement. Such deduction shall be based on entries shown on the warehouse receipts. If written evidence is submitted with the warehouse receipt that all warehouse charges except receiving and loading out charges have been prepaid through the applicable loan maturity date, no storage deductions shall be made. If such written evidence is not submitted, the date to be used for computing the storage deduction on corn stored in approved warehouses operating under the Uniform Grain Storage Agreement shall be the latest of the following: (1) The date of deposit, (2) the date storage charges start, or (3) the day following the date through which the storage charges have been paid. If none of the foregoing dates is shown, the date of the warehouse receipt shall be used.

SCHEDULE OF DEDUCTIONS FOR STORAGE CHARGES FOR MATURITY DATE OF NO LATER THAN JULY 31, 1965

Date storage charges start (all dates inclusive)	*Amount of deduction (cents per bushel)*
Prior to Sept. 25, 1964	12
Sept. 25–Oct. 21, 1964	11
Oct. 22–Nov. 17, 1964	10
Nov. 18–Dec. 14, 1964	9
Dec. 15, 1964–Jan. 10, 1965	8
Jan. 11–Feb. 6, 1965	7
Feb. 7–Mar. 5, 1965	6
Mar. 6–Apr. 1, 1965	5
Apr. 2–Apr. 28, 1965	4
Apr. 29–May 25, 1965	3
May 26–June 21, 1965	2
June 22–July 31, 1965	1

(c) *Deduction of storage charges—Eastern common carriers.* In the case of corn stored in an approved warehouse operated by an Eastern common carrier, there shall be deducted in computing the loan or purchase price the amount of the approved tariff rate for storage (not including elevation), which will accumulate from the date of deposit through the applicable maturity date unless written evidence is submitted with the warehouse receipt that such charges have been prepaid. The county office shall request the ASCS commodity office to determine the amount of such charges. Where the producer presents evidence showing the elevation charges have been prepaid, the amount of the storage charges to be deducted shall be reduced by the amount of the elevation charges prepaid by the producer.

§ 1421.2330 Maturity of loans.

Loans mature on demand but not later than July 31, 1965.

§ 1421.2331 Delivery period.

(a) *Regular delivery period.* The regular delivery period shall begin August 1, 1965.

(b) *Where producers may not be in a position to store corn safely.* In areas where it is determined by the State committee that some producers may not be in a position to store corn safely for the full storage period (for reasons set forth in § 1421.2322) the State committee may establish an earlier delivery period prior to maturity (in addition to the regular delivery period) during which any producer in such areas may voluntarily deliver corn which is held in farm storage. Such earlier delivery period, if established, shall begin at least 30 days after the final date of availability of loans established by the State committee, and not before April 1, 1965. CCC will accept deliveries of corn during such early delivery period, provided the producer notifies the county committee at least 10 days prior to the date that he desires to deliver the corn.

(c) *Where producers are not in a position to store corn safely.* If the State committee determines that producers in any area are not in a position to safely store corn for the full storage period (for reasons set forth in § 1421.2322), all farm-storage loans in such area shall be called promptly by the State committee, and producers who elect to make deliveries from farm-storage for purchase by CCC shall be required to do so during the delivery period for loans; except that for individual cases and upon the approval by the State committee a producer may be permitted to keep his corn in farm storage until the regular loan maturity date provided (1) such corn is shelled, and (2) the producer has satisfactory storage facilities and is adequately equipped to properly care for the corn. Such earlier delivery period, if established, shall begin at least 30 days after the final date of availability of loans established by the State committee, and not before April 1, 1965.

§ 1421.2332 Support rates.

(a) *Basic support rates.* The basic county support rates for use in making loans and for use in settling loans and purchases shall be the applicable basic support rate established for the county in which the corn was produced. Farm-storage loans shall be made at the basic support rate adjusted by the weed control discount if applicable. Warehouse storage loans, farm storage loan settlements and purchases shall be made at the basic support rate adjusted by the applicable premiums and discounts provided in this section and such other discounts as may be established by CCC as applicable to the grade and quality on which the loan or settlement is made. Basic county support rates per bushel for corn grading No. 3 except for moisture, or No. 4 on the factor of test weight only but otherwise grading No. 3 or better except for moisture, as well as a schedule of premiums and discounts will be a part of this section to be issued at a later date.

Effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on August 18, 1964.

RAY FITZGERALD,
Acting Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 64-8557; Filed, Aug. 21, 1964; 8:49 a.m.]

PART 1475—EMERGENCY FEED PROGRAM

Subpart—Livestock Feed Program

This bulletin, issued by the Commodity Credit Corporation contains regulations pertaining to a continuing Livestock Feed Program.

SEC.

AUTHORITY: The provisions of this subpart issued under secs. 1–4 of 73 Stat. 574 and sec. 407 of 63 Stat. 1055 as amended by 75 Stat. 293. Interpret or apply secs. 4 and 5 of 62 Stat. 1070, as amended; 15 U.S.C. 714 b c; 7 U.S.C. 1427.

§ 1475.201 General statement.

The regulations in this subpart contain the terms and conditions of a livestock feed program formulated under Public Law 86–299 and Public Law 87–127. The objective of the program is to give assistance to eligible livestock owners in designated emergency areas through sales of feed grain at not less than 75 percent of the current support price to provide feed for foundation herds and at 100 percent of current support prices to provide feed for other eligible livestock. The program shall be in effect in those designated emergency areas where the Secretary determines there is a shortage of feed because of flood, drought, fire, hurricane, storm, tornado, earthquake, disease, insect infestation, or other catastrophe.

§ 1475.202 Administration.

The program will be administered by ASCS and CCC under the general direction and supervision of the Executive Vice President, CCC. In the field it will be carried out by State and county committees and offices and commodity offices. State and county committees and offices, commodity offices, and representatives and employees of any of the above do not have authority to modify or waive any of the provisions of this subpart or any amendments or supplements thereto.

§ 1475.203 Definitions.

The terms used in this subpart and in all forms and documents used in connection herewith (except where the context or subject matter otherwise requires, or where otherwise defined in the Livestock Feed Program) shall have the following meanings:

(a) "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority is delegated to act in his stead.

(b) "CCC" or "ASCS" means the Commodity Credit Corporation or the Agricultural Stabilization and Conservation Service, respectively.

(c) "DASCO" means the Deputy Administrator for State and County Operations, ASCS.

(d) "Commodity office" means the regional office of ASCS established to manage CCC commodity operations in the field.

(e) "State committee", "State office", "county committee", or "county office" means the respective ASCS committee or office.

(f) "Approving officials" means the officials authorized under § 1475.205(e) to approve or disapprove an application for feed grain.

(g) "Emergency area" means an area designated by the Secretary under Public Law 86–299 and Public Law 87–127 as an area of emergency in which assistance will be given under the Livestock Feed Program.

(h) "Emergency county" means a county which in whole or in part thereof is within the emergency area.

(i) "Person" means an individual, partnership, association, corporation, estate, trust, or other business enterprise or legal entity. In the case of a partnership, a person shall be deemed to include the partnership and all of the partners, and in the case of a family corporation (i.e., a corporation in which 75 percent or more of the stock is owned by an individual or by an individual and those related to him by blood or marriage), the person shall be deemed to include the corporation and all such individuals.

(j) "Owner" means the person who owns or the persons who jointly own the eligible livestock to be fed with the feed grain to be purchased under the program and who meet(s) the requirements of eligibility contained in § 1475.204. A person or persons who mortgage(s) livestock as security for a loan shall be con-

sidered as the owner for the purpose of these regulations if he or they meet such requirements of eligibility.

(k) "Warehouse" means a warehouse which is currently operating under a Uniform Grain Storage Agreement with CCC.

(l) "Handler" means any person approved by the county committee to perform designated services under a grain handler agreement with CCC.

(m) "Bin site" means a plot of ground upon which CCC-operated storage facilities are located.

(n) "Feed grain" means barley, corn, grain sorghums, and oats and, when designated by the Executive Vice President of CCC or his designee, includes wheat and rye.

(o) "Loan grain" means the owner's feed grain which is security for price support loans and is stored in the emergency county where the majority of the owner's livestock is usually located, or counties adjoining thereto.

(p) "Prescribed period" means the period of time during which feed grain may be physically delivered to an owner. It begins when the area is designated an emergency area by the Secretary and ends when terminated by the Secretary, DASCO or the State committee.

(q) "Authorized period" means the period of time within the prescribed period used in computing the feed grain gross allowance under a single application. The authorized period shall commence and end on dates approved by the county committee and shall not exceed any limitation established by DASCO or the State committee. Except for corrected applications it shall not duplicate any part of an authorized period on any prior application approved for the owner.

(r) "Livestock" means all classes of beef and dairy cattle, sheep, goats, swine, and work horses and mules.

(s) "Eligible livestock" means (1) livestock which were owned by the applicant at least six months prior to the date of his application to purchase feed for such livestock and which were either located in the emergency area on the date the area was so designated or, as determined by the State committee, were moved into the area in accordance with the owner's normal livestock operation, such as rotation grazing; (2) cattle, sheep, goats, and swine purchased by the applicant as replacement breeding stock according to his customary normal breeding operations; (3) livestock inherited by an applicant, or purchased by an applicant as part of a complete farm operation other than through foreclosure; and (4) offspring of livestock described in subparagraphs (1), (2) and (3) of this paragraph. Work horses and mules shall be eligible only if they are used for pulling equipment, or for riding purposes necessary to the applicant's agricultural operations, or if they are being raised for these purposes.

(t) "Primary livestock" means the owner's foundation herd of eligible cattle, sheep and goats kept or obtained in a normal operation for breeding purposes, and their offspring kept for replacement purposes.

(u) "Secondary livestock" means eligible livestock other than primary livestock.

(v) "Animal unit" means one cow, feeder heifer, bull or steer; two other heifers; three calves; five sheep; five goats; seven lambs or kids; three sows or hogs on full grain ration; five other swine; and one horse or mule.

§ 1475.204 Eligibility provisions.

Subject to terms and conditions prescribed in this subpart, the owner may be approved to purchase feed grain for eligible livestock, if in the judgment of the approving officials the following eligibility requirements are met:

(a) The emergency has caused a serious loss of feed, including hay, pasture or range normally available for the owner's livestock which requires the owner to purchase substantially more than the usual quantity of feed.

(b) At the time the owner applies for feed grain he does not have, and is unable to obtain through normal channels of trade without undue financial hardship, sufficient feed for the livestock owned by him. Undue financial hardship shall be deemed to exist upon determination by the approving officials that under prevailing local standards the applicant's financial resources preclude his obtaining required feed from normal suppliers without imperiling continuance of his farming operations, defaulting on existing financial obligations, unsound borrowing or excessive disposal of livestock. In making this determination approving officials shall give especially close scrutiny to applicants who locally are customarily regarded as being wealthy, having large financial reserves, or as having substantial non-farm sources of income.

If the approving officials are uncertain as to whether the applicant meets the eligibility requirements, they may request such factual information as will permit them to make a determination. If the applicant is a partnership, the resources of the partnership and all of the partners must be taken into consideration in determining the eligibility of the partnership to receive assistance. If the applicant is a family corporation, the resources of such corporation and of the individuals who together with the corporation are considered as a person under § 1475.203(l) must be taken into consideration in determining the eligibility of the family corporation to receive assistance.

(c) A properly executed application is filed by such owner.

§ 1475.205 Application and approval.

(a) *Who may apply.* Any owner of eligible livestock who fulfills the requirements of § 1475.204 may file an application under this program. When an application is filed, the applicant if an individual, a partner if the applicant is a partnership, or a duly authorized representative of the applicant in the case of other persons shall execute a certification that the applicant is eligible for feed under provisions of § 1475.204. If an application is filed in the name of a corporation, except a family corporation as described above, the application must be accompanied by a certified copy of a resolution by the Board of Directors of such corporation authorizing its representative to file the application and authorizing the purchase of grain under the Livestock Feed Program in behalf of said corporation.

(b) *Where to apply.* An application must be filed at the county office for the emergency county in which the majority of the livestock shown on the application is usually located.

(c) *Filing of applications.* (1) The owner shall furnish all information required of him on the application and shall certify that he meets the requirements specified in § 1475.204.

(2) Applications for additional feed grain may be filed at any time during the last 30 days of an authorized period, provided the period for which feed grain is requested falls within the prescribed period and, except for corrected applications, does not include any part of an authorized period on any prior application approved for the owner.

(d) *Quantities of feed grain.* (1) Prior to the purchase of feed grain hereunder, the owner shall repay the principal and interest on all his price support loans which were obtained after the county was designated an emergency area on loan grain of his current crop determined by the county committee to be stored within reasonable hauling distance of his livestock operation: *Provided,* That this shall not apply with respect to warehouse stored loan grain which is covered by transit billing. The owner shall notify CCC in writing that no other feed grain of his current crop which is eligible for price support will be delivered to CCC.

(2) The feed grain gross allowance for the authorized period shall not exceed ten pounds per day per animal unit, or whatever lesser quantity is established by the State committee or county committee.

(3) The net approved quantity for the authorized period shall be the smaller of: (i) The gross allowance less the total quantity of feed grain equivalent of the feed determined by the approving officials to be available to the applicant for feeding his eligible livestock during the authorized period, or (ii) the quantity the approving officials determine to be adequate for the authorized period after taking into account the feed grain equivalent of hay, roughage, and other feed available for feeding the eligible livestock during such period.

(4) The total quantity of feed available to the applicant shall be the quantity located in the county in which the application is filed and in adjoining counties determined by the county committee to be within reasonable hauling distance of the applicant's livestock operation of the categories specified in the application plus feed sold in the period beginning 30 days before the county was designated as an emergency area, less feed on hand required to feed the owner's ineligible livestock and poultry during the authorized period and seed

for the owner's own use. In determining the total quantity of feed available if the applicant is a partnership or a family corporation, the quantity of feed available to the individuals and other legal entities which are collectively considered as a person under § 1475.203(i) shall be combined and considered feed of the applicant.

(e) *Action on applications.* (1) The county committee shall review each application filed as provided in (c) of this section. The county committee is authorized to approve or disapprove applications except that it shall only make recommendations with respect to applications (i) involving 500 animal units or more and (ii) filed by county or State committeemen or office personnel.

(2) On applications with respect to which a recommendation is made by the county committee shall receive final approval or disapproval (i) by the State committee or its designee if filed by a county committeeman or county office personnel for less than 500 animal units; (ii) by the State committee if involving 500 animal units or more or if filed by State office personnel except State committeemen, or (iii) by DASCO if filed by State committeemen.

(3) No application shall be approved unless the applicant meets all eligibility requirements. Information furnished by the applicant and other information, including knowledge of the county and State committeemen concerning the applicant's normal operations shall be taken into consideration in making recommendations and determinations. If information furnished by the applicant is incomplete or not clear and sufficient information is not otherwise available as to the applicant's operations and financial condition to make a determination or recommendation as to the applicant's eligibility, additional information deemed necessary shall be requested from the applicant.

(4) Action taken or recommendations made by the county committee or the State committee on each application shall be based upon the combined judgment and decision of two or more of its members who have reviewed the application. When approval is given by the State committee or DASCO, consideration shall be given to recommendations of the county committee.

(5) The applicant shall be notified in writing of the action taken on his application by the approving officials including, if the application is approved, the specific quantities of feed grain approved for primary and secondary livestock, and of his obligations for proper use of the approved quantity of feed grains and of feed available to him for feeding his livestock as provided in § 1475.211. The applicant shall also be notified of his right to appeal determinations made hereunder.

§ 1475.206 When sales shall be made.

Sales of feed grain for which an applicant has been approved shall be made at times and in quantities which would normally permit feeding the grain to the owner's eligible livestock during the prescribed period.

§ 1475.207 Sales made through county offices.

When an owner desires to purchase grain pursuant to an approved application he shall, prior to delivery of any grain hereunder, make payment to the county committee by means of an acceptable remittance for the quantity purchased.

§ 1475.208 Pricing of grains.

(a) *Price for primary livestock.* The sale price of feed grain approved for primary livestock shall be 75 percent of the applicable current support price. Such price for grain other than farm stored grain shall be for grain delivered F.O.B. purchaser's conveyance.

(b) *Price for secondary livestock.* The sale price of feed grain approved for secondary livestock shall be the applicable current support price. Such price for grain other than farm stored grain shall be for grain delivered F.O.B. purchaser's conveyance.

(c) *Current support price.* The current support price shall be the support price determined by CCC including premiums and discounts for the applicable class, grade, and quality of feed grain sold to the applicant for the county in which the grain is delivered as set forth in the applicable CCC Price Support Bulletin. Notwithstanding the foregoing, in cases where it results in savings of delivery costs to CCC and it is determined necessary to effectuate the purposes of the program, DASCO may authorize delivery of grain in a county other than the county in which the application is filed at the support price (including appropriate premiums and discounts) for the county in which the application is filed. If the applicant has loan grain which was made security for a loan before the county was designated an emergency area, the applicant delivers such loan grain to CCC in satisfaction of the loan and purchases such grain under this program in accordance with § 1475.209, the current support price shall reflect price support premiums and discounts applicable to the quality of the loan grain stated in his loan documents.

(d) *Inadvertent overdeliveries.* Inadvertent overdeliveries by CCC of feed grain in excess of the total approved quantity, on the application shall be priced at the current support price.

§ 1475.209 Sales of loan grain.

(a) *General.* No CCC-owned grain shall be sold to an owner under this program until any loan grain determined by the county committee to be within reasonable hauling distance of his livestock operation has been redeemed or purchased by him in accordance with this section except as provided in paragraph (c) of this section. The quantity of feed grain which may be purchased by the applicant under this program shall be reduced by the quantity of loan grain redeemed.

(b) *Loan grain in farm storage.* (1) If the quantity of feed grain approved for purchase on an application equals or exceeds the quantity of feed grain which an applicant has under a farm storage loan (other than a loan specified in § 1475.205(d)(1)) CCC will (i) accelerate the maturity date of the loan, (ii) permit, in settlement of the loan, delivery of the owner's mortgaged grain to CCC on the farm where stored (Settlement to be made on the basis of the class, grade, quality, and quantity specified in the loan documents), and (iii) require the owner to purchase under such application the quantity of such grain as set forth on the loan documents at the applicable price under this program, and redeliver it to him on the farm where stored.

(2) If the quantity of any feed grain approved for purchase on an application is less than the quantity under a farm storage loan (other than a loan specified in § 1475.205(d)(1)), CCC shall, notwithstanding any provision of the loan documents to the contrary, (i) require advance delivery to CCC on the farm where stored of a quantity of the loan grain equal to the quantity to be purchased, (ii) accept delivery of such quantity of loan grain, (iii) credit the owner's loan with the settlement value of the quantity delivered on the basis of the applicable class, grade, quality, and quantity, as set forth in the loan documents, and (iv) require the owner to purchase the approved quantity of grain at the applicable price under this program, and (v) redeliver such grain to the owner on the farm where stored. Except for purchases of all of the grain that is in a single bin or crib the quantity so purchased by the owner shall be removed from the storage structure and segregated from the grain which remains as collateral for the outstanding balance of the loan. If on inspection a shortage is discovered, the maturity date of the entire loan shall be accelerated and the loan shall be settled in accordance with the applicable grain price support regulations.

(3) In computing storage payments due under reseal loans, the prorata payments to which the owner is entitled shall be based on the storage period ending on the date the commodity is delivered to CCC in satisfaction of the loan.

(c) *Loan grain in warehouse storage.* (1) If the quantity of feed grain approved for purchase on an application equals or exceeds the quantity which an owner has under warehouse storage loan(s), (other than a loan specified in § 1475.205(d)(1), CCC shall (i) accelerate the maturity date of the loan, (ii) acquire title to such grain in satisfaction of the loan, (iii) require the owner to purchase under such application such grain at the applicable price under this program delivery to him of the warehouse receipts representing such grain.

(2) If the quantity of feed grain approved for purchase on an application is less than the quantity which an owner has under warehouse storage loan (other than a loan specified in § 147.205(d)(1)) but equals or exceeds the quantity represented by one or more warehouse receipts, CCC shall (i) credit the owner's loan with the settlement value of the quantity and quality represented by such warehouse receipts in accordance with the settlement provisions in the applicable loan documents and price support regulations, and (ii) require the owner to purchase under such application such

grain at the applicable price under this program on delivery to him of the applicable warehouse receipts.

(3) The provisions of this section apply only to warehouse storage loans on grain with no transit privileges.

(4) In the case of grain delivered to an owner which has been under a warehouse storage loan, the owner shall be responsible to the warehouseman for payment of all warehouse charges on the grain. CCC shall refund to the owner any storage charges which had been deducted by CCC from the loan proceeds on the quantity of grain purchased by the owner. CCC shall also pay to the warehouseman the receiving and load out charge applicable to the grain at not to exceed the rate specified in the Uniform Grain Storage Agreement.

§ 1475.210 Sales of other CCC-owned grain.

CCC shall determine the delivery point of grain sold under this program.

(a) Delivery orders: Delivery shall be authorized after payment is received by issuance of non-transferable delivery orders stating the kind and quantity of grain to be delivered. Quantities authorized by delivery orders shall not exceed the quantity of grain that can normally be fed between the expected date of delivery and the end of the prescribed period.

(b) Bin site stored grain. Title and risk of loss to grain specified in the delivery order and stored at a bin site shall pass to the owner when grain is placed in his conveyance at the bin site except that when the owner removes the grain from the bins the risk of loss shall pass to the owner at the time he takes possession of the grain. CCC shall be responsible for bin emptying charges and weighing. Delivery weight shall be obtained at a weighing point determined by the county office. Such grain shall be sold on an "as is" basis, i.e., the sales price shall not be subject to adjustment for the grade and quality actually delivered.

(c) Warehouse and handler stored grain. The owner shall take physical delivery of the grain as soon as possible but not later than a date which would normally permit feeding of the grain within the prescribed period. Title and risk of loss to the grain specified in the delivery order and stored at a warehouse or handler facility shall pass to the owner upon issuance of the delivery order. The owner shall promptly present the delivery order to the warehouseman or handler. CCC shall not be responsible for storage charges after the date of issuance of the delivery order but shall be responsible for handling charges at not to exceed the rate provided in CCC's agreements with the warehouseman or handler. Settlement for differences in quality or quantity between the grain delivered to the owner and the grain described in the delivery order, shall be made between the owner and the warehouseman or handler, except that in cases where there is a substantial underdelivery in quantity the owner shall not make settlement with the warehouseman or handler but shall promptly notify the county office and a revised delivery order will be issued to the owner.

(d) Grain in carrier's conveyance. In areas where (1) there is no bin site stored grain, or (2) no warehouseman or handler who will provide storage facilities, CCC shall ship and consign the required grain to the county committee. Delivery services will be performed under a contract or by persons hired by the county committee. Title and risk of loss shall pass to the owner on delivery of the grain into his conveyance or whenever he takes possession of the grain if prior to placing it in his conveyance. Such grain shall be sold on an "as is" basis, unless the owner is willing to settle on CCC determined weights, the grain shall be weighed at destination if scales approved by CCC are available. If such approved scales are not available, settlement weights shall be as determined by CCC. CCC shall bear charges for transportation to the delivery point, for unloading the grain from the carrier's vehicle, for loading it into the owner's conveyance, and for weighing.

(e) Notwithstanding the foregoing, if any feed delivered to an owner is not a quality fit for feeding his livestock, he shall advise the county office and arrangements will be made for delivery of substitute grain.

(f) Processing: An owner who wishes to have CCC grain pelletized, ground, rolled, custom mixed, or otherwise processed may do so, provided the grain which is processed is the very same grain as is delivered to him, except that, if the processing facility does not permit preserving the identity of the grain to be processed, the feed delivered must have been processed from the same kind and quality of feed grain and except for minor differences which result from causes without the fault or negligence of the processor from at least the same quantity as the CCC grain delivered for processing. CCC shall not be responsible for any processing or sacking charges. CCC grain shall not be exchanged for additives, services, credits or any other thing of value; and any amounts received in settlement for any differences in quantity shall be for the account of CCC.

§ 1475.211 Misuse of grain and violations.

(a) *Disposal of grain to others.* The owner shall not dispose of feed grain acquired under the program to any other person.

(b) *Feed for primary livestock.* The owner must feed to his primary livestock in the emergency area by the end of the prescribed period a total quantity of feed equal in feed equivalents to the quantity (1) acquired by him under the program for primary livestock and (2) otherwise available to him for feeding his primary livestock.

(c) *Total feed for all eligible livestock.* The owner must feed to his eligible livestock (primary and secondary combined) in the emergency area by the end of the prescribed period a total quantity of feed equal in feed equivalents to the quantity (1) acquired by him under the program, and (2) otherwise available to him for feeding his eligible livestock.

(d) *Grace period.* Notwithstanding the provisions of paragraphs (b) and (c) of this section if the owner's failure to feed the required quantities of feed by the end of the prescribed period is in the judgment of the county committee, due to circumstances beyond the control of the owner, a grace period for feeding after the prescribed period shall be provided as follows:

(1) If there was a delay by CCC the warehouseman, or the handler in delivering his grain the grace period shall be equal to the period of delay in delivery.

(2) If failure to feed the required quantity was due to unusually early or rapid growth of pasture, exceptionally mild weather, or other uncontrollable factors affecting rate of feeding, the grace period shall be of a length appropriate to the circumstances as determined by the county committee but not in excess of 30 days after the date established in subparagraph (1) of this paragraph, or 30 days after the end of the prescribed period, whichever is the later.

(e) *Allocating available feed to classes of livestock.* The feed referred to in paragraphs (b)(2) and (c)(2) of this section shall be determined by allocating the feed available to the owner among primary, secondary and ineligible livestock and poultry in proportion to their normal feeding requirements as determined by the county committee.

(f) *Violations.* If the owner disposes of feed grain acquired under the program to any other person or fails to feed the required quantity of feed to primary livestock, or to all eligible livestock, he shall report the fact promptly to the county office from which the grain was purchased and shall make payment to the county committee as provided in paragraph (g) of this section.

(g) *Liability of the owner for violations.* Liability of the owner under this paragraph shall be based on applicable prices in effect at the time of the owner's last purchase of the feed grain under the program and shall be determined as follows:

(1) If CCC determines that the owner failed to comply with the requirements of paragraph (a), (b), or (c) of this section, the owner shall pay liquidated damages amounting to the difference between 115 percent of the support price and the price paid for the feed grain of the kind and quality specified in subparagraph (2) of this paragraph multiplied by the applicable number of bushels: *Provided, however,* That (i) if CCC determines that the owner has improperly disposed of feed grain obtained from CCC for secondary livestock to any other person, he shall in lieu of such liquidated damages pay an amount equal to the market price of such feed grain, as determined by CCC multiplied by the applicable number of bushels and shall be subject to such criminal liabilities as are provided by Public Law 86-299 and other applicable statutes, and (ii) if CCC determines that feed required by paragraph (b) of this section to be fed to primary livestock was diverted to the owner's secondary livestock, the owner shall in lieu of such liquidated damages, pay damages amounting to the differ-

ence between the applicable CCC prices of feed grain of the kind and quality specified in subparagraph (2) of this paragraph for primary and secondary livestock multiplied by the number of bushels thereof.

(2) The kind and quality of feed grains on which payment for violations of paragraphs (a), (b), and (c) of this section shall be based, shall be the applicable kind and quality of feed grain obtained from CCC which is involved in the violation. If the feed involved in the violation was feed otherwise available to the owner for feeding his eligible livestock, damages shall be based on the kind and quality of feed grain last purchased from CCC and on a quantity of such feed grain equal in feed grain equivalents to the feed involved in the violation, as determined by CCC.

(h) *Suspension of delivery.* If the State or county committee believes an owner has violated these regulations, delivery of grain to him shall be suspended until the committee is satisfied that he is not in violation or, until the case has been properly settled.

(i) *Accounting for grain.* If requested to do so by the county committee, the owner shall within 30 days of such request submit such information as may be requested by the county committee as to his compliance with the requirements of paragraphs (a), (b), and (c) of this section, as applicable. If he fails to submit such information within this 30 day period or within such extension of time as may be granted for good cause by the county committee, he shall be considered to have diverted all his feed grain purchases to ineligible livestock and shall pay amounts required by paragraph (g) of this section unless it is established that a different amount is payable under such paragraph.

(j) *Reporting livestock changes.* If the owner disposes of or transfers any of his eligible livestock outside the emergency area, he shall report the fact promptly to the county office from which feed grain was purchased under the program.

(k) *Fraudulent representations.* The making of a fraudulent representation by an applicant, warehouseman, handler, or contractor shall render him liable under Federal criminal and civil fraud statutes. In the case of an applicant such liability shall be in addition to liabilities stated in paragraph (g) of this section.

§ 1475.212 Maintenance of books and records.

The warehouseman or handler shall maintain and preserve for at least three full years following deliveries made against delivery orders, and for such additional period as CCC may request in writing, books and records which will permit verification of all transactions with regard to delivery orders. An examination of such books and records by a duly authorized representative of the United States shall be permitted at any time during business hours.

§ 1475.213 Termination of program.

The program provided for in this part for any county may be suspended or terminated at any time by the State committee, or DASCO, or the Secretary. Such suspension or termination in a county shall not apply to any delivery order issued prior to the effective date thereof.

§ 1475.214 Appeals.

Any applicant who is dissatisfied with determinations as to (a) his eligibility or eligibility of his livestock, or (b) quantity of feed grain approved for primary or secondary livestock may make a request for reconsideration or appeal such determinations in accordance with the procedures set forth in the Appeal Regulations of ASCS (29 F.R. 8200, June 30, 1964, and any Amendments thereto) except that determinations made by a State Committee or DASCO are not appealable by the applicant.

§ 1475.215 Authority not delegated.

No delegation herein to a State or county committee or a commodity office shall preclude the Executive Vice President, CCC, or his designee from determining any question arising under the program or from reversing or modifying any determination made by a State or county committee or commodity office.

NOTE: The recordkeeping and reporting requirements of these regulations have been approved by, and subsequent recordkeeping and reporting requirements will be subject to, the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Effective date: Date of publication.

Signed at Washington, D.C., on August 18, 1964.

RAY FITZGERALD,
Acting Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 64-8559; Filed, Aug. 21, 1964; 8:49 a.m.]

SUBCHAPTER C—EXPORT PROGRAMS

[Rev. I; Amdt. 7]

PART 1483—WHEAT AND FLOUR

Subpart—Flour Export Program—Cash Payment (GR-346) Terms and Conditions

Section 1483.207 is retitled and amended to read as follows:

§ 1483.207 Delay in exportation.

If the flour is exported at a different time than in the export rate period which covers the period of export specified in the Notice of Sale, the export payment rate applicable to the flour so exported shall be the rate in effect at the time of sale or time of filing Notice of Sale, whichever is the lower, for exportations which occur in the rate period applicable to the time of actual exportation, but not more than the rate which would have applied had exportation been made in the period specified in the Notice of Sale. Notwithstanding the foregoing, an extension of time to export without any decrease in the export payment rate will be granted to the extent the exporter establishes to the satisfaction of CCC that the delay in exportation was due to causes without his fault or negligence. Such causes shall include, but are not restricted to, acts of God, or of the public enemy, acts of the Government, fire, flood, explosion, quarantine restrictions, strikes and unusually severe weather. If exportation is delayed for any reason until a period for which there was no export payment rate established at the time of sale or time of filing Notice of Sale, the export payment rate shall be as prescribed by CCC.

The first sentence of § 1493.221 and paragraph (e) are amended to read as follows:

§ 1483.221 Determination of rates.

The rate in effect at the time of sale to the foreign buyer or the time of filing Notice of Sale as required by § 1483.225 (a), whichever rate is the lower, for the export rate period which covers the period of export specified in the Notice of Sale, shall be the rate applicable to the sale.* * *

* * * * *

(e) A sale shall not be considered as made until the purchase price has been established, and time of sale shall be the earliest time the exporter has knowledge that a firm contract exists with the foreign buyer for the sale of flour at a firm dollar and cent price. Any contract provisions which entail provisional, or basic, or maximum or minimum prices to be adjusted at a future date, may affect the time of sale for purposes of this subpart. For example, a contract of sale will be considered to have been made at a firm dollar and cent price if it contains a maximum price which can be reduced only at the seller's option or a minimum price which can be increased only at the buyer's option. However, if a contract of sale would be firm but for the fact that it is conditioned upon receipt of approval from CCC for financing under Public Law 480 (83d Congress), as amended, such condition shall be disregarded for the purpose of determining the time of sale. In the case of any sale under Public Law 480, as amended, where the price of the flour and/or commission originally reported by the exporter was disapproved, the exporter shall have five calendar days following the date of the notification telegram within which to submit a price and commission, if any, which may be approved by the General Sales Manager. If within this period, an ecceptable price and commission, if any, are submitted, the time of sale for payment purposes will be regarded as the time of the original sale and the export payment rate applicable to the sale will be the rate in effect at the time of original sale or the time of giving the original Notice of Sale whichever is the lower.

* * * * *

Section 1483.225(a) is amended by adding a new subparagraph (5) and (b) is revised to read as follows:

§ 1483.225 Notice of sale.

(a) * * *

(5) If the price of the flour and commission, if any, in a sale under Public Law 480, as amended, are disapproved by the General Sales Manager, the exporter will be so notified by telegram and the

transaction will not be registered for payment.

In such event the exporter shall have five calendar days (see § 1483.221(e)) following the date of the notification telegram within which to submit a price and commission, if any, which may be approved by the General Sales Manager. During such five-day period CCC will not recognize, for purposes of this program, either a cancellation of the transaction originally reported to CCC or any new sale between the same exporter and foreign buyer in substitution of the original transaction reported to CCC. If an acceptable price and commission, if any, are not submitted within such five-day period, the original Notice of Sale, any subsequent advices of price and commission adjustments and the related contract between the exporter and the foreign buyer shall, for the purposes of this program, be considered null and void. Any subsequent negotiations after expiration of such five-day period which result in a contract between the exporter and the same foreign buyer shall be considered as a new sale for the purpose of this program and shall be subject to the submission of a new Notice of Sale and new evidence of sale.

(b) *Information required.* (1) In giving Notice of Sale the exporter must report the following information:

(i) Date of Sale.

(ii) Contract quantity in net hundredweight. In the case of sales to foreign governments, the loading tolerance in percentage specified in the tender but not greater than 10 percent more or less.

(iii) The sales price need not be shown. However, in the case of sales to designated IWA countries and territories other than sales under PL–480 (83d Congress), as amended, the Notice of Sale should indicate that the buyer and seller agree that the price is consistent with a price of wheat which may be entered against obligations under the Wheat Agreement. This Agreement may be indicated by the code word, "AKORD".

(iv) Country of destination: In the case of sales to the Army and Air Force Exchange Service and Navy Exchanges the exporter shall furnish the name of the country specified on the applicable purchase order.

(v) Name of purchaser. (Where the sale involves more than one purchaser the Notice of Sale shall contain the name of one purchaser and the word "others".)

(vi) Delivery period specified in the contract and period of export if different than delivery period.

(vii) The word "Abroad" for flour exported prior to sale (see § 1483.209(d)).

(viii) Coast of export; or coasts of export when prices covering exportation of flour from optional coasts are provided for in the contract between the exporter and the foreign buyer.

(ix) Such additional information as may be requested by the Contracting Officer, CCC.

(2) For sales subject to the provisions of Public Law 480 (83d Congress), as amended, the exporter shall furnish the following additional information:

(i) Time of Sale.

(ii) Purchase Authorization number.

(iii) Sales contract or order number, if any.

(iv) Sale price per hundredweight, including any commissions and/or other charges necessary to the sale.

(v) Delivery terms (f.o.b., f.a.s., etc.).

(vi) Port or ports of export and any options to be exercised by the exporter and/or the foreign buyer. (For PL–480 sales only, this item replaces the coast or coasts of export required to be furnished in subparagraphs (i) (ix) of this paragraph (b).)

(vii) Complete description of flour to be delivered including name, if any, minimum protein, maximum ash basis 14 percent moisture, class of wheat from which milled and extraction rate. If the flour was milled from a blend of wheat, so indicate, and furnish predominant class of wheat in blend.

(viii) Complete packaging description and material specifications.

(ix) Name of sales agent, if any, and rate of sales commission.

(x) A statement as to whether or not the exporter is an affiliate of the importer.

(xi) If the exporter is an affiliate of the importer, the price information referred to in 7 CFR, § 11.11(d)(1), (2) and (3) of the regulations governing sales of agricultural commodities for foreign currencies or in 7 CFR, § 14.7(a), (1), (2) and (3) of the regulations governing sales of agricultural commodities on credit under long-term supply contracts, as appropriate.

Section 1483.226(b) is amended to read as follows:

§ 1483.226 Notice of registration.

* * * * *

(b) In the telegram of registration, the Contracting Officer may utilize the code letters "REP" to indicate "Registered as Eligible for Payment." In addition, with respect to sales made subject to the regulations issued under Title I or Title IV of Public Law 480 (83d Congress), as amended, the code letters "PAF 480" shall constitute notice to the exporter that the price of the flour and the commission, if any, have been approved by the General Sales Manager, for financing under such regulations. If the price of the flour and/or commission is disapproved by the General Sales Manager, the exporter will be so advised by telegram and the transaction will not be registered for payment.

* * * * *

Section 1483.227, paragraphs (a)(2), (b), and (d) are amended to read as follows:

§ 1483.227 Declaration of sale and evidence of sale.

(a) * * *

(2) The Declaration of Sale except for transactions under Public Law 480, as amended, must be submitted in an original and three copies all of which shall be signed in an original signature by the exporter or his authorized representative. One copy of the Declaration of Sale will be acknowledged and returned to the exporter. The Declaration of Sale covering transactions under Public Law 480, as amended, must be submitted in an original and six copies all of which shall be signed in an original signature by the exporter or his authorized representative. Two copies of each such Declaration of Sale will be returned to the exporter, signed by the Contracting Officer, and countersigned by the General Sales Manager, or his designee, confirming approval for financing under Public Law 480, as amended.

* * * * *

(b) *Information required.* (1) The information to be entered on the Declaration of Sale is as follows:

(i) The Registration Number.

(ii) Date and time of sale and of filing Notice of Sale.

(iii) Name of purchaser, or purchasers.

(iv) Country of destination. In the case of sales to the Army and Air Force Exchange Service and Navy Exchanges the exporter shall show the country specified on the applicable purchase order.

(v) Contract quantity in net hundredweight. In the case of sales to a foreign Government, the loading tolerance in percentage specified in the tender but not greater than 10 percent more or less.

(vi) Type and extraction of flour, the class of wheat from which the flour was milled and the approximate ash content must be shown. For example: "Hard Spring 0.48 Ash." For blended flours, the most predominant class of wheat contained in the blend should be shown. For example: "blended (predominantly) Hard Winter 0.70 Ash."

(vii) Price and basis upon which determined as shown in the sales contract between the exporter and the foreign buyer.

(viii) Delivery period specified in the contract and period of export if different than delivery period.

(ix) Coast of export; or coasts of export when prices covering exportation of flour from optional coasts are provided for in the contract between the exporter and the foreign buyer.

(x) Applicable export payment rate per hundredweight of flour as determined by § 1483.221.

(xi) Where the exporter intends to ship, tranship, or cause flour to be transhipped to one or more of the countries or areas to which a validated license is required by the Bureau of International Commerce, U.S. Department of Commerce, the license issued for such movement by such agency shall be identified.

(xii) Such additional information as may be requested by the Contracting Officer, CCC.

(2) For sales subject to the provisions of Public Law 480, as amended, the exporter shall furnish the following additional information on the Declaration of Sale under the heading "Additional Information:"

(i) Purchase Authorization number.

(ii) Sales contract or order number, if any.

(iii) Sales price per hundredweight, including any commissions and/or other charges necessary to the sale. (For PL–480 sales only, this price information with respect to commissions, if any,

and/or other charges is in addition to that required to be furnished in subparagraph (1)(vii) of this paragraph (b).)

(iv) Delivery terms (f.o.b., f.a.s., etc.).

(v) Port or ports of export and any options to be exercised by the exporter or the foreign buyer. (For PL–480 sales only, this item replaces the coast or coasts of export required to be furnished in subparagraph (1)(ix) of this paragraph (b).)

(vi) Complete description of the flour to be delivered, including brand name, if any, minimum protein, maximum ash basis 14 percent moisture.

(vii) Complete packaging description and packing material specifications.

(viii) Name of sales agent, if any, and rate of sales commission.

(ix) A statement as to whether or not the exporter is an affiliate of the importer.

(x) If the exporter is an affiliate of the importer, the price information referred to in 7 CFR, § 11.11(d) (1), (2) and (3) of the regulations governing sales of agricultural commodities for foreign currencies or in 7 CFR, § 14.7(a), (1), (2) and (3) of the regulations governing sales of agricultural commodities on credit under long-term supply contracts, as appropriate.

* * * * *

(d) *Evidence of sale.* Supporting evidence of sale, in one copy only, must be filed with each Declaration of Sale. Such evidence may be in the form of certified true copies of the offer and acceptance or other documentary evidence of sale including contracts between exporter and buyer. In transactions involving a third principal party (see § 1483.221(d)), the evidence required shall consist of certified true copies of all documents evidencing the sales which are exchanged between the exporter, the intermediate third party and the buyer shown in the Declaration of Sale, provided such evidence includes all information required under paragraph (b) of this section and any additional documentation specifically requested by the Contracting Officer, CCC. In the case of sales to designated IWA countries and territories other than sales under Public Law 480 (83d Congress) as amended, the evidence should include acceptable evidence, such as an exchange of cables, to the effect that buyer and exporter agree that the price of the flour is consistent with a price of wheat which may be entered against obligations of the exporting or importing country under the Wheat Agreement. In the case of sales to the Army and Air Force Exchange Service and Navy Exchanges, a certified copy of the Service purchase order shall be submitted as evidence of sale. For all transactions in addition to the contract documents specified above, a copy of any subsequent amendment to the contract of each amendment shall be submitted to the office specified in § 1483.278 as soon as it is made.

Section 1483.241 paragraphs (b) and (c) are amended to read as follows:

§ 1483.241 Cancellation of sale or failure to export.

* * * * *

(b) If, after an exporter has been afforded the opportunity to present evidence, the Vice President determines that the exporter has cancelled the sale, or failed to export, or failed to discharge fully any other obligation under the program, the exporter shall pay on demand any damages resulting from such failure, and may be suspended or debarred from participating in this program or in any other program of CCC for such period and subject to such terms and conditions as may be provided pursuant to the suspension and debarment regulations of CCC (29 F.R. 10495, July 29, 1964, and any amendments thereto). *Provided,* That the exporter shall not be liable for such damages and shall not be suspended or debarred for such failure if he establishes to the satisfaction of the Vice President that his failure to discharge his obligations under the program was not due to his fault or negligence.

(c) If any quantity of flour exported pursuant to the exporter's contract with CCC is re-entered into Canada or the United States, Alaska, Hawaii, or Puerto Rico, whether or not such re-entry is caused by the exporter, or if any flour is transhipped or caused to be transhipped by the exporter to any country that is not a designated country, the exporter shall be in default, shall refund any payment received and shall comply with the requirements of paragraph (b) of this section. To the extent the exporter establishes that the re-entry was not due to his fault or negligence, he shall not be in default but shall return to CCC any payment received on the re-entered flour. If the re-entered flour is subsequently re-exported, it shall be eligible for export payment in accordance with the other provisions of these regulations. To the extent the exporter establishes that the flour re-entered was lost, damaged or destroyed, the physical condition is such that its re-entry into the United States will not impair CCC's price support program, and no person received any export payment with respect to any re-exportation which may occur to the flour, the exporter shall not be in default and shall not be required to return to CCC any payment received on the re-entered flour.

Section 1483.246(a)(6) is amended to read as follows:

§ 1483.246 Documents required as evidence of export.

(a) * * *

(6) Where exportation of the flour has been made by anyone or transhipment made or caused by the exporter to one or more of the countries or areas to which a validated license is required by the Bureau of International Commerce, U.S. Department of Commerce, the license issued for such movement by such agency shall be identified in the onboard commercial bill of lading.

* * * * *

Section 1483.251(i)(1) is amended to read as follows:

§ 1483.251 Refund on flour.

* * * * *

(i) *Countries and buyers to which flour may be exported.*

(1) Except as provided in subparagraphs (2) and (3) of this paragraph, exports under this program which require a refund to CCC shall be made only to the designated country and buyer named in the Declaration of Sale and the exporter shall not ship, tranship or cause the flour to be transhipped to any other country.

* * * * *

Section 1483.276 is amended to read as follows:

§ 1483.276 Assignments and setoffs.

(a) No assignment shall be made by an exporter of the exporter's agreement or of any rights thereunder, except that the exporter may assign the payments due the exporter under an Application for Flour Export Payment, Form CCC–413, to any bank, trust company, Federal lending agency or other financing institution, and, subject to the approval of the Contracting Officer, CCC, assignment may be made to any other person or firm: *Provided,* That such assignment shall be recognized only if and when the assignee thereof files written notice of the assignment together with a signed copy of the instrument of assignment in accordance with the instructions on Form CCC–251, "Notice of Assignment," which form must be used in giving notice of assignment to CCC: *And provided further,* That any such assignment shall cover all amounts payable and not already paid under the contract and shall not be made to more than one party and shall not be subject to further assignment except that any such assignment may be made to one party as agent or trustee for two or more parties participating in such financing. The "Instrument of Assignment" may be executed on Form CCC–252 or the assignee may use his own form of assignment. Forms may be obtained from the Contracting Officer, CCC, or any ASCS Commodity Office.

(b) If the exporter is indebted to CCC or any other agency of the United States, the amount of such indebtedness may be set off against the amount of the payment due the exporter under an Application for Flour Export Payment, Form CCC–413. In the case of an assignment and notwithstanding such assignment, CCC may set off (1) any amount due CCC under the regulations governing the Flour Export Program—Cash Payment and any amount due CCC for Processor Wheat Marketing Certificates under the Processor Wheat Marketing Certificate Regulations, (2) any amount for which the exporter is indebted to the United States for taxes, with respect to which a notice of lien was filed in accordance with the provisions of the Internal Revenue Code of 1954 (26 U.S.C. 6323) or any amendments or modifications thereof, prior to acknowledgment by CCC of receipt of the notice of assignment, and (3) any amounts other than the amounts specified in subparagraphs (1) and (2) of

this paragraph due CCC or any other agency of the United States, if the assignee was advised of such amounts at the time of acknowledgment by CCC of receipt of the notice of assignment. In the case of an assignment pursuant to paragraph (a) of this section, any indebtedness of the exporter to any agency of the United States which may not be set off pursuant to this paragraph, may be set off against any amount due and payable under these regulations which remains after the deduction of amounts (including interest and other charges) due the assignee under the assignment. Setoff as provided in this section shall not deprive the exporter of the right to contest the justness of the indebtedness involved, either by administrative appeal or by legal action.

Section 1483.278 is amended to read as follows:

§ 1483.278 Submission of reports.

The Notice of Sale, Declaration of Sale, Notice of Export and related reports required under this subpart to be submitted to the Director should be addressed as follows:

Chief, Subsidy and Market Price Analysis Branch,
Procurement and Sales Division,
Agricultural Stabilization and Conservation Service,
U.S. Department of Agriculture,
Washington, D.C., 20250.

Delivery to the above office of telegraphic Notices of Sale will be expedited if addressed as follows:

Substaff, USDA (AG), Washington, D.C.

Exporters calling this office by long distance telephone may do so by direct dialing. The long distance area number for Washington, D.C. is 202. The telephone numbers are DUdley 8-3261, -3262, -3927, -3928. For example, exporters may dial 202 DU 8-3261.

Section 1483.280 is retitled and amended to read as follows:

§ 1483.280 ASCS Commodity Offices.

Information concerning this program may be obtained from ASCS Commodity Offices listed below:

Director, Agricultural Stabilization and Conservation Service Office,
U.S. Department of Agriculture,
2201 Howard Street, Evanston, Illinois, 60202.

Director, Agricultural Stabilization and Conservation Service Office,
U.S. Department of Agriculture,
8930 Ward Parkway, P.O. Box 205,
Kansas City, Mo., 64141.

Section 1483.284 is retitled and amended to read as follows:

§ 1483.284 Written approval by the Vice President, Director or Contracting Officer, CCC.

Where the program specifies certain requirements unless otherwise approved in writing by the Vice President, Director or Contracting Officer, CCC, and the exporter wishes to obtain such an approval, an application therefor should be filed in writing with the office specified in § 1483.278 in advance of the last day for performance of the requirement in order for the exporter to assure himself whether his request will be approved. Approval may also be granted after the time specified for performance of the requirement where the exporter has established good cause therefor.

Section 1483.287 is amended to read as follows:

§ 1483.287 Designated countries.

A "designated country" means any destination outside the United States, excluding Alaska, Hawaii or Puerto Rico and also excluding any country or area for which an export license is required under regulations issued by the Bureau of International Commerce, U.S. Department of Commerce, unless a license for exportation or transhipment thereto has been obtained from such Bureau.

Section 1483.288 is amended to read as follows:

§ 1483.288 Director.

"Director" means the Director of the Procurement and Sales Division, Agricultural Stabilization and Conservation Service, Washington, D.C., or his designee.

The effective date: Date of filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on August 18, 1964.

RAY FITZGERALD,
Acting Executive Vice President,
Commodity Credit Corporation.

The appendix is amended to read as follows:

APPENDIX

NOTICE TO EXPORTERS

The Department of Commerce, Bureau of International Commerce, pursuant to regulations under the Export Control Act of 1949, prohibits the exportation or reexportation by anyone of any commodities (Except absorbent cotton and sterilized gauze and bandages with respect to Cuba only) under this program to Cuba, the Soviet Bloc or Communist-controlled area of the Far East including Communist China, North Korea and the Communist-controlled area of Vietnam, except under validated license issued by the U.S. Department of Commerce, Bureau of International Commerce.

These regulations generally require that exporters, in or in connection with their contracts with foreign purchasers, where the contract involves $10,000 or more and exportation is to be made to a Group R country, obtain from the foreign purchaser a written acknowledgement of his understanding of (1) U.S. Commerce Department prohibitions (Comprehensive Export Schedule, Sections 371.4 and 371.8) against sales or resale for re-export of said commodities, or any part thereof, without express Commerce Department authorization, to the Soviet Bloc, Communist China, North Korea or the Communist controlled area of Vietnam or to Cuba, and (2) the sanction of denial of future U.S. export privileges that may be imposed for violation of the Commerce Department regulations. Exporters who have a continuing and regular relationship with a foreign purchaser may obtain a blanket acknowledgement from such purchaser covering all transactions involving surplus agricultural commodities and manufactures thereof purchased from CCC or subsidized for export by the Secretary of Agriculture or CCC. Where commodities are to be exported by a party other than the original purchaser of the commodities from the CCC the original purchaser should inform the exporter in writing of the requirements for obtaining the signed acknowledgement from the foreign purchaser.

For all exportations, one of the destination control statements specified in Commerce Department Regulations (Comprehensive Export Schedule Section 379.10(c)) is required to be placed on all copies of the shipper's export declaration, all copies of the bill of lading, and all copies of the commercial invoices. For additional information as to which destination control statement to use, the exporter should communicate with the Bureau of International Commerce or one of the field offices of the Department of Commerce. Exporters should consult the applicable Commerce Department regulations for more detailed information if desired and for any changes that may be made therein.

[F.R. Doc. 64-8560; Filed, Aug. 21, 1964; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Airspace Docket No. 63-AL-28]

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

Proposed Alteration of Federal Airways

On May 1, 1964 a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 5806) stating that the Federal Aviation Agency proposed to extend VOR Federal airway No. 480 from McGrath, Alaska, to Bethel, Alaska, and extend VOR Federal airway No. 506 from Bethel to Nome, Alaska.

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

Since publication of this notice, a formula has been adopted to widen Federal Airways when necessary to accommodate the standard systems accuracy factor (29 F.R. 8471). Therefore, this airway will not include the added width as proposed in the notice.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t., October 15, 1964, as hereinafter set forth.

Section 71.125 (29 F.R. 1046, 9529) is amended as follows:

a. In V-480 "From McGrath, Alaska, via Nenana, Alaska", is deleted and "From Bethel, Alaska, via McGrath, Alaska; Nenana, Alaska;" is substituted therefor.

b. In V-506 "to Bethel, Alaska." is deleted and "via Bethel, Alaska, to Nome, Alaska." is substituted therefor.

(Secs. 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348 and 1510), and Executive Order 10854, 24 F.R. 9565)

Issued in Washington, D.C., on August 18, 1964.

H. B. HELSTROM,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-8510; Filed, Aug. 21, 1964; 8:45 a.m.]

[Airspace Docket No. 64-LAX-1]

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

Designation of Federal Airway

On April 25, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 5563) stating that the Federal Aviation Agency proposed to designate a VOR Federal airway between Winslow, Ariz., and Peach Springs, Ariz.

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

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t., October 15, 1964, as hereinafter set forth.

In § 71.123 (29 F.R. 1009), the following is added:

V-291. From Winslow, Ariz., to Peach Springs, Ariz.

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

Issued in Washington, D.C., on August 18, 1964.

H. B. HELSTROM,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-8511; Filed, Aug. 21, 1964; 8:45 a.m.]

[Airspace Docket No. 64-WE-45]

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

Alteration of Reporting Point

The purpose of this amendment to § 71.209 of the Federal Aviation Regulations is to alter the Francis, Calif., Intersection from a compulsory to an on-request reporting point.

Air traffic control requirements with regard to specific reporting points periodically change due to modifications to operating procedures and airway configurations. Recent changes of this nature obviate the requirement for retention of the Francis Intersection as a compulsory reporting point.

As this amendment is procedural in nature and does not involve the designation of airspace, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit necessary changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

For the reasons stated above, § 71.209 (29 F.R. 1226) is amended by deleting the following:

"Francis INT: INT Oakland, Calif., 267°, Pt. Reyes, Calif., 236° radials."

This amendment shall become effective 0001 e.s.t., October 15, 1964.

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

Issued in Washington, D.C., on August 14, 1964.

H. B. HELSTROM,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-8512; Filed, Aug. 21, 1964; 8:45 a.m.]

[Airspace Docket No. 63-SW-89]

PART 75—ESTABLISHMENT OF JET ROUTES [NEW]

Alteration of Jet Route

On April 25, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 5565) stating that the Federal Aviation Agency (FAA) proposed alteration of Jet Route No. 2 by realignment of this route between Lake Charles, La., and New Orleans, La.

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

The substance of the proposed amendment has been published; therefore, for the reasons stated in the notice, the following action is taken:

In § 75.100 (29 F.R. 1287) Jet Route No. 2. is amended as follows: In the text "Lake Charles, La.; New Orleans, La.;" is deleted and "Lake Charles, La.; INT of the Lake Charles 089° and the New Orleans, La., 275° radials; New Orleans;" is substituted therefor.

This amendment shall become effective 0001 e.s.t., October 15, 1964.

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

Issued in Washington, D.C., on August 18, 1964.

H. B. HELSTROM,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-8513; Filed, Aug. 21, 1964; 8:45 a.m.]

[Airspace Docket No. 64-WA-20]

PART 75—ESTABLISHMENT OF JET ROUTES [NEW]

Alteration of Jet Route

On April 18, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 5323) stating that the Federal Aviation Agency (FAA) proposed alteration of Jet Route No. 92 by realignment in part from the Stockton, Calif., VORTAC via the Coaldale, Nev., VOR to the Beatty, Nev., VOR.

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

The substance of the proposed amendment has been published; therefore, for the reasons stated in the notice, the following action is taken:

In § 75.100 (29 F.R. 1287) Jet Route No. 92 is amended as follows: In the text "INT of the Stockton 085° and the Tonopah, Nev., 268° and the Beatty, Nev., 326° radials; Beatty;" is deleted and "Coaldale, Nev.; Beatty, Nev.;" is substituted therefor.

This amendment shall become effective 0001 e.s.t., October 15, 1964.

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

Issued in Washington, D.C., on August 18, 1964.

H. B. HELSTROM,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-8514; Filed, Aug. 21, 1964; 8:45 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. No. ER-413]

PART 221—CONSTRUCTION, PUBLICATION, FILING AND POSTING OF TARIFFS OF AIR CARRIERS AND FOREIGN AIR CARRIERS

Miscellaneous Amendments

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 17th day of August 1964.

The Board has published in 29 F.R. 4724 and circulated to the industry in EDR-15B and ODR-2, dated March 27, 1964, Dockets 11618 and 11785, a Notice of Proposed Rule Making which proposed new and amended rules for Part 221 of the Economic Regulations and collateral proposed amendments to Part 385 of the Board's Organization Regulations. The proposed rule for Part 221 comprised an overall revision of the part.

Comments with respect to EDR-15B were submitted on behalf of 17 U.S. trunklines and local service carriers,[1] three U.S. all-cargo carriers [2] and nine U.S. and foreign flag carriers [3] (hereinafter referred to as the Joint Air Carriers); one all-cargo carrier, Seaboard World Airlines, Inc. (Seaboard); Air Freight Forwarders Association; and two indirect air carriers, Railway Express Agency, Inc. (REA) and WTC Air Freight (WTC).

In finalizing the proposed rule, the following modifications have been made in the light of the comments received.

1. *Omission of indexes of points under rate scale method of publishing rates.* REA points out that proposed § 221.37(b),

[1] Trunklines American Airlines, Braniff Airways, Continental Air Lines, Delta Air Lines, Eastern Air Lines, National Airlines, Northeast Airlines, Northwest Airlines, Trans World Airlines, United Air Lines, Western Air Lines; local service carriers Allegheny Airlines, Bonanza Air Lines, Frontier Airlines, North Central Airlines, Southern Airways, Trans-Texas Airways.

[2] Flying Tiger Line, Riddle Airlines and Slick Corporation.

[3] U.S. flag carriers Pan American-Grace Airways and Pan American World Airways; foreign flag carriers Air France, Alitalia, B.O.A.C., KLM Royal Dutch Airlines, Sabena Airlines, Scandinavian Airlines, and Swissair.

in setting forth the circumstances under which indexes of points may be omitted, does not specifically cover points of origin and destination published in a table of rate scale numbers prescribed by proposed § 221.80(b)(1) or in an alphabetical list of points showing zone numbers prescribed by proposed § 221.80(c)(1). We have modified proposed §§ 221.37(b) and 221.80(b)(1) to clarify when indexes of points may be omitted where the rate scale method of publication is used.

2. *Credit provisions in agency tariff.* Proposed § 221.38(i)(2) would permit a carrier to extend credit for the fares and rates applicable through transportation performed by the issuing carrier in conjunction with connecting carriers, notwithstanding that such through transportation is subject to a combination of separately established local fares or rates of the respective carriers. The Joint Air Carriers point out that this rule would apply only to a carrier publishing its own tariff and ask that similar relief be allowed for a carrier having such a rule published for its account in an agency tariff. We have modified § 221.38(i)(2) to provide for credit provisions in an agency tariff.

3. *Territorial restriction of percentage fares and exception ratings to general commodity rates.* Proposed § 221.59(d)(1)(ii) provides that, if the base fares are named between points in the United States and points in foreign countries, percentage fares may be restricted to apply between designated countries or larger definite geographic areas. The Joint Air Carriers ask that this same permission be extended to fares between points in the continental United States, on the one hand, and points in Alaska, Hawaii, or United States territories or possessions, on the other hand. They state that tariffs naming fares to or from foreign countries often include fares to or from Alaska, Hawaii, or United States territories or possessions which fact indicates that similar permission should be extended to such states, territories and possessions. The requested modification has merit and will be made in §221.59. A similar situation exists with respect to proposed § 221.74(b)(5)(ii) relating to exception ratings to general commodity rates and this proposed section has been modified in a similar manner.

4. *Location of conversion tables in rates tariffs.* Proposed § 221.71(c) provides that a volume rate conversion table must be published immediately following the section or table of applicable base rates. The Joint Air Carriers point out that where there are two or more sections or tables of base rates, a separate conversion table would be required for each section or table of base rates under the proposed regulation and that no useful purpose would be served by requiring a separate conversion table for each section or table of base rates. We have modified proposed § 221.71(c) to provide that where a single conversion table applies to two or more tables or sections of base rates, such conversion table may be published immediately following the last table or section of rates in the tariff.[4]

5. *Rate scale method of publishing rates.* Proposed § 221.80(b)(2) requires that, in the table of rates, the rate scale numbers (with their respective rates shown directly in connection therewith) shall be arranged in numerical order; the section further provides that "The lowest rate scale number shall be assigned to the scale of lowest rates, with higher rate scale numbers assigned progressively to higher rates." The Air Freight Forwarders Association and WTC object to the quoted provision. They point out that it is necessary only that rate scale numbers be arranged in numerical order to facilitate finding a particular rate scale number and its respective rates, and that the requirement that rate scale numbers be assigned progressively to higher rates serves no useful purpose in determining rates from the tariff. Moreover, it is maintained, the requirement would limit the flexibility of adding rate scale numbers to reflect changes or additions in rates, and forwarders' rates often are not susceptible to compliance with such requirement. We will delete the quoted provision. Although it is customarily observed when the rate structure permits, it is not essential to proper application of the tariff.

6. *Special Tariff Permission application to refile publications which were rejected due to illegibility or error.* Proposed § 221.190(b)(2) provides that where rejection of a tariff publication was caused by illegible printing or by clerical or typographical errors, the application for the grant of Special Tariff Permission shall be filed with the Board within three days after receipt of the Board's notice of rejection. The Joint Air Carriers ask that "five days'" be substituted for "three days" in the aforesaid section to make allowance for foreseeable delays in mail service. We will modify § 221.190(b)(2) accordingly.

7. *Re-use of Special Tariff Permission when publication issued thereunder is rejected.* Proposed § 221.193 provides, in part, that if a tariff publication containing matter issued under Special Tariff Permision is rejected, the same Special Tariff Permission may be used in a tariff publication issued in lieu of such rejected publications provided that such re-use is made within the time limit thereof. The Joint Air Carriers ask that re-use be permitted if "made within the time limit thereof or within five days of receipt of the notice of rejection, whichever is the later." They state, inter alia, that the publishing, mailing to the Board, processing and rejection by the Board, and the mailing time of the rejection notice often absorb the fifteen days allowed to file under a Special Tariff Permission, and that there is no real need for filing another application merely because the fifteen-day period has expired. There is merit in the requested modification. We will, however, tie the limitation period to the date of the Board's notice of rejection and fix an outside limit during which the Special Tariff Permission may be used.[5]

8. *Editorial or clarifying changes—Rates of same type subject to different minimum weights to be published together.* Proposed § 221.71(b)(3) requires that all rates of the same type applying on the same commodities from the same point of origin to the same point of destination via the same route shall be published on one tariff page or in one tariff item. The Joint Air Carriers request that the phrase "one tariff page" in said section be modified to read "one or more consecutive tariff pages." This request will be granted.

Volume rate conversion table. WTC suggests that the actual wording of the reference mentioned in the last sentence of proposed § 221.71(c) dealing with the volume rate conversion table be spelled out. The change will be made.

Captions on pages containing specific commodity rates. WTC asks that current § 221.75 be amended to require that the caption "Specific Commodity Rates" be shown on each page containing such rates. Since this modification is in accord with the general practice of publishers and is consistent with a similar requirement already imposed or currently proposed for class rates, general commodity rates and exception ratings to general commodity rates, we will grant the request.

Showing commodity descriptions under rate scale method of publishing rates. In connection with the use of the rate scale method proposed by § 221.80 for the publication of specific commodity rates, the Air Freight Forwarders Association requests permission to show the commodity description only once instead of repeating it on each page of the table of rates, as is currently required. The request seems reasonable and § 221.75(b) will be amended accordingly.

9. *Compliance date.* Proposed § 221.6 requires that existing tariffs be brought into compliance with Part 221 by September 30, 1964. In light of comments received, however, we have fixed the final

[4] Although the Joint Air Carriers request a similar modification with respect to proposed § 221.74(b)(7) relating to the percentage conversion table for applying exception ratings to general commodity rates, such a change is not required. Section 221.74(b)(7) expressly provides that "A conversion table shall be published immediately following such exception ratings." Therefore, only one percentage conversion table is required which must be published in that portion of the tariff following the exception ratings and preceding the specific commodity rates (if published therein).

[5] The Joint Air Carriers ask for an additional modification in proposed § 221.193, i.e., the addition of the phrase "in whole or in part" after the clause, "If a tariff publication containing matter isued under Special Tariff Permission is rejected * * *." They claim that under the proposed rule, all pages filed under the Special Tariff Permission would have to be reprinted although only one page was rejected because of illegible printing or similar error. We will reject the proposed modification. The definition of "tariff publication" in § 221.4 and the plain meaning of proposed § 221.193 show clearly that the latter section does not require the reprinting of pages which have not been rejected.

compliance date for April 1, 1965. The present IATA resolutions governing international tariffs are effective through March 31, 1965, and revised tariffs under any new resolution would be expected to take effect on April 1, 1965. The burden of filing necessary tariff revisions on certain carriers would therefore be minimized by adopting the compliance date of April 1, 1965.

10. *Selling tariffs.* In EDR–15B, the Board approved a procedure to assist industry in developing a format for an international passenger fare tariff suitable both for filing with the Board and for use in selling tickets. Comments disclose that certain international cargo carriers also find it necessary to maintain dual tariffs, one for filing and one for selling, and suggest that this burdensome and costly practice with respect to cargo tariffs should also be eliminated through the procedure approved for international passenger fare tariffs. The Board adopts this suggestion and the procedure outlined in EDR–15B shall be applicable to both passenger and cargo tariffs.

Certain requested modifications which have not been accepted will be summarized briefly.

Airport to airport application and accessorial ground transportation. WTC requests that proposed § 221.53 be modified by requiring that each rate page of a property tariff shall include one of the following captions according to the application of the rates on the respective page: Airport-to-Airport; Door-to-Airport; City-Terminal-to-Door; Airport-to-Door; Door-to-Door. This proposal is rejected because it would impose an additional requirement which may substantially affect many publishers to an extent not readily determinable and is not commensurate with any benefits to be derived therefrom.

Arbitraries. Proposed § 221.58 provides, in part, that arbitraries applicable to the transportation of property shall be stated to apply on the same minimum quantities (or quantity groups) as those on which the base rates apply. Seaboard asks for an exception from this requirement for specific commodity rates in order to eliminate the publication of numerous pages which would otherwise be required. It has no objection to the rule with respect to general commodity rates. We will not grant this request. Publications of arbitraries is merely a short cut method of specifically publishing through rates by the device of adding arbitrary amounts to rates applying from (or to) a base point to provide rates from (or to) additional points. A rate resulting from the addition of an arbitrary to a base rate is as much a specifically published through rate as if it had been published in one factor. Whether a through rate is specifically published in one factor or by means of an arbitrary, neither through rate should be broken into different factors and subjected to different minimum weights, as Seaboard's proposal would provide.

Showing routing under rate scale method of publishing rates. Proposed § 221.80(d) provides that, when the rate scale method of publication is used, routing shall be shown either (1) directly in connection with the rates or (2) directly in connection with each respective rate scale number in the table of rate scale numbers. The section further provides that if the routing provisions cannot be indicated comprehensibly under the above methods, the rate scale method of publication shall not be used. REA states that it is not practicable to show routing in connection with each respective rate scale number in the table of rate scale numbers since instances will arise when the same rate scale number will govern different routings. The carrier claims that the routing can be most clearly shown in connection with the zone numbers in the alphabetical list of points showing their zone numbers prescribed by § 221.80(c)(1). We will not make the proposed modification. Where the rate scale method *without zone numbers* is used, different routings between different pairs of points taking the same rate scale number can be clearly shown in the table of rate scale numbers prescribed by § 221.80(b)(1). However, where the rate scale method *with zone numbers* is used, it may be impracticable to show routing in the table of rate scale numbers prescribed by § 221.80(c)(2). Thus, if all points in one zone are not served by the same carrier, routing cannot be shown in the table of rate scale numbers, and it is not possible to show, in such table, different routings for different points in the same zone. It would also not be practical to follow REA's suggestion of showing routing in connection with zone numbers in the list of points prescribed by § 221.80(c)(1) since the latter section refers to an alphabetical list of points showing the zone number assigned to each point without a "from-to" or "between-and" format which is essential to the showing of routings. However, it is practical to show in such list the carrier or carriers serving each point and § 221.80(c)(1) will be modified accordingly. If a publisher cannot reflect routings using zone numbers, he can still publish without zone numbers under § 221.80(b) which offers no obstacle to showing routing provisions.

Grounds for approving Special Tariff Permission applications. Current § 221.190(a) provides that the desire to meet competitive rates (filed on statutory notice) will not of itself be regarded as good cause for granting Special Tariff Permission. WTC asks that the regulation be amended to provide for approval of Special Tariff Permission applications by air freight forwarders to permit them to adjust their rates on less that statutory notice as a result of changes in airline tariffs, but in no event earlier than the effective date of the airline change. A similar proposal was made on behalf of WTC and others by the Air Freight Forwarders Association in its petition in this proceeding (Docket 11785), but was not included in the Board's proposed rules. We will again reject this proposal. Although we recognize that forwarders' rates are necessarily dependent upon the rates which they pay to the direct carriers and that a forwarder may be at a disadvantage until its rates are adjusted to reflect changes in the direct carriers' rates, we are of the opinion that this circumstance is an inherent business risk which is known to and assumed by everyone who engages in freight forwarding. Thus, this situation by itself does not constitute special or unusual circumstances or conditions which would warrant depriving the public and competitive carriers of the protections provided by the statutory 30-day notice period.

The Board, simultaneously with the adoption of ER–413, is adopting OR–11, the organization rule changes proposed in ODR–2.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 221 of its Economic Regulations (14 CFR Part 221), effective September 21, 1964, as follows:

1. By amending § 221.4 by deleting the alphabetical lettering of the paragraphs, and amending current paragraphs (h), (i), and (s). As amended § 221.4 reads:

§ 221.4 Definitions.

As used in this part, terms shall be defined as follows:

"Act" means the Federal Aviation Act of 1958, as amended.

"Board" means the Civil Aeronautics Board.

"Book tariff" means a tariff consisting of pages bound together in book form which conforms with the specifications applicable only to book tariffs.

"Carrier" means an air carrier or foreign air carrier subject to section 403 of the Act.

"Class rate" means a rate which is published to apply on articles or commodities assigned to a numbered, lettered, or other specified class or category by a classification or an exception thereto.

"Fare" means the amount per passenger or group of persons stated in the applicable tariff for the transportation thereof and includes baggage unless the context otherwise requires.

"Fare tariff" means a tariff containing fares for the air transportation of persons and may include baggage charges and provisions relating thereto.

"General commodity rate" means a rate which is published to apply on all articles or commodities except those which will not be accepted for transportation under the terms of the tariff containing such rate or of governing tariffs.

"General effective date" means the effective date shown on the title page of a tariff as required by § 221.31(a)(11), the effective date shown on title page of a supplement as required by § 221.112(b)(8), and the effective date shown on an original or revised page as required by § 221.22(b)(6). Also, see § 221.160.

"Item" means a small subdivision of a tariff designated as an item and identified by a number, a letter, or other definite method for the purpose of facilitating reference and amendment.

"Joint fare or rate" means a fare or rate that applies to transportation over the joint lines or routes of two or more carriers and which is made and published by arrangement or agreement between such carriers evidenced by concurrence or power of attorney.

"Joint tariff" means a tariff that contains joint fares or rates.

"Local fare or rate" means a fare or rate that applies to transportation over the lines or routes of one carrier only.

"Local tariff" means a tariff that contains local fares or rates.

"Loose-leaf tariff" means a tariff consisting of loose-leaf pages and conforming with the specifications applicable to loose-leaf tariffs as set forth in § 221.22.

"Original tariff," as applied to a loose-leaf tariff, refers to the tariff as it was originally filed exclusive of any supplements, revised pages, or additional original pages. "Original tariff," as applied to a book tariff, refers to the tariff as it was originally filed exclusive of any supplements.

"Passenger tariff" means a tariff containing fares, charges, or governing provisions applicable to the air transportation of persons and their baggage.

"Property tariff" means a tariff containing rates, charges, or governing provisions applicable to the air transportation of property (other than baggage accompanied or checked by passengers).

"Proportional rate (or fare)" means a rate (or fare) which may be used only to construct a through combination rate (or fare) on traffic which:

(1) originates at a point beyond the point from which such proportional rate (or fare) applies, or

(2) is destined to a point beyond the point to which such proportional rate (or fare) applies, or

(3) both originates at a beyond point specified in (1) above and is destined to a beyond point specified in (2) above.

"Proportional tariff" or "basing tariff" means a tariff which contains proportional or basing rates or fares.

"Rates" means the amount per unit stated in the applicable tariff for the transportation of property (including the amount for chartering a plane) and includes "charge" unless the context otherwise requires.

"Rate tariff" means a tariff containing rates and charges for the air transportation of property, other than baggage accompanying or checked by passengers.

"Specific commodity rate" means a rate which is published to apply only on a specific commodity or commodities which are specifically named or described in the item naming such rate or in an item specifically referred to by such rate in the manner prescribed by § 221.75.

"Tariff publication" means a tariff, a supplement to a tariff, or an original or revised page of a loose-leaf tariff, and includes an index of tariffs (Subpart L) and an adoption notice (§ 221.230).

"Through rate" means the total rate from point of origin to destination. It may be a local rate, a joint rate, or combination of separately established rates.

"Through fare" means the total fare from point of origin to destination. It may be a local fare, a joint fare, or combination of separately established fares.

"United States" means the several States, the District of Columbia, and the several Territories and possessions of the United States, including the Territorial waters and the overlying air space thereof.

"Warsaw Convention" means the Convention for the Unification of Certain Rules Relating to International Transportation by Air, 49 Stat. 3000.

2. By adding a new § 221.5 to read as follows:

§ 221.5 English language.

All tariff publications, powers of attorney, concurrences, revocations of powers of attorney or concurrences, letters of tariff transmittal, Special Tariff Permission applications, waiver applications and all other documents filed with the Board pursuant to this part shall be in the English language.

3. By adding a new § 221.6 to read as follows:

§ 221.6 Effective date for bringing existing publications into compliance.

All tariff publications filed prior to September 21, 1964 and which are either in effect on that date or to become effective after that date, shall be brought into compliance with this part effective not later than April 1, 1965.

4. By amending § 221.10 to read as follows:

§ 221.10 Carrier.

(a) *Local or joint tariffs.* A carrier may issue and file, in its own name, tariff publications which contain:

(1) Local rates or fares of such carrier only and provisions governing such local rates or fares, and/or

(2) Joint rates or fares which apply jointly via such issuing carrier in connection with other carriers (participating in the tariff publications under authority of their concurrences given to the issuing carrier as provided in § 221.210) and provisions governing such joint rates and fares. Provisions for account of an individual participating carrier may be published to govern such joint rates or fares provided § 221.38(k) is complied with.

A carrier shall not issue and file tariff publications containing local rates or fares of other carriers, joint rates or fares in which the issuing carrier does not participate, or provisions governing such local or joint rates or fares.

(b) *Issuing officer.* An officer or designated employee of the issuing carrier shall be shown as the issuing officer of a tariff publication issued by a carrier, and such issuing officer shall file the tariff publication with the Board on behalf of the issuing carrier and all carriers participating in the tariff publication. (See §§ 221.22(b)(7), 221.31(a)(12), and 221.112(b)(9) for location of issuing officer's name on tariff publications.)

5. By amending paragraph (f) of § 222.21 to read as follows:

§ 221.21 Specifications applicable to all tariff publications.

* * * * *

(f) *Tables to be ruled or spaced.* When fares, rates, charges, and numbers or letters (used for rate bases or similar purposes) are shown in tables, such tables shall be systematically arranged, and ruled or spaced to prevent misapplication. When not more than three figures (digits) or letters, including reference marks, are employed to express each rate, fare, charge, rate base, etc., the column shall be not less than one-fourth of an inch in width with a proportionately greater width when more than three figures or letters, including reference marks, are so employed. Tables shall not contain more than six horizontal lines of printed matter without a horizontal break in the printed matter (either by a ruled line or by at least one blank space across the table) where it is necessary for the tariff user to refer to corresponding provisions on the same line in parallel columns.

* * * * *

6. By amending § 221.22(b) to read as follows:

§ 221.22 Specifications applicable only to loose-leaf tariff publications.

* * * * *

(b) *Information required on all interior pages.* Each original page and revised page following the title page of a loose-leaf tariff shall contain the following information in the location specified:

(1) In the upper left corner, the name of the issuing carrier or the name and title of the issuing agent.

(2) In the upper left corner, immediately below the name of the issuing carrier or agent, the title of the tariff.

(3) In the upper right corner, the C.A.B. number of the tariff.

(4) Immediately below the C.A.B. number, the original page number or the revised page number, as the case may be, and, if a revised page, the cancellation of preceding issues of that page (see paragraph (c) of this section and § 221.111).

(5) In the lower left corner:

(i) The issued date of the page; or,

(ii) The posting date of the page. (See § 221.31(a)(10).) If an original tariff contains a posting date, all interior pages and the title page shall contain the same posting date and prescribed note.

(6) In the lower right corner, the effective date on which the fares, rates, charges, rules, and other provisions will become effective (see § 221.160).

(7) Centered at the bottom of the page, the name, title and address of:

(i) The issuing officer (if tariff is issued by a carrier).

(ii) The issuing agent (if tariff is issued by an individual agent).

(iii) The official or employee of a corporate agent designated by such agent to issue and file tariff publications in the corporate agent's name (if tariff is issued by a corporate agent).

The information required by subparagraph (7) may be omitted from interior loose-leaf pages provided that, whenever there is a change in such required information, a revision of the title page is issued and filed immediately to reflect the current name, title and address. When such information is omitted from interior pages, each letter of tariff transmittal tendering revised or original interior pages for filing shall bear the name, address and title of the issuing officer, individual agent, or corporate agent's designee shown on the latest issue of the title page at the time of fil-

ing; if a letter of tariff transmittal bears a different name, title or address from that on the latest issue of the title page, the pages submitted with such letter of tariff transmittal are in violation of these requirements.

* * * * *

7. By amending § 221.30(a)(9) to read as follows:

§ 221.30 Arrangement and nature of contents.

(a) * * *

(9) Classification ratings or exceptions to governing classification ratings (property tariff only) (§ 221.39).

* * * * *

8. By amending § 221.31(a) (1) and (12) to read as follows:

§ 221.31 Title page.

(a) *Contents.* * * *

(1) *C.A.B. number.* In the upper right-hand corner of the title page, the C.A.B. number of the tariff shall be shown in not less than 12-point bold face type. Except as provided in § 221.224 (d), tariffs shall bear consecutive C.A.B. numbers in the series of the issuing carrier or the issuing agent. Each carrier and each agent shall issue and file tariffs consecutively in its own individual series of C.A.B. numbers, commencing with C.A.B. No. 1, and shall use only one series of C.A.B. numbers for all of the tariffs which it issues. Passenger tariffs and property tariffs shall be consecutively numbered in the same series of C.A.B. numbers and a separate series shall not be used for each type of tariff. C.A.B. numbers shall not bear prefixes or suffixes.

* * * * *

(12) *Issuing officer, agent or designee.* The name, title and address of the following person shall be shown centered at the bottom of the title page:

(i) The issuing officer (if tariff is issued by a carrier),

(ii) The issuing agent (if tariff is issued by an individual agent),

(iii) The official or employee of a corporate agent designated by such agent to issue and file tariff publications in the corporate agent's name (if tariff is issued by a corporate agent).

With respect to loose-leaf tariffs, the title page shall be revised immediately, upon lawful notice, to reflect the current name, title and address of the above person whenever there is a change in such information. The title of an issuing officer of a carrier or the official or employee designated by a corporate agent to issue and file tariff publications shall not include the terms "Agent" or "Alternate Agent". (See §§ 221.10 and 221.11 stating who may issue tariffs.)

* * * * *

9. By amending § 221.32 by revising the first three sentences of the section to read as follows:

§ 221.32 Correction number check sheet (loose-leaf tariff).

Original Page 1 (page following the title page) of each loose-leaf tariff shall contain a check sheet of correction numbers (see § 211.111(c)). Original Page 1 shall contain no other contents of the tariff unless the tariff contains less than thirty pages. Such check sheet shall consist of the following explanatory provision followed by columns of consecutive correction numbers arranged in numerical order, commencing with No. 1, which shall be shown in the following manner:

* * * * *

10. By amending § 221.35 (a) and (d) to read as follows:

§ 221.35 Explanations of abbreviations, reference marks, and symbols.

(a) *Explanation required.* Abbreviations, reference marks, and symbols which are used in the tariff shall be explained either on the same page on which they are used or their explanations shall be shown preceding the indexes of commodities and points. Each page on which abbreviations, reference marks or symbols are used but not explained thereon shall refer to the page containing their explanations substantially in the following manner (at the bottom of the page):

For explanations of abbreviations, reference marks, and symbols used but not explained hereon, see page ____ (as amended).

* * * * *

(d) *Prohibited abbreviations, symbols, or reference marks.* The following shall be shown in full and shall not be designated by symbols, abbreviations, or reference marks:

(1) Name of an agent.

(2) Name of a carrier (except in the rules or regulations and in the routings and indexes of points).

(3) Name of a city or town (except in routings).

(4) Name of a month when used in issued, effective or expiration dates.

11. By amending § 221.37 to read as follows:

§ 221.37 Index of points.

(a) *Alphabetical index required.* Each tariff shall contain an alphabetical index of all points of origin named in the tariff and a separate alphabetical index of all points of destination named in the tariff, except that the points of origin and destination may be included in one alphabetical index when all or substantially all of the rates or fares in the tariff apply in both directions between their respective points. The state, territory, possession, or District of Columbia in which each United States point is located shall be shown in connection with each such point. If the tariff applies to or from foreign countries, the respective country shall also be shown in connection with each and every point in the index except that:

(1) Only the name of the state, possession, territory or the District of Columbia is required to be shown in connection with each point in the United States.

(2) Only the name of the province is required to be shown in connection with each point in Canada.

(3) Only the name of the possession or territory is required to be shown in connection with each foreign point which is situated within a possession or territory of a mother country, for example, Antigua, British West Indies; however, if such point is coextensive with the territory or possession in which it lies, such as Hong Kong, it shall be identified by nationality in the following manner: Hong Kong (British).

Opposite each point, reference shall be made to the number of each item (or similar unit) in which the respective point appears. If the point is not published in a numbered item (or similar unit), reference shall be made to the page on which the point appears. If the tariff contains rates or fares for account of more than one carrier, each point in the index shall show the carrier or carriers serving the respective point.

(b) *When index may be omitted.* The index of points may be omitted provided that all points of origin and destination are arranged in alphabetical order throughout the tariff or, if the fares or rates are published in two or more distinct sections or tables, throughout each section or table. Such alphabetical arrangement shall be explained as required by paragraph (c) of this section. In addition, when fares or rates are so arranged in sections or tables, reference to each section or table shall be shown in the table of contents. Tables of rate scale numbers conforming to § 221.80 (b)(1) and alphabetical lists of points conforming to § 221.80(c)(1) shall constitute acceptable alphabetical arrangements of points for the purpose of determining whether an index of points may be omitted under the terms of this paragraph. The following arrangements of points shall be considered to be in alphabetical order:

(1) From origin points arranged in alphabetical sequence, to destination points arranged in alphabetical sequence under their respective origin points;

(2) To destination points arranged in alphabetical sequence, from origin points arranged in alphabetical sequence under their respective destination points;

(3) Between one group of points arranged alphabetically as headline points, and another group of different points arranged alphabetically as sideline points under their respective headline points, (but with no fares or rates between points in the same group) as, for example, between United States headline points, on the one hand, and Canadian sideline points, on the other hand;

(4) Between points shown in a descending alphabetical arrangement in which fares or rates are provided between substantially all points in the fare or rate table as, for example, between headline point A and sideline points B through Z, between headline point B and sideline points C through Z, between headline point C and sideline points D through Z, and continuously descending to the final listing, between headline point Y and sideline point Z. In the above arrangements, points shall be either (i) in alphabetical sequence by points or (ii) in alphabetical sequence first by States (or Canadian provinces) and thence by

points grouped under their respective States (or provinces).

(c) *Explanation required when index omitted.* When the index of points is omitted as provided in paragraph (b) of this section, a comprehensive explanation of the alphabetical arrangement of points must be shown in the place where the index of points would have been published. The following are some examples of such explanations which may be modified to explain the particular alphabetical arrangement employed in the tariff:

INDEX OF POINTS OF ORIGIN AND DESTINATION

Points of origin are arranged alphabetically as headline points throughout the tariff. Points of destination are arranged alphabetically as sideline points under each origin point. (See § 221.37(b)(1).)

or

Points in the United States are arranged alphabetically as headline points throughout the tariff. Points in Canada are arranged alphabetically as sideline points under each headline point. (See § 221.37(b)(3).)

or

Points of origin and destination are arranged alphabetically throughout the tariff (or each section or table of fares (or rates)). (See § 221.37(b)(4).)

or

Points of origin and destination are arranged alphabetically throughout the tariff (or each section or table of fares (or rates)) first by States or provinces, thence by points of origin and destination grouped under their respective States or provinces. (See § 221.37(b)(4).)

(d) *When reference to items (or similar units) or pages may be omitted from index.* If an index is published in a tariff containing rates or fares for account of two or more carriers, the index of points shall show the carrier or carriers serving each point but may omit reference to each item (or similar unit) or page where each point appears, provided that the tariff conforms with § 221.37(b) and that the explanation of the alphabetical arrangement of points is shown in the heading of the index on each page thereof in the manner set forth in paragraph (c) of this section.

12. By amending § 221.38(i) and adding a new § 221.38(k) to read as follows:

§ 221.38 Rules and regulations.

* * * * *

(i) *Carriers' billing, payment and credit rules*—(1) *Property tariffs.* All direct and indirect air carriers and foreign air carriers shall state in their tariffs governing transportation of property their rules, regulations and practices relating to the billing of shippers (including the billing of indirect air carriers by direct air carriers) for transportation services rendered, and the payment of rendered bills by shippers for such services. Such statements, applicable to all shippers or any class of shippers, shall include the billing intervals, the period covered by each billing, the time within which the bills are payable, and any charges for late payment.

(2) *Credit on joint transportation.* Notwithstanding § 221.10(a), a tariff issued by a carrier may include provisions under which the issuing carrier offers to extend credit for rates, fares or charges to be collected by the issuing carrier and which are applicable to through transportation performed by the issuing carrier in conjunction with connecting carriers regardless of whether such transportation is subject to a through joint fare or rate or a combination of separately established fares or rates of the respective carriers. Similarly, a tariff issued by an agent may include provisions for account of an individual participating carrier under which such carrier offers to extend credit for rates, fares or charges to be collected by such carrier and which are applicable to through transportation performed by such carrier in conjunction with connecting carriers regardless of whether such transportation is subject to a through joint fare or rate or a combination of separately established fares or rates of the respective carriers.

* * * * *

(k) *Individual carrier provisions governing joint rates or fares.* Provisions governing joint rates or fares may be published for account of an individual carrier participating in such joint rates or fares provided that the tariff clearly indicates how such individual carrier's provisions apply to the through transportation over the applicable joint routes comprised of such carrier and other carriers who either do not maintain such provisions or who maintain different provisions on the same subject matter.

13. By amending the heading of § 221.39 and the introductory text of § 221.39(c) to read as follows:

§ 221.39 Classification ratings or exceptions to governing classification ratings.

* * * * *

(c) *Exceptions to governing classification ratings.* When the classification ratings are published in a separate classification tariff as provided under paragraph (b) of this section and it is found necessary to publish ratings which are exceptions to such classification ratings without canceling the classification ratings, this part of the class rates tariff shall contain the ratings which are exceptions to the ratings in the governing classification tariff. Such exception ratings shall be published in compliance with the following requirements:

* * * * *

14. By amending § 221.41 in its entirety to read as follows:

§ 221.41 Routing.

(a) *Required routing.* The route or routes over which each fare or rate applies shall be stated in the tariff in such manner that the following information can be definitely ascertained from the tariff:

(1) The carrier or carriers performing the transportation,

(2) The point or points of interchange between carriers if the route is a joint route (via two or more carriers),

(3) The intermediate points served on the carrier's or carriers' routes applicable between the origin and destination of the rate or fare and the order in which such intermediate points are served. (This information, however, is not required in those property tariffs which are not subject to rules or other provisions for stopping in transit or to any other provisions which require determining what intermediate points are served via the tariff routing between the origin point and destination point of a rate; nor is it required in passenger tariffs of carriers whose operations are other than over defined routes stated in certificates or permits issued by the Board; nor in charter tariffs.) On an experimental basis, for the purposes of complying with this paragraph, tariffs may include for each carrier a separate map of the carrier's routes, showing intermediate points in the order served.

(b) *Individually stated routings*—(1) *Method of publication.* Except as otherwise authorized in paragraphs (c) and (d) of this section, the routing required by paragraph (a) of this section shall be shown directly in connection with each fare, rate or charge for transportation, or in a routing porton of the tariff (following the rate or fare portion of the tariff), or in a governing routing tariff. When shown in the routing portion of the tariff or in a governing routing tariff, the fare or rate from each point or origin to each point of destination shall bear a routing number and the corresponding routing numbers with their respective explanations of the applicable routings shall be arranged in numerical order in the routing portion of the tariff or in the governing routing tariff.

(2) *Class of passenger service and aircraft type specified in routing.* Where a passenger fare applies via one class of service (or type of aircraft) over a portion of the routing applicable from origin to destination and via a different class or classes of service (or a different type or types of aircraft) over the remainder of the routing, provisions as to the classes of service (or types of aircraft) provided over the respective segments of the routing may be included in the applicable routing published in accordance with subparagraph (1) of this paragraph. When routings containing such provisions are published in a separate routing section of the tariff or in a governing routing tariff, the headings of the pages containing fares subject to such routings shall indicate that provisions as to class of service or type of aircraft are set forth in the routing.

(c) *Diagrammatic routings.* For property rates between United States points, on the one hand, and points in foreign countries or United States Territories or Possessions, on the other hand, the routing information required by paragraphs (a) (1) and (2) of this section may be shown in the form of routing diagrams. A routing diagram consists of a series of connected columns or rectangular figures, each naming or designating a group of points, with carrier routing designated between each pair of consecutive, connected groups, and an explanation of how to use the diagram in determining applicable routings. An illustration of an acceptable form of routing diagram is set forth in Illustration No. 1 at the end of this paragraph. Publication of routing diagrams shall conform to the following requirements:

(1) Each routing diagram shall bear a routing number. Only connected groups shall be included in one diagram.

(2) Routing diagrams shall be published in numerical order, by routing number, in the routing portion of the tariff following the rate portion or in a governing routing tariff.

(3) The pages containing the rates shall refer, by routing number, to the applicable routing diagrams. Where all rates in a tariff, table or section are subject to one routing diagram, such reference may be shown in the heading of each rate page thereof. Otherwise, reference to the applicable routing diagrams shall be shown directly in connection with the respective rates from each origin to each destination.

(4) An explanation of the application and use of each routing diagram shall be published in connection therewith in sufficient detail to enable the applicable routings to be definitely determined.

(5) Groups of points of origin, destination and interchange shall be designated in the diagram by definite geographic terms.

(6) The carriers performing the transportation between each pair of consecutive, connected groups of points in the diagram shall be specifically designated in the routing diagram except that where space limitations make this impractical, such carrier routing may be published in the following manner:

(i) Except as otherwise authorized in subdivision (ii) of this subparagraph the routing between two consecutive, connected groups in the diagram may be shown by referring to a routing chart conforming to the following requirements. Routing charts shall be in tabular form showing the specific points in one group as headline points and the specific points in the other group as sideline points. Headline points shall be arranged alphabetically and the sideline points shall be arranged alphabetically under the respective headline points. Carrier routing between each headline point and each sideline point shall be shown in the intersecting space in the tabular chart. An illustration of such routing chart (using abbreviations to designate carriers) is set forth in Illustration No. 2 at the end of this paragraph.

(ii) Carrier routing between two consecutive, connected groups consisting exclusively of foreign points may be shown either by a routing chart authorized under subdivision (i) of this subparagraph or in the following manner. The routing diagram may provide that carrier routing between such groups of foreign points shall be via any single-carrier service and shall refer to the tariff's alphabetical index or list of points of origin and destination to determine the carriers serving the respective points in each group. The latter method of publication may be used only where the tariff contains an alphabetical index or list of points of origin and destination showing the carriers serving the respective points, and only where each carrier indicated by such index or list as serving a pair of points (one in each such group) does in fact maintain service between such pair of points.

Illustration No. 1:

SECTION 3—ROUTINGS

ROUTING No. 1: Rates referring to Routing No. 1 apply via the following routing:

(a) Routing between a point in Group 1 and a point in Group 3 will be via a point in Group 2 and via carrier routings connecting such successive groups, as shown in the routing diagram below.

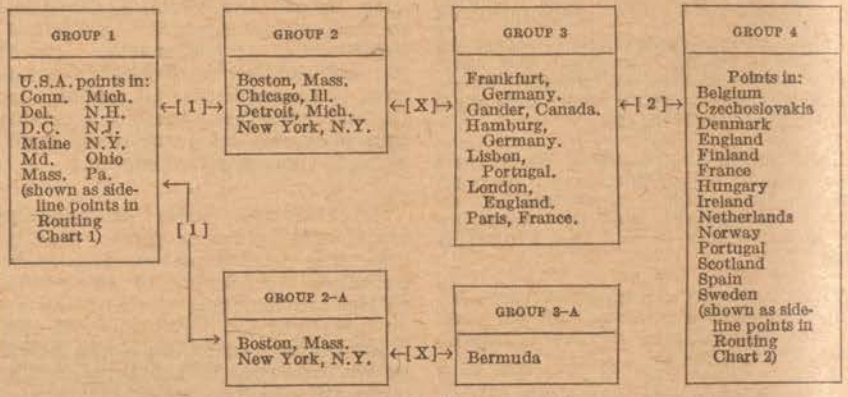
(b) Routing between a point in Group 1 and a point in Group 4 will be via a point in Group 2, a point in Group 3 and carrier routings connecting such successive groups, as shown in the routing diagram below.

(c) Routing between a point in Group 2 and a point in Group 3 will be via the carrier routings connecting such groups, as shown in the routing diagram below.

(d) Routing between a point in Group 2 and a point in Group 4 will be via a point in Group 3 and via carrier routings connecting such successive groups, as shown in the routing diagram below.

(e) Routing between a point in Group 1 and a point in Group 3-A will be via a point in Group 2-A and via carrier routings connecting such successive groups, as shown in the routing diagram below.

(f) Routing between a point in Group 2-A and a point in Group 3-A will be via the carrier routings connecting such groups, as shown in the diagram below.



[1]—Via carrier routings in Routing Chart 1, Section 4.
[2]—Via carrier routings in Routing Chart 2, Section 4 (see section 221.41(c)(6)(ii) for alternate method of showing carrier routing between foreign points).
[X]—Via XYZ Airways, Inc.

Illustration No. 2:

SECTION 4—ROUTING CHARTS

[Routing charts are applicable only to extent that reference is made thereto by routings in Section 3]

ROUTING CHART NO. 1:

BETWEEN / AND	Boston, Mass.	Chicago, Ill.	Detroit, Mich.	New York, N.Y.
Akron, Ohio	BCD	BCD	BCD	BCD
Albany, N.Y.	ABC	ABC	ABC	ABC
Allentown, Pa.	ABC or DEF	----------	----------	ABC or DEF
Baltimore, Md.	DEF	----------	----------	DEF
Bridgeport, Conn.	DEF	----------	----------	DEF

(For explanations of abbreviations, see page ----)

(d) *Open routing.* In lieu of showing the routing information required by paragraphs (a) (1) and (2) in the manner prescribed by paragraph (b) or (c) of this section, a property rate tariff may contain a rule reading as follows:

ROUTING

Unless otherwise provided in routing exceptions shown in connection with the transportation rates or charges, the transportation rates or charges in this tariff will apply only via the following routing:

Local routing. Each transportation rate or charge will apply locally (via a single carrier) from the point of origin to the point of destination via any single carrier which is shown in this tariff as serving both such points. (See Note.)

Joint routing. Each transportation rate or charge will apply jointly (via two or more successive carriers) from the point of origin to the point of destination via any carriers and via any points of interchange between such carriers *provided* that the initial carrier is shown in this tariff as serving both the point of origin and the point of interchange with the next connecting carrier and that each successive connecting carrier is shown in this tariff as serving both the point of interchange at which it receives the shipment and the point of interchange or destination to which it transports the shipment. (See Note.)

Note: To determine the carriers serving each point of origin, destination and interchange, see the Index of Points of Origin and Destination in this tariff.

The above rule is referred to hereinafter as "the open routing rule" and its publication is subject to the following requirements and conditions:

(1) The open routing rule may be published only in a rate tariff containing an index of points, captioned "Index of Points of Origin and Destination", complying with § 221.37 (a) or (d). The following provision, making

reference to the open routing rule, shall be shown in the heading of such index on each page thereof:

Points listed below are also points of interchange for the purpose of determining routing under Rule ____.

(2) The following provision, making reference to the open routing rule, shall be shown in the heading of the statement of rates on each page thereof:

Rates and charges below apply only via routing authorized by Rule ____ unless otherwise provided in the Routing Exceptions to which the rates or charges below are subject.

(3) All exceptions to the open routing rule shall be set forth as "Routing Exceptions" either directly in connection with the respective rates to which they apply or in a separate routing exception portion of the same tariff (following the rate portion). When such routing exceptions are set forth in a routing exception portion of the tariff, the rate from each origin to each destination, to which a routing exception is applicable, shall bear a routing exception number and the corresponding routing exception numbers (with their respective statements of the applicable routing exceptions) shall be arranged in numerical order in the routing exception portion of the tariff.

(4) Each exception to the open routing rule shall be clear, explicit and definite in its terms and shall be clear as to the extent to which it removes the application of the open routing rule.

(5) If the tariff names only local rates, the paragraph captioned "Joint Routing" shall be omitted from the open routing rule in such tariff. If the tariff names only joint rates, the paragraph captioned "Local Routing" shall be omitted from the open routing rule in such tariff.

(6) Publication of the open routing rule and routing exceptions under § 221.41(d) is an alternative to publishing the routing information required by § 221.41(a) (1) and (2) in the manner prescribed by § 221.41 (b) or (c), and § 221.41(d) does not authorize departure from any other provisions of Part 221.

(7) The open routing rule shall not be published in a tariff containing rates which are subject to provisions for stopping in transit at intermediate points or to any other provisions which require determining the intermediate points between the origin point and the destination point of a rate.

(8) Section 221.41(d) expires with September 20, 1966 unless sooner canceled, changed or extended. All tariffs containing the open routing rule shall contain the above expiration date.

(e) *Emergency routing rule.* If desired, the following routing rule may be published in property rate tariffs conforming with paragraph (b) or (c) of this section:

Routing instructions. The rates named in this tariff will apply only over the routes and via interchange points authorized herein except that when, in the case of pronounced traffic congestion (not an embargo) or other similar emergency, or through carrier's error, carriers forward shipments by other transfer points of the same carriers or over other carriers parties to the tariff, the rates specified in this tariff (but not higher than the rate applicable over the actual route of movement) will be applied.

(f) *Forwarders.* The preceding paragraphs of this section do not apply to tariffs of Air Freight Forwarders or International Air Freight Forwarders. Where the rates and charges of two or more forwarders are published in one tariff issued by an agent, the tariff shall clearly indicate in connection with each rate or charge the respective individual forwarder for whom it is published.

15. By amending § 221.52 (a) and (b) to read as follows:

§ 221.52 Territorial application.

(a) *Specific points of origin and destination.* Except as otherwise provided in this part, the specific points of origin and destination from and to which the fares or rates apply shall be specifically named directly in connection with the respective fares or rates. Whenever there are two or more points of the same name receiving scheduled air transport service, the State, territory, or possession, in which each such point is located shall be shown in connection with the point. If the tariff contains fares or rates applying to or from points in foreign countries, the respective country in which each point is situated shall also be shown in connection with each and every point named in the tariff except that:

(1) Only the name of the State, possession, territory or District of Columbia is required to be shown in connection with each point in the United States.

(2) Only the name of the province is required to be shown in connection with each point in Canada.

(3) Only the name of the possession or territory is required to be shown in connection with each foreign point which is situated within a possession or territory of a mother country, for example, Antigua, British West Indies; however, if such point is coextensive with the territory or possession in which it lies, such as Hong Kong, it shall be identified by nationality in the following manner: Hong Kong (British).

(b) *Points taking same fares or rates.* The fares or rates applying to (or from) a particular point named in the table of fares or rates may be made to apply to (or from) other points in the following manner: Show such other points in their proper alphabetical order in the rate or fare table and show in connection with each such point a statement that it takes the same fares or rates as apply to (or from) the particular point for which fares or rates are specifically published in the table. If the tariff has an index or list of points, the latter statement may be published in connection with the respective points in the index or list instead of in the rate or fare table. All such statements shall be published uniformly either (1) in the index (or list) or (2) in the table, but not in both.

* * * * *

16. By amending existing § 221.53 by (1) deleting the parenthetical reference to § 221.103 at the end of § 221.53(c); (2) redesignating current § 221.53 as § 221.53 (a) and redesignating (a), (b), and (c) thereof as (1), (2), and (3), respectively; and (3) adding new paragraphs (b) and (c). As amended, § 221.53 reads as follows:

§ 221.53 Airport to airport application, accessorial services.

(a) Tariff publications containing rates or fares for air transportation shall specify whether or not they include additional services in one or more of the following ways:

(1) The tariff shall indicate that rates or fares include pick-up, delivery, or other services, explicitly defining the services to be furnished, and defining areas or points within or between which the services will be performed; or

(2) The tariffs shall indicate that the rates or fares apply only from airport to airport and that the carrier does not perform additional services; or

(3) The tariff shall indicate that the rates or fares apply only from airport to airport but that additional services are furnished subject to additional charges, setting forth the carrier's charges for all other services and other provisions applicable thereto, as required by § 221.38, and the tariff shall clearly and explicitly specify the extent to which such services will be furnished and the areas or points within or between which terminal transportation will be provided.

(b) The above requirements shall not be construed as precluding the publication of rates or fares for air transportation which include pick-up or delivery service at certain specified points or areas within the pick-up and delivery zone of the airport city of origin or destination but subject to a further provision that pick-up or delivery service will be provided at other specified areas or points within the same pick-up and delivery zone at stated rates and charges for such services to be assessed in addition to the rates or charges for air transportation.

(c) The airport to airport application of rates or fares for air transportation and the statements as to the extent to which such rates or fares include pick-up, delivery or other accessorial services shall be published in the rate or fare tariff and not in a governing tariff. However, the definitions of such services, the definitions of areas or points within or between which such services will be performed, and the rates or charges for such services (when not included in the air transportation rates or fares) may be published either in a governing rules tariff conforming to § 221.102 or in a governing pick-up and delivery tariff conforming to § 221.103.

17. By amending § 221.54(a) to read as follows:

§ 221.54 Distance fares, rates, or charges.

(a) Tariffs containing fares or rates which are stated to apply per mile or other unit of distance shall provide one or more of the following methods for determining distance:

(1) Show the applicable distance from each point of origin to each point of destination from and to which such fares or rates apply,

(2) Make reference by C.A.B. number to a separate mileage or distance

guide for such distances (see § 221.106), or

(3) Make reference to:

(i) The mileage publication of the International Air Transport Association;

(ii) The mileage publication of the United States Department of Commerce Coast and Geodetic Survey, Special Publication No. 238, Air-Line Distances Between Cities in the United States;

(iii) Book of Official C.A.B. Airline Route Maps and Airport to Airport Mileages published by the Air Transport Association of America.

Tariffs making reference to two or more of the mileage publications referred to above shall plainly state how each is to be applied and in such manner that no conflict results from the stated application.

* * * * *

18. By amending § 221.58 to read as follows:

§ 221.58 Arbitraries.

(a) A tariff may provide that rates or fares from (or to) particular points shall be determined by the addition of arbitraries to, or the deduction of arbitraries from, rates or fares therein which apply from (or to) a base point. An arbitrary is a specific amount in dollars or cents published specifically for application in the above manner. Provisions for the addition or deduction of such arbitraries shall be shown either directly in connection with the fare or rate applying to or from the base point or in a separate provision which shall specifically name the base point. The tariff shall clearly and definitely state the manner in which such arbitraries shall be applied. In the case of arbitraries applicable to the transportation of property, the arbitraries shall be published in the same units of currency and rate as those in which the base rates are stated, and shall be stated to apply on the same minimum quantities (or quantity groups) as those on which the base rates apply.

(b) The tariff shall state definitely whether the arbitraries are to be added to, or deducted from, the fares or rates applying from (or to) the base points (for example, it may provide in effect that the arbitraries shall be added to the fares or rates applying from (or to) the base points except that those arbitraries bearing a particular reference mark, such as a minus sign (—), shall be deducted from such base fares or rates). In some circumstances, it may be necessary to publish a zero amount "0" in the table of arbitraries; in this event, the tariff shall state definitely that the fare or rate applying from (or to) the base point shall also apply from (or to) the point taking the zero amount in the arbitrary table without the addition or deduction of an arbitrary.

19. By amending §221.59 to read as follows:

§ 221.59 Fares or rates stated in percentages of other fares or rates; other relationships prohibited.

(a) Fares or rates for air transportation of persons or property shall not be stated in the form of percentages, multiples, fractions, or other relationships to other fares or rates except to the extent authorized in paragraphs (b), (c), (d), and (e) of this section with respect to passenger fares and baggage charges and in Subpart F with respect to property rates.

(b) A basis of fares for refund purposes may be stated, by rule, in the form of percentages of other fares.

(c) Transportation rates for the weight of passengers' baggage in excess of the baggage allowance under the applicable fares may be stated, by rule, as percentages of fares, provided reference is made to a conversion table complying with paragraph (e) of this section for the purpose of determining the amounts of such rates in dollars or cents represented by the published percentages of the fares.

(d) Children's fares, round-trip fares, or other types of fares may be stated, by rule, as percentages of other fares published specifically in dollars and cents (hereinafter referred to as base fares): *Provided*, That:

(1) Fares stated as percentages of base fares shall apply from and to the same points, via the same routes, and for the same class of service and same type of aircraft to which the applicable base fares apply, and shall apply to all such base fares in a fares tariff or designated section or table of a fares tariff except that:

(i) If the base fares are published for account of two or more participating carriers, such percentage fares may be restricted to apply for account of only certain participating carriers. If such carriers participate in joint base fares, the extent to which such restricted percentage fares apply to the joint base fares shall be clearly indicated.

(ii) If the base fares are named between points in the continental United States and points outside thereof, such percentage fares may be restricted territorially to apply between, within, or from and to any of the following areas (but not portions of a single area):

Alaska.
Hawaii.
Continental United States.
United States of America.
One or more Territories or Possessions of the United States.
One or more foreign countries.
A definite geographic area larger than a country.

The term "continental United States," as used in this subparagraph, means all of the 48 contiguous States and the District of Columbia.

(2) Fares shall not be stated as percentages of base fares for the purpose of establishing fares applying from and to points, or via routes, or on types of aircraft, or for classes of service different from the points, routes, types of aircraft, or classes of service to which the base fares are applicable.

(3) Fares stated as percentages of base fares shall refer to a conversion table complying with paragraph (e) of this section for the purpose of determining the amounts of such fares in dollars and cents represented by the published percentages of the base fares.

(e) (1) A conversion table shall be published in the fares section of the tariff containing the base fares or, if that tariff is governed by a rules tariff, the table may be published after the last rule therein. The conversion table shall contain in the first column, in numerical order ranging from the lowest to the highest amounts, the amounts of all the base fares on which the percentages are to be applied. Each of the other columns shall be captioned with a percentage corresponding to a percentage in which a fare is stated. In each of the percentage-captioned columns and directly opposite each base fare, the amount in dollars or cents represented by the stated percentage of the respective base fare shall be shown. Such columns shall be arranged in numerical order (according to percentages). A clear and definite explanation of how to use the conversion table shall be shown in connection therewith.

(2) Instead of showing in the first column all base fares from the lowest to the highest, the table may contain in the first column $0.05 and all multiples thereof to and including $1.00 and all multiples of $1.00 to and including $100.00 with a plainly stated rule for using, in combination, amounts ascertained in the percentage columns for the separate portions of the base fare. The rule shall provide, for example, that if the base fare is $7.65, the percentages for $7.00 and $0.65 are to be ascertained separately and combined.

20. By adding a new § 221.64 to read:

§ 221.64 Charter rates and charges.

Charter rates and charges shall be clearly and explicitly stated in dollars or cents per aircraft (specifying the type of aircraft) on a time, mileage or specific point-to-point basis, and shall be indicated to apply on the movement of persons and their baggage and/or the movement of property. Where two or more aircraft of the same type differ substantially in their respective maximum capacities available to the charterer by reason of differences in their interior configuration of passenger or cargo accommodations, different charter rates and charges may be published for such aircraft provided the maximum capacity available to the charterer is definitely stated for each aircraft. This may be done either by stating the maximum capacity in pounds or by specifically describing the configuration of the passenger and cargo accommodations of each aircraft.

21. By amending § 221.70(a) to read as follows:

§ 221.70 Definite unit of rate.

(a) All rates for the air transportation of property shall be clearly and explicitly stated in cents or dollars per pound, per 100 pounds, per kilogram, per ton of 2,000 pounds, per ton of 2,240 pounds, per United States gallon, or other definite unit of weight, measurement or value except that:

(1) Charter rates shall be stated as provided in § 221.64.

(2) Rates stated to apply on specific types of animals may be stated in cents or dollars per animal.

* * * * *

22. By adding new § 221.71 (b) (3) and (c) to read as follows:

§ 221.71 Quantities on which rates apply.

* * * * *

(b) *Different rates subject to different quantities.* * * *

(3) All such rates of the same type (class, specific commodity, or general commodity) applying on the same commodities from the same point of origin to the same point of destination via the same route shall be published together continuously on one page or two or more successive pages or in one item, except as otherwise authorized in paragraph (c) of this section. This does not waive the requirements of § 221.75(b) as to publishing specific commodity rates in numbered items.

(c) *Volume rate conversion table.* Rates meeting the requirements of paragraph (b) of this section may be published in the following manner. Where a rate table names rates subject to a definite minimum weight, for example, "minimum weight 100 pounds," lower rates for greater minimum weights may be published in a separate conversion table substantially in the following form:

TABLE OF VOLUME RATES (*in dollars per 100 pounds*)

[This table is applicable only in connection with rates subject to minimum weight of 100 pounds which refer hereto for rates applicable to greater minimum weights]

Where the rate subject to minimum weight of 100 pounds is:	The rates for the following minimum weights will be as specified in the respective columns below:				
	Minimum weight in pounds				
	1,000	3,000	5,000	10,000	20,000
4.00	3.80	3.60	3.40	3.00	2.80

The particular minimum weights shown in the above form are for illustrative purposes only. Such conversion table shall be published immediately following each table or section naming the applicable base rates or, where a single conversion table applies to two or more tables or sections of base rates, such conversion table may be published immediately following the last table or section of rates in the tariff. Each conversion table shall provide that it is applicable only in connection with the base rates which refer to it (substantially as shown in the above form). Each page naming the base rates shall make specific reference to such conversion table for rates applicable to the greater minimum weights provided by the conversion table. Such reference shall be made substantially in the following manner:

For rates subject to minimum weights of____ pounds and over, apply Table of Volume Rates on page____.

23. By amending § 221.74 so that § 221.74 reads as follows:

§ 221.74 General commodity rates and exception ratings thereto.

(a) *General commodity rates.* General commodity rates shall be published under the caption "General Commodity Rates." Such caption shall be shown on each page containing such rates. Each tariff which contains general commodity rates shall contain a rule captioned "Application of General Commodity Rates" which shall provide that the general commodity rates apply on all commodities except those which will not be accepted for transportation under the terms of the tariff or of governing tariffs. Such rule shall be published in the tariff containing the general commodity rates and not in a governing tariff. If it is desired to establish a rate on a particular commodity different from the general commodity rate, an exception rating to the general commodity rate (see paragraph (b) of this section) or a specific commodity rate (see § 221.75) shall be published on such commodity.

(b) *Exception ratings to general commodity rates.* Exception ratings to general commodity rates may be stated as percentages of general commodity rates applying from and to the same points over the same route or routes provided the following requirements are complied with:

(1) Such exception ratings shall be published under the caption "Exception Ratings to General Commodity Rates (stated as percentages of the General Commodity Rates)". Such caption shall be shown on each page containing the exception ratings.

(2) Such exception ratings shall be published in numbered items in the same tariff naming the general commodity rates to which they are exceptions, and shall follow the general commodity rates and precede specific commodity rates (if published therein) in the order of the tariff's contents.

(3) Such exception ratings shall be published to apply only on specific articles or commodities which shall be named directly in connection with the applicable exception ratings.

(4) Each exception rating shall be stated as a single percentage of the general commodity rates for all quantities on which the general commodity rates apply. However, where the general commodity rates vary according to the different quantities on which they apply, exception ratings may be stated as percentages of one or more of such general commodity rates provided the quantities to which the exception ratings apply are specifically stated.

(5) Such exception ratings shall not be published unless they are to apply from and to or between all of the points for which general commodity rates are provided in the tariff or in a designated table or section of the tariff except

(i) If the tariff names general commodity rates for account of two or more carriers, such exception ratings may be restricted to apply for account of only certain carriers. If the tariff names joint general commodity rates in which such carriers participate, the tariff shall clearly indicate the extent to which such restricted exception ratings apply in connection with the joint general commodity rates.

(ii) If the tariff names general commodity rates between points in the continental United States and points outside thereof, such exception ratings may be restricted territorially to apply between, within, or from and to any of the following areas (but not portions of a single area):

Areas

Alaska.
Hawaii.
Continental United States.
United States of America.
One of more Territories or Possessions of the United States.
One or more foreign countries.
A definite geographic area larger than a country.

The term "continental United States," as used in this subparagraph, means all of the 48 contiguous States and the District of Columbia.

(6) Such exception ratings shall refer to a conversion table in the same tariff complying with subparagraph (7) of this paragraph for the purpose of determining the rates in cents or dollars represented by the exception rating percentages of the general commodity rates.

(7) A conversion table shall be published immediately following such exception ratings. The conversion table shall contain in the first column, in numerical order ranging from the lowest to the highest amounts, the amounts of all of the base general commodity rates on which the percentages are to be applied. Each of the following columns shall be captioned with a percentage corresponding to a percentage in which an exception rating is stated. In each of the latter columns and directly opposite each base rate, the amount in cents or dollars represented by the stated percentage of the respective base rate shall be shown. Such columns shall be arranged in numerical order (according to percentages). A clear and definite explanation of how to use the conversion table shall be shown in connection therewith. Instead of showing in the first column all base general commodity rates from the lowest to the highest, the table may contain in the first column all amounts from $0.01 to $1.00 and all multiples of $1.00 to and including $50.00 with a plainly stated rule for using in combination amounts ascertained in the percentage column for separate portions of the general commodity rate. The rule must provide, for example, that if the general commodity rate is $2.77, the percentages for $2.00 and $0.77 are to be ascertained separately and combined.

24. By amending § 221.75(b) and the introductory text of § 221.75(d) (no change in subparagraphs (1), (2) and (3) of paragraph (d)), and deleting § 221.75(e). Section 221.75(b) and the introductory text of § 221.75(d) read as follows:

* * * * *

§ 221.75 Specific commodity rates.

(b) *Page caption and numbered items.* Specific commodity rates shall be published under the caption "Specific Commodity Rates" to be shown on each page

containing such rates. Specific commodity rates shall be published in numbered items except as otherwise provided in paragraph (d) in this section. Two or more commodities taking different specific commodity rates from and to the same points shall not be published in the same item. When an item containing specific commodity rates is continued to a successive page or pages, either the commodity description shall be repeated on each such successive page or the commodity description may be omitted from each such successive page provided such page refers to the commodity description in the following manner:

For commodity description of this item, see Page ____.

* * * * *

(d) *Commodity descriptions published separately from rates when latter arranged alphabetically by points.* When all specific commodity rates in a tariff are published in tabular form and all points of origin and destination are arranged alphabetically in conformance with § 221.37(b) (1) through (4) throughout the table of specific commodity rates, the commodity descriptions applicable to such rates may be published separately provided the following requirements are complied with:

* * * * *

25. By amending § 221.76 to read as follows:

§ 221.76 Precedence of authorized types of rates.

(a) *Exception ratings to general commodity rates versus general commodity rates.* When both general commodity rates and exception ratings to general commodity rates (stated as percentages of the general commodity rates) are published to apply from and to the same points via the same routes, the tariffs containing such rates and exception ratings (or their governing rules tariffs) shall contain a rule reading as follows:

An exception rating to the general commodity rate, stated as a percentage of the general commodity rate, removes the application of the general commodity rate on the same quantity of the same article or commodity (in the same package or shipping form) from and to the same points over the same route.

(b) *Specific commodity rates versus general commodity rates and exceptions to general commodity rates.* When specific commodity rates, general commodity rates and exception ratings to general commodity rates (stated as percentages of the general commodity rates) are published to apply from and to the same points via the same routes, the tariffs containing such rates and exception ratings (or their governing rules tariffs) shall contain a rule reading as follows:

A specific commodity rate removes the application of the general commodity rate and the exception rating to the general commodity rate on the same quantity of the same article or commodity (in the same package or shipping form) from and to the same points over the same route.

If no exception ratings to general commodity rates are published, the phrase "and the exception rating to the general commodity rate" shall be omitted from the above rule.

(c) *Specific commodity rates versus class rates.* When both specific commodity rates and class rates are published to apply from and to the same points via the same routes, the tariffs containing such rates (or their governing rules or classification tariffs) shall contain a rule reading as follows:

A specific commodity rate removes the application of the class rate on the same quantity of the same article or commodity (in the same package or shipping form) from and to the same points over the same route.

(d) *Prescribed rules in forwarder tariffs.* When the rules prescribed in this section are published in tariffs of Air Freight Forwarders or International Air Freight Forwarders, the phrase "over the same route" shown in the prescribed rules shall be omitted from the rules published in such tariffs.

26. By adding a new § 221.80 reading as follows:

§ 221.80 Rate scale method of publishing rates.

(a) *When to be used.* In lieu of publishing the points of origin and destination directly in connection with the rates as required by § 221.52(a), the rate scale method of publication may be employed in the manner authorized by either paragraph (b) or (c) of this section. The rate scale method will normally reduce the volume of publication where a rate tariff names numerous points of origin and destination for class rates, general commodity rates or rates on one specific commodity (or one group of specific commodities taking the same rates) and the same rate or rates apply in many instances between different points of origin and destination. Where such conditions do not exist, the rate scale method shall not be used and the points of origin and destination shall be shown directly in connection with the rates as required by § 221.52(a) which results in a more simplified tariff format. When the rate scale method authorized by this section is employed, the volume rate conversion table method of publication under § 221.-71(c) shall not be used.

(b) *Rate scale method without zone numbers.* The rate scale method without zone numbers consists of publishing two tables, namely, a table of rate scale numbers showing the rate scale number applicable between each point of origin and each point of destination and referring to a table of rates to determine the applicable rates for the respective rate scale numbers, and a table of rates listing such rate scale numbers (in numerical order) and showing the applicable rates for each rate scale number. Such tables shall conform to the following requirements:

(1) *Table of rate scale numbers.* The table of rate scale numbers shall be published immediately preceding the table of rates. The points of origin and destination shall be arranged in alphabetical order, conforming with § 221.37(b) (1) through (4), in the table of rate scale numbers which shall show the rate scale number applying from each point of origin to each point of destination (or applying between such points). All such pairs of points taking the same rates shall be assigned the same rate scale number. The heading on each page of the table shall refer to the table of rates substantially in the following manner: "To determine rates for the applicable rate scale number, refer to Section____."

(2) *Table of rates.* The rate scale numbers shall be arranged in the table of rates in numerical order (from lowest to highest) and the rates for each rate scale number shall be shown directly in connection with the respective rate scale number. The rates shall conform to all requirements of this part. The heading on each page of the table shall refer to the table of rate scale numbers substantially in the following manner: "To determine the applicable rate scale number, refer to Section____."

(c) *Rate scale method with zone numbers.* The rate scale method with zone numbers may be used where, in addition to the rate situations mentioned in paragraph (a) of this section, the points of origin and destination fall into zones with all points in each zone taking the same rates (common rated points). It shall not be used where such common rated points are not extensive, or where the method of publishing common rated points authorized by § 221.52(b) is used. The rate scale method with zone numbers consists of three parts, namely, an alphabetical index or list of origin and destination points showing the rate zone number assigned to each point, a table of rate scale numbers showing the rate scale number applicable between each pair of zone numbers (arranged in numerical order in headline and sideline format), and a table of rates which lists the rate scale numbers (in numerical order) showing the applicable rates for each rate scale number. Such tables shall conform to the following requirements:

(1) *Alphabetical index or list of points showing zone numbers.* A zone number shall be assigned to each and every point of origin or destination. Points taking the same rates shall be assigned the same zone number. Such zone numbers shall be published in a column captioned "Zone Number" in the index of points or, if the tariff contains no index of points, in an alphabetical list of origin and destination points placed immediately preceding the table of rate scale numbers. If such list or index of points is published in a tariff containing rates for account of two or more carriers, such list or index shall also show the carrier or carriers serving each respective point. The heading of each page of such index or list of points shall refer to the table of rate scale numbers substantially in the following manner: "To determine applicable rate scale numbers, refer to Section _____."

(2) *Table of rate scale numbers.* The table of rate scale numbers shall be published immediately preceding the table of rates. The zone numbers assigned to the points of origin and destination shall be arranged in numerical order in headline and sideline format in the table of rate scale numbers which shall show the rate scale number applying between each headline zone number and each

sideline zone number (or from each headline zone number to each sideline zone number, or in the reverse direction). All such pairs of zone numbers taking the same rates shall be assigned the same rate scale number. The heading on each page of the table shall refer to the index or list of points substantially in the following manner: "To determine the zone numbers of the points of origin and destination, refer to Section _____", and shall also refer to the table of rates substantially in the following manner: "To determine rates for the applicable rate scale number, refer to Section _____."

(3) *Table of rates.* The table of rates shall conform to the requirements of paragraph (b) (2) of this section.

(d) *Routing.* When the rate scale method of publication makes it impossible to show comprehensibly the required routing provisions directly in connection with the rates in accordance with § 221.41, such routing provisions shall be shown directly in connection with each respective rate scale number in the table of rate scale numbers. If the routing provisions cannot be indicated comprehensibly under the above methods, the rate scale method of publication shall not be used.

27. By amending § 221.100(c) to read as follows:

§ 221.100 When reference to governing tariffs permitted.

* * * * *

(c) *Participation in governing tariffs.* A rate tariff or a fare tariff may refer to a separate governing tariff authorized by this subpart only when all carriers participating in such rate tariff or fare tariff are also shown as participating carriers in the governing tariff: *Provided,* That:

(1) If such reference to a separate governing tariff does not apply for account of all participating carriers and is restricted to apply only in connection with local or joint rates or fares applying over routes consisting of only particular carriers, only the carriers for whom such reference is published are required to be shown as participating carriers in the governing tariff to which such qualified reference is made.

(2) If a tariff naming joint rates via air carriers in conjunction with surface carriers (common carriers subject to the Interstate Commerce Act) makes reference to a separate governing tariff (filed with the Board under authority of § 221.103) for charges and other provisions covering pick-up, delivery or transfer services performed only by the air carrier participants in such joint rates, the surface carrier participants in such joint rates are not required to be shown as participating carriers in such governing pick-up, delivery or transfer services tariff.

28. By amending § 221.111 (e) and (g) to read as follows:

* * * * *

§ 221.111 Amending loose-leaf tariff by revised pages and additional original pages.

* * * * *

(e) *Cancellation of omitted matter.* If a rate, fare, rule or other tariff provision on a page is to be canceled entirely and is not to be transferred to another page of the same tariff, the revised page which effects such amendment shall specifically show the cancellation of such provisions and identify the provisions to be canceled. For example, if a rule is canceled, the number and caption of the rule shall be brought forward on the new page but the body of the rule shall be omitted and, in lieu thereof, a statement that the rule is canceled shall be shown; or, if a fare is to be canceled, the points of origin and destination shall be brought forward on the new page but the fare shall be omitted and, in lieu thereof, a statement that the fare is canceled shall be shown. Alternatively, such cancellation (but not transfer of matter to another page) may be accomplished by omitting the matter to be canceled, provided that a footnote at the bottom of the revised page specifically identifies the matter to be canceled and directs its cancellation. All of the foregoing cancellation shall be omitted from subsequent revisions of the revised page which effected the cancellation.

* * * * *

(g) *Cancellation of participating carrier.* When a participating carrier is canceled by a revised page, the fares (or rates) and other provisions of the tariff insofar as they apply in connection with such carrier shall be canceled at the same time, by either of the following methods:

(1) Such cancellation shall be accomplished by revising the particular pages containing the fares (or rates) and other provisions applying in connection with the canceled participating carrier, or

(2) Such cancellation shall be accomplished by publishing the following statement (following the list of participating carriers) which shall be referred to in connection with the elimination of the carrier from the list of participating carriers:

PARTICIPATING CARRIER CANCELLATION

(Name of canceled participating carrier) eliminated as participating carrier in this tariff and all rates (or fares) and other provisions published in connection with that carrier canceled effective _____ by _____ Revised Page ____.

If the eliminated carrier is designated by abbreviation or carrier number in the tariff, show the carrier abbreviation or number in parentheses immediately following the carrier's name in the above statement. Also, in the above statement, show the effective date of the carrier's elimination as a participating carrier and the revised page on which the above statement is initially published. Such cancellation statement shall be brought forward on subsequent revisions of the page until such time as specific cancellation of all rates, fares and other provisions in connection with the eliminated carrier has been accomplished by revising the pages affected. Such specific cancellation shall be fully accomplished not later than 180 days after the effective date of the cancellation of the carrier's participation.

29. By amending § 221.113 by revising paragraph (c) (3) (ii) and adding a new paragraph (c) (3) (iii). As revised, § 221.113(c) (3) (ii) and (iii) read as follows:

§ 221.113 Reissuing and canceling tariffs, transferring matter to other tariffs.

* * * * *

(c) *Transferring rates, fares or provisions from one tariff to another.* * * *

(3) * * *

(ii) If the publication to which the provisions are transferred is a new tariff (issued by an agent or carrier other than the issuing agent or carrier of the former tariff), the new tariff shall bear the following notation "(see notice on page ____ hereof)" in the upper right-hand corner of the title page (immediately below the C.A.B. number and any cancellation thereunder) and the notice referred to shall be shown following the table of contents and shall read substantially:

NOTICE

Rates (or fares, rules, etc.), herein applying (____ briefly identify transferred rates, etc. ____) were formerly published in C.A.B. No. _____ issued by _____.

(iii) If the transferred provisions are added by supplement, revised page or original page to an existing tariff (issued by the same or different issuing carrier or agent), reference to the former tariff shall be shown in connection with the added provisions in such supplement, revised page or original page and such reference shall read substantially:

These rates (or fares, rules, etc.) were formerly published in C.A.B. No. _____ issued by _____.

* * * * *

30. By amending § 221.160(b) to read as follows:

§ 221.160 Required notice.

* * * * *

(b) *When single publication contains changes effective on different dates.* Each tariff, supplement, or loose-leaf tariff page which contains various changes to become effective on different dates shall:

(1) Bear a general effective date which shall allow at least thirty days' notice,

(2) Show directly in connection with such general effective date the following notation: "(except as noted)",

(3) Show in connection with each change which is to become effective earlier or later than such general effective date, its specific effective date which shall allow at least thirty days' notice unless the Board authorizes the change to be filed on less notice,

(4) When matter is authorized by the Board to be filed on less than thirty days' notice, show reference to the Board's order, regulation, or special tariff permission authorizing such filing. Such reference shall be shown (immediately following the specific effective date of such matter) in the manner required by the order, regulation, or special tariff permission, for example:

Effective: _____ Issued on _____ days' notice under Special Tariff Permission No. _____ of the Civil Aeronautics Board. (See also § 221.194.)

* * * * *

31. By amending § 221.190 to read as follows:

§ 221.190 Grounds for approving or denying Special Tariff Permission applications.

(a) *General authority.* The Board is authorized, when actual emergency or real merit is shown, to permit changes in rates, fares, or other tariff provisions on less than the thirty days' notice required by section 403 of the Act.

(b) *Grounds for approval.* The following facts and circumstances constitute some of the grounds for approving applications for Special Tariff Permission in the absence of other facts and circumstances warranting denial:

(1) *Clerical or typographical errors.* Clerical or typographical errors in tariff publications constitute grounds for approving applications for Special Tariff Permission to file on less than thirty days' notice the tariff changes necessary to correct such errors. Each application for Special Tariff Permission based on such grounds shall plainly specify the errors and contain a complete statement of all the attending facts and circumstances, and such application shall be presented to the Board with reasonable promptness after issuance of the defective tariff publication.

(2) *Rejection caused by clerical or typographical errors or illegibility.* Rejection of a tariff publication caused by illegible printing (in matter reissued without change) or by clerical or typographical errors constitutes grounds for approving applications for Special Tariff Permission to file on less than thirty days' notice, effective not earlier than the original effective dates in the rejected publication, all changes contained in the rejected publication but with the errors corrected. Each application for the grant of Special Tariff Permission based on such grounds shall plainly specify the errors and contain a complete statement of all the attending facts and circumstances, and such application shall be filed with the Board within five days after receipt of the Board's notice of rejection.

(3) *Incorrect page cancellation caused by rejection of prior issue.* When a revision of a loose-leaf page bears incorrect page cancellation because it was submitted prior to receipt of the notice of rejection of a prior issue of such page, such circumstances constitute grounds for approving an application for Special Tariff Permission to file amendments on less than thirty days' notice for the purpose of effecting adjustment of the page cancellation and to show "(Issued in lieu of ____ rejected by C.A.B.)" to be made effective on the effective date of the revision bearing the incorrect page cancellation.

(4) *Newly authorized transportation.* The fact that the Board has newly authorized a carrier to perform air transportation constitutes grounds for approving applications for Special Tariff Permission to file on less than thirty days' notice the fares, rates, and other tariff provisions covering such newly authorized transportation.

(c) *Competition not grounds for approval.* The desire to meet rates, fares, or other tariff provisions of a competing carrier which have been filed on thirty days' notice will not of itself be regarded as good cause for permitting changes in rates, fares, or other tariff provisions on less than thirty days' notice.

(d) *Filing notice required by formal order.* When a formal order of the Board requires the filing of tariff matter or publications on a stated number of days' notice, an application for Special Tariff Permission to file on less notice will not be approved. In any such instance a petition for modification of the order should be filed in the formal docket.

32. By adding new § 221.191 (c) and (d) to read as follows:

§ 221.191 How to prepare and file applications for Special Tariff Permission.

* * * * *

(c) *Who may make application.* Applications for Special Tariff Permission to file rates, fares, or other tariff provisions on less than thirty days' notice shall be made only by the issuing carrier or agent authorized to issue and file the proposed tariff publication. Such application by the issuing carrier or agent will constitute application on behalf of all carriers participating in the proposed rates, fares, or other tariff provisions.

(d) *More than one tariff.* Where the same special circumstances or unusual conditions are relied upon as justifying Special Tariff Permission involving amendments of more than one tariff, the applicant may file one application covering the proposed amendments of all tariffs involved or an individual application for each tariff involved. Since one tariff may present a problem not encountered in the other tariffs, the filing of individual applications may preclude delay in the processing of applications other than the one with respect to the tariff to which the problem pertains. Passenger tariff amendments shall not be included in the same application with property tariff amendments.

33. By adding a new § 221.193 to read as follows:

§ 221.193 Re-use of Special Tariff Permission when publication is rejected.

If a tariff publication containing matter issued under Special Tariff Permission is rejected, the same Special Tariff Permission may be used in a tariff publication issued in lieu of such rejected publication provided that such re-use (a) is not precluded by the terms of the Special Tariff Permission, and (b) is made within the time limit thereof or within seven days after the date of the Board's notice of rejection, whichever is later, but in no event later than fifteen days after the expiration of the time limit specified in the Special Tariff Permission.

34. By adding a new § 221.194 to read as follows:

§ 221.194 Reference to Special Tariff Permission on tariff publications.

The terms of Special Tariff Permissions require that tariff publications filed pursuant thereto shall bear reference to the Special Tariff Permission substantially in the following form:

Issued on ____ days' notice under Special Tariff Permission. No. ____ of the Civil Aeronautics Board.

At the election of the publisher, the Board's Special Tariff Permission number may be omitted from such notation on the tariff publication provided that:

(a) The Special Tariff Permission number is shown in the letter of tariff transmittal in connection with the listed tariff publication containing matter issued under such permission, and

(b) The Special Tariff Permission application number of the issuing carrier or agent is shown in the notation on the tariff publication in the following manner:

Issued on ____ days' notice under Special Tariff Permission of the Civil Aeronautics Board. (Appl. No. _____)

Publishers should elect to omit the Special Tariff Permission number from the tariff publication only when publication and filing will be expedited since it is preferable that the Special Tariff Permission number be shown on the tariff publication.

35. By amending § 221.223 by redesignating paragraphs (d), (e), (f), and (g) as paragraphs (e), (f), (g), and (h), respectively, and adding a new paragraph (d) as follows:

§ 221.223 Procedure for alternate agent to assume the duties of and take over tariffs of the principal agent.

* * * * *

(d) *Revised title pages to be filed by alternate.* Simultaneously with the filing of take-over supplements pursuant to § 221.223(c), the alternate agent shall file, on lawful notice, a revised title page to each effective loose-leaf tariff of the principal agent for the purpose of specifically showing the name and title of the alternate agent in lieu of the principal agent's name and title wherever the latter appears on the title page.

* * * * *

36. By amending § 221.224 by redesignating current paragraphs (c), (d), and (e) as paragraphs (d), (e), and (f), respectively, and adding a new paragraph (c) as follows:

§ 221.224 Procedure for having new principal agent assume the duties of and take over tariffs of another agent.

* * * * *

(c) *Revised title pages to be filed by new principal agent.* Simultaneously with the filing of take-over supplements pursuant to § 221.224(b), the new principal agent shall file, on lawful notice, a revised title page to each effective loose-leaf tariff of the former agent for the purpose of specifically showing the name and title of the new principal agent in lieu of the former agent's name and title wherever the latter appears on the title page.

* * * * *

37. By amending § 221.231 to read as follows:

§ 221.231 Adoption supplements and revised title pages to be filed to former carrier's tariffs.

At the same time that the adoption notice is issued, posted, and filed pursuant to § 221.230, the adopting carrier shall issue, post and file with the Board:

(a) A consecutively numbered supplement to each effective tariff (looseleaf or book) issued by the former carrier which shall be prepared in accordance with the form set forth in § 221.247 and shall contain no matter other than that required by the prescribed form, and

(b) A revised title page, on lawful notice, to each effective looseleaf tariff issued by the former carrier for the purpose of specifically showing the name of the adopting carrier in lieu of the former carrier's name wherever the latter appears on the title page.

38. By amending reference (4) to § 221.240(b) to read as follows:

§ 221.240 Letter of tariff transmittal.

* * * * *

(b) *Explanations of referencc marks.* * * *

* * * * *

(4) Omit the paragraph if no carriers other than the issuing carrier participate in the publication filed. Omit the clause beginning with the word "except" if all concurrences or powers of attorney have been previously filed with the Board.

* * * * *

39. By amending reference (4) to § 221.241(b) to read as follows:

§ 221.241 Application for Special Tariff Permission.

* * * * *

(b) *Explanation of reference marks shown in prescribed form.* * * *

* * * * *

(4) Show the tariff publication(s) in which the proposed provisions will be published and the publication(s) to be canceled thereby, using whichever of the following forms of reference is appropriate:

(i) "------ Revised Page ------ (which will cancel Original Page ------, or ------ Revised Page ------) of C.A.B. No. ------."

(Or, in lieu of the above form of reference)

"Consecutive revision(s) of page(s) ---- of C.A.B. No. ----."

(ii) "Original Page(s) ------ to be added to C.A.B. No. ------."

(iii) "Consecutively numbered supplement (which will cancel Supplement No. ------) to C.A.B. No. ------."

(iv) "New tariff C.A.B. No. ------ which will cancel tariff C.A.B. No. ------."

* * * * *

40. By amending reference (6) to § 221.243(b) to read as follows:

§ 221.243 Notice of Revocation of Concurrence.

* * * * *

(b) Explanations of reference marks. * * *

* * * * *

(6) If the carrier is a corporation (or similar entity), the revocation shall be attested by the secretary (or similar officer) thereof and the carrier's corporate seal shall be affixed thereto. If the carrier is a foreign carrier and its concurrence which is being revoked does not bear such attestation and seal, the revocation of such concurrence is not required to bear such attestation and seal.

* * * * *

41. By amending reference (8) to § 221.244(b) to read as follows:

§ 221.244 Power of attorney.

* * * * *

(b) *Explanations of reference marks.* * * *

* * * * *

(8) If the carrier is a corporation (or similar entity) the power of attorney shall be attested by the secretary (or similar officer) thereof and the carrier's corporate seal shall be affixed thereto. If the carrier is a foreign carrier and, under the laws of the carrier's native country, such seal and attestation are not required to authenticate the document, affixing the seal and attesting the document is not required, provided that such carrier or its agent certifies to the Board in writing that the laws of the carrier's native country do not require such attestation and seal to authenticate such powers of attorney.

42. By amending reference (7) to § 221.245(b) to read as follows:

§ 221.245 Notice of Revocation of Power of Attorney.

* * * * *

(b) *Explanation of reference marks.* * * *

* * * * *

(7) If the carrier is a corporation (or similar entity), the revocation shall be attested by the secretary (or similar officer) thereof and the carrier's corporate seal shall be affixed thereto. If the carrier is a foreign carrier and its power of attorney which is being revoked does not bear such attestation and seal, the revocation of such power of attorney is not required to bear such attestation and seal.

* * * * *

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply section 403, 72 Stat. 758; 49 U.S.C. 1373)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 64-8535; Filed, Aug. 21, 1964; 8:46 a.m.]

[Reg. No. ER-414]

PART 288—EXEMPTION OF AIR CARRIERS FOR SHORT NOTICE MILITARY CONTRACTS AND SUBSTITUTE SERVICE

North Pacific Routing; Services to Puerto Rico

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 19th day of August 1964.

By ER-403 dated April 17, 1964, 29 F.R. 5389, we reduced the Part 288 minimum rates for Military Air Transport Service (MATS) all-cargo charters effective July 1, 1964. This reduction was based essentially on cost data earlier compiled in connection with a general reduction in the Part 288 minimums effected by ER-401 dated February 28, 1964, 29 F.R. 2938.

In ER-403 we noted that The Flying Tiger Line Inc. (FTL) had challenged the validity of the reduced minimum cargo rates for operations across the North Pacific, contending that North Pacific operations were more costly than those over Mid-Pacific routings. At that time, we rejected FTL's contention on the ground that it was not supported with sufficient factual data upon which to determine the amount of cost differential.

On May 6, 1964, FTL petitioned for reconsideration of our action in ER-403, and accompanied the petition with economic data purporting to justify a rate differential of 2 cents per ton-mile in the one-way rate in favor of North Pacific operations.

Upon consideration of the matters submitted by FTL we have concluded that a showing has been made to the effect that North Pacific operations are more costly and justify special treatment. However, we do not believe that sufficiently definitive data have been submitted to justify a differential of the dimensions requested by FTL. Rather, it appears that FTL may have overestimated the extent of additional cost on a North Pacific routing, and in the absence of less conjectural data, the Board has determined that not more than a 1.0 cent per ton-mile differential can be justified at this time.

FTL has attempted to show the dimensions of the North Pacific cost differential by comparing its North Pacific costs to those of The Slick Corporation (Slick) which operates exclusively over a Mid-Pacific route. It then attempts to separate those differences which may be attributed to its North Pacific routing from those which are due to other factors. Essentially FTL contends that the North Pacific routing results in higher costs in three respects, i.e., crew, fuel and maintenance costs. The following table shows FTL's cost estimates.

FTL'S COMPARISON OF PLANE MILE COSTS MID-PACIFIC VS. NORTH PACIFIC

	FTL	Slick	Difference due to North Pacific routes	Difference due to other factors
	Cents	*Cents*	*Cents*	*Cents*
Crew	41.18	32.14	7.60	1.44
Fuel	34.60	28.92	5.68	
Maintenance	77.41	48.80	19.04	9.57
Total	153.19	109.86	32.32	11.01

Thus FTL's data show a total cost differential of 43.33 cents of which 32.32 cents is alleged to represent the amount attributable to FTL's North Pacific routing and 11.01 cents to other factors. Applying the CL-44 ACL of 29.35 tons to the 32.32 cents alleged to be due to greater North Pacific costs results in an increased round-trip ton-mile cost of 1.1 cents. This is the basis for FTL's requested 2.0 cents increase in the one-way rate.

FTL's present estimate of its own North Pacific costs and Slick's Mid-Pacific costs may be compared to the estimated system costs upon which ER-401 was based. Such a comparison is set forth in the following table:

COMPARISON OF FTL'S PRESENT PLANE MILE COST ESTIMATES TO THOSE IN ER-401

	FTL		Slick	
	FTL's present estimate	ER-401 estimate	FTL's present estimate	ER-401 estimate
	Cents	*Cents*	*Cents*	*Cents*
Crew	41.18	32.96	32.14	33.20
Fuel	34.60	30.97	28.92	30.14
Maintenance	77.41	90.52	48.80	58.85
Total	153.19	154.45	109.86	122.19

It is interesting to note that FTL's total cost in the three areas mentioned is only slightly less than what we estimated for FTL on a system basis in ER-401. On the other hand, FTL's present estimate of Slick's Mid-Pacific cost in these three areas is substantially below our estimate in ER-401. It appears for one thing that Slick's low unit costs are due in part to FTL's having used total miles rather than revenue miles in computing the unit cost. It thus appears clear that Slick's costs, as estimated by FTL, are somewhat understated.

If we take FTL's present estimate of its North Pacific cost for fuel, crew and maintenance of 153.19 cents per plane-mile and subtract Slick's cost as estimated in ER-401 of 122.19 cents per plane-mile, and then further subtract 11.01 cents[1] per plane-mile which FTL avers is due to reasons other than North Pacific Mid-Pacific differences, we get a total differential of 19.99 cents per plane-mile or 0.68 cent per ton-mile. This is, of course, substantially below FTL's estimate of a 1.1 cents cost differential. On a one-way basis, reflecting a yield of 91 percent of the yield for round-trip charters as adopted in ER-401, the differential would be 1.24 cents per ton-mile, compared with FTL's assumptions of 2 cents.

The purpose of the above calculation is to show that the data presently before us appear to point to a cost differential of lesser dimensions than that computed by FTL. In other words the available data, while not pinpointing the precise amount of the differential, indicate that FTL has estimated a differential at the upper end of the indicated range.

FTL itself concedes that much of the cost differences are difficult to estimate and "defy a scientific 'audit-proof' basis of calculation." In view of the lack of more definitive figures, we believe that an increase in the minimum of 1.0 cent per ton-mile for one-way North Pacific services would be justified. This 1.0 cent increase represents our best judgment as to the amount that can be reliably attributed to higher North Pacific costs on the basis of data available to us now. Accordingly we are increasing the round-trip rate by 0.5 cent and the one-way rate by 1.0 cent for North Pacific operations.

The general reductions in Part 288 minimums effected by ER-401 were not made applicable to services in three specified areas where only piston powered aircraft were to be used. It has since come to our attention that services to Puerto Rico are also being conducted with piston aircraft, and that the higher minimums should be made applicable to these piston services. Accordingly, Puerto Rico will be added to the areas in § 288.7(a)(6).

The amendments adopted herein affect only a limited number of persons. No answers have been filed to FTL's petition for reconsideration. In addition the amendments do not impose a burden on any person and therefore the Board finds that there is good cause for making them effective on less than 30 days' notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 288 of its Economic Regulations (14 CFR Part 288) effective September 1, 1964, as follows:

1. Amend § 288.1 to add a new definition of "North Pacific routing" immediately after the definition of "MATS" to read as follows:

§ 288.1 Definitions.

* * * * *

"North Pacific routing" means a route between a point in the 48 contiguous states and Japan via Alaska.

* * * * *

2. Amend § 288.7(a) (5) and (6) to read as follows:

§ 288.7 Reasonable level of compensation.

* * * * *

(a) * * *

(5) For services performed on and after July 1, 1964, other than services specified in subparagraphs (6) and (7) of this paragraph:

(i) All round trips on which passengers are carried on at least one segment thereof—2.55 cents per passenger-mile.

(ii) Round-trip cargo services—10.5 cents per cargo ton-mile, except that insofar as such services take place after September 1, 1964, and the payment is computed on a North Pacific routing, the compensation shall not be less than 11 cents per cargo ton-mile.

(iii) One-way passenger and mixed passenger-cargo services—4.2 cents per passenger-mile.

(iv) One-way cargo services—19.0 cents per cargo ton-mile, except that insofar as such services take place after September 1, 1964, and the compensation is computed on a North Pacific routing, the rate shall not be less than 20 cents per cargo ton-mile.

Provided, That, subject to the provisions of paragraph (b) of this section, the minimum rates specified above shall not be applicable to the passengers or cargo carried on a particular trip in excess of the amount that the contract calls for MATS to supply and the carrier to provide space.

(6) For services performed on and after March 1, 1964, other than services specified in subparagraph (7) of this paragraph, within the State of Alaska; between the State of Hawaii, Midway, Johnston, Kwajalein, or Eniwetok; between Japan, Guam, Okinawa, Formosa, or the Philippines; to or from the Canal Zone; or, after September 1, 1964, to or from Puerto Rico:

(i) Round-trip passenger services—2.75 cents per passenger-mile.

(ii) Round-trip cargo services—12.5 cents per cargo ton-mile.

(iii) One-way passenger services—4.2 cents per passenger-mile.

(iv) One-way cargo services—21.5 cents per cargo ton-mile.

Provided, That, a minimum of 15.0 cents per cargo ton-mile shall apply to segments of round trips on which cargo is carried, in cases where passengers are carried on one or more other segments of the round trip.

Provided further, That, subject to the provisions of paragraph (b) of this section, the minimum rates specified above shall not be applicable to passengers or cargo carried on a particular trip in excess of the amount that the contract calls for MATS to supply and the carrier to provide space.

* * * * *

(Secs. 204(a) and 416 of the Federal Aviation Act of 1958; 72 Stat. 743, 771; 49 U.S.C. 1324, 1386)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 64-8561; Filed, Aug. 21, 1964; 8:49 a.m.]

[1] This difference may be less or greater in respect to the ER-401 estimate for Slick. In view of the higher level shown in the ER-401 estimate it may well be higher.

SUBCHAPTER E—ORGANIZATION REGULATIONS

[Reg. No. OR-11]

PART 385—DELEGATIONS AND REVIEW OF ACTION UNDER DELEGATION: NON-HEARING MATTERS

Subpart B—Delegation of Functions to Staff Members

Subpart C—Procedure on Review of Staff Action

MISCELLANEOUS AMENDMENTS

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 17th day of August 1964.

By notice of proposed rule making issued March 27, 1964, EDR-15B and ODR-2, Dockets 11618 and 11785, and published at 29 F.R. 4724, the Board advised of its intention to effect a comprehensive revision of Part 221 pertaining to the construction, publication, filing and posting of tariffs of air carriers and foreign air carriers. In addition to proposing amendments to Part 221, the Board proposed two collateral amendments to Part 385 of the Board's Organization Regulations relating to the review of action taken under delegated authority, and the placing of minor limitations on the rejection power under delegated authority. Although amendments of the Organization Regulations could have been issued as a final regulation without public notice, the Board decided to request comments from interested persons with respect to the proposed amendments of the Economic Regulations and of the Organization Regulations. No comments were received concerning the proposed amendments of the Organization Regulations. The Board, therefore, has adopted them as set forth in the notice referred to above.

The Board, simultaneously with the adoption of OR–11, is adopting in ER–413 amendments to Part 221, with certain modifications, which were proposed in EDR–15B.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 385 of the Organization Regulations (14 CFR Part 385), effective September 21, 1964, as follows:

1. By amending § 385.15(a) to read as follows:

§ 385.15 **Delegation to the Chief, Tariffs Section, Rates Division, Bureau of Economic Regulation.**

(a) Reject any tariff, supplement, or revised page which is filed by any United States air carrier or by any foreign air carrier, and which is subject to rejection because it is not consistent with section 403 of the Act or with Part 221 of the Board's Economic Regulations (14 CFR Part 221). Where a tariff, supplement or loose-leaf page is filed on more than sixty days' notice and is not rejected within the first thirty days commencing with and counting the filing date, it shall not be rejected after such thirty-day period under this delegated authority unless the issuing carrier or agent is given an opportunity to remove the cause for rejection by the effective date, upon Special Tariff Permission if necessary, and fails to take such corrective action.

* * * * *

2. By amending § 385.53 to read as follows:

§ 385.53 **Review by the staff.**

Where a petition for review is duly filed, the staff member may, upon consideration of all documents properly filed, reverse his decision. Except in the case of hearing examiners, action taken by a staff member other than a bureau director or office head may be reversed by the respective bureau director or office head who is in the supervisory chain of command with respect to the staff member who took the initial action. If the initial action is reversed, the petition for review will not be submitted to the Board. Staff action reversing the initial action shall be subject to petition for Board review as any other staff action.

(Sec. 204(a) of the Federal Aviation Act of 1958, 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply Section 1001 of the Act, 72 Stat. 788; 49 U.S.C. 1481, and Reorganization Plan No. 3 of 1961, 75 Stat. 837; 49 U.S.C. 1324 note)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 64–8536; Filed, Aug. 21, 1964; 8:46 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 6168; Amdt. 799]

PART 507—AIRWORTHINESS DIRECTIVES

Boeing Models 707 and 720 Series Aircraft

Amendment 731, 29 F.R. 6614, AD 64–11–1, requires inspection of the wing spar chords on Boeing 707 and 720 series aircraft and repair if any cracks are found. It has now been determined that the aircraft may safely be continued in service with certain minor cracks in limited areas of the wing spar chords. Accordingly, AD 64–11–1 is being amended to permit continued operation of aircraft with certain minor cracks provided they are inspected at more frequent intervals.

Since this amendment imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is amended as follows:

Amendment 731, 29 F.R. 6614, AD 64–11–1, Boeing Models 707 and 720 series aircraft, is amended by:

1. Changing paragraph (a)(3) to read:

(1) If crack indications are found as a result of the inspection described in (a)(1) or (a)(2), remove fastener and confirm indication by eddy current inspection or dye penetrant inspection before further flight and comply with the following:

(i) If a crack less than 1.75 inches long is confirmed and is confined to the horizontal leg to which the skin is attached, repair the horizontal leg of the chord in accordance with Boeing Repair Drawing 65–40140 before further flight, except that if the crack extends only from a forward fastener hole to the forward edge of the spar chord; continued operation is permissible provided repeat X-ray inspection in accordance with (a)(2) are accomplished at intervals not to exceed 50 hours' time in service until the repair is accomplished. In this latter case, however, if any crack growth is revealed as result of these inspections, the repair must be accomplished before further flight.

(ii) If the crack is more than 1.75 inches long or extends into the vertical leg of the chord, incorporate the entire repair of the chord in accordance with Boeing Repair Drawing 65–40140, or an equivalent approved by the Aircraft Engineering Division, FAA Western Region, before further flight.

2. Change the words "Engineering and Manufacturing Branch" to "Aircraft Engineering Division" wherever it appears in the AD.

3. Change the parenthetical reference statement to read:

(Boeing Service Bulletin No. 1964(R–3) and No. 1964(R–3) A cover this same subject.)

This amendment shall become effective August 22, 1964.

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

Issued in Washington, D.C., on August 18, 1964.

JAMES F. RUDOLPH,
Acting Director,
Flight Standards Service.

[F.R. Doc. 64–8515; Filed, Aug. 21, 1964; 8:45 a.m.]

[Reg. Docket No. 6056; Amdt. 800]

PART 507—AIRWORTHINESS DIRECTIVES

Sud Aviation Caravelle Models III and VIR Aircraft

A proposal to amend Part 507 of the Regulations of the Administrator to include an airworthiness directive requiring the replacement of aluminum fuel lines with stainless steel tubing in the main landing gear wheel wells, the installation of fusible plugs and the installation of protective shrouds over the electric wiring and fuel lines on Sud Aviation Caravelle Models III and VIR aircraft was published in 29 F.R. 8148.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

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

SUD AVIATION. Applies to Caravelle Models III and VIR aricraft.

Compliance required as indicated.

As a result of a landing gear malfunction which resulted in landing gear interference with the aluminum fuel lines and electric wiring in the wheel wells, accomplish the following modifications:

(a) Within 300 hours' time in service after the effective date of this AD, install 3 fusible plugs in each main landing gear wheel hub on all Model III aircraft except aircraft with Serial Numbers 170, 177, and higher as provided for in Hispano Suiza Aero Service Bulletin III, section 1, No. 46, dated December 2, 1963.

(b) Within 6,000 hours' time in service after the effective date of this AD, remove existing aluminum alloy fuel lines in the main landing gear wheel well and replace them with stainless steel tubing in all Models III and VIR aircraft except aircraft with Serial Numbers 136, 160, 171, and higher, as provided for in Sud Service Bulletin 28–31 dated February 12, 1964, or FAA approved equivalent.

(c) Within 6,000 hours' time in service after the effective date of this AD, install protective shrouds over electric wiring and fuel lines in the main landing gear wheel wells on all Model III aircraft except aircraft with Serial Numbers 172 and higher as provided for in Sud Service Bulletin 53–35 dated May 4, 1964, or FAA approved equivalent.

(Sud Service Bulletins 28–31 dated February 12, 1964, 53–35 Revision 1 dated May 4, 1964, and Hispano Suiza Service Bulletin 111, Section 1, No. 46 dated December 2, 1963, pertain to this same subject.)

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

This amendment shall become effective September 21, 1964.

Issued in Washington, D.C., on August 18, 1964.

JAMES F. RUDOLPH,
Acting Director,
Flight Standards Service.

[F.R. Doc. 64–8516; Filed, Aug. 21, 1964; 8:45 a.m.]

Title 46—SHIPPING

Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[Appendix; Foreign Transfer Policy (Rev.)]

PART 221—DOCUMENTATION, TRANSFER OR CHARTER OF SHIPS

Restatement of Policy

The Maritime Administration in the Department of Commerce announces that the foreign transfer policy contained in the original policy statement issued on November 8, 1956 (21 F.R. 8588) and amendments to the original policy dated June 18, 1957 (22 F.R. 4289), September 17, 1957 (22 F.R. 7397), August 6, 1958 (23 F.R. 5956), February 2, 1960 (25 F.R. 871) and November 15, 1960 (Press Release, MA NR 60–81) will be terminated on August 19, 1964.

The following statement of policy relating to vessels of 3,000 gross tons and over will become effective simultaneously with the above termination. However, the Maritime Administrator reserves the right, without public notice, to modify or rescind any of the policy, terms or conditions set out below if, in his judgment, the circumstances warrant such change.

APPENDIX

I. TRANSFER OF U.S. PRIVATELY OWNED VESSELS TO FOREIGN REGISTRY OR OWNERSHIP OR BOTH

Each application for the transfer to foreign registry or ownership or both of any vessel of 3,000 gross tons and over will be evaluated on its individual merits with consideration being given to the following:

(1) The type, size, speed, general condition, and age of the vessel;

(2) The acceptability of the foreign buyer and country of registry; and

(3) The need to retain the vessel under U.S. flag or ownership for the purposes of national defense, maintenance of an adequate merchant marine, foreign policy of the United States, and the national interest.

II. CONDITIONS OF APPROVAL

The Maritime Administration's approval of transfer of vessels of 3,000 gross tons and over to foreign ownership or registry, or both, under sections 9 or 37 or both of the Shipping Act, 1916, as amended (whether such transfer is for operation or scrapping), shall be subject to the terms and conditions hereinafter stated.

If the vessel is being transferred for foreign flag operation, the terms and conditions shall run with the title to the ship and shall remain in effect for the period of the remaining economic life of the ship or for the duration of the national emergency proclaimed by the President on December 16, 1950, whichever period is longer. The economic life of a ship for the purpose of this statement of policy is 25 years from the date the vessel was delivered by the shipbuilder. This period will be extended another five years or such other period of time approved by the Maritime Administrator if the vessel is converted or jumboized. The terms and conditions are as follows:

A. Transfer of vessels of 3,000 gross tons and over to either foreign ownership or registry or both, and new ship construction for foreign-flag ownership and registry.

(1) *Ownership.* (a) Without the prior approval of the Maritime Administration, there shall be no transfer in the ownership or change in the registry of such vessel.

(b) Without the prior approval of the Maritime Administration, there shall be no transfer of stock interest in the foreign corporate contractor to persons not citizens of the United States (within the meaning of Section 2 of the Shipping Act, 1916, as amended). However, transfers of such stock or changes in ownership resulting from the death of any stockholder or owner are not subject to this condition. Notification of any such transfer of stock or ownership occurring by reason of death shall be filed with the Maritime Administration within 60 days from the date of the transfer of stock or change of ownership.

(2) *Availability.* The vessel, whether owned by the foreign contractor or any subsequent transferee, shall, if requested by the United States or any qualified department or agency thereof, be sold or chartered to the United States on the same terms and conditions upon which a ship owned by a citizen of the United States could be requisitioned for purchase or charter as provided for in Section 902 of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1242). If the transfer of the vessel is to the flag of a country that is a member of the North Atlantic Treaty Organization (NATO), the Administrator will consider this condition satisfied if the vessel upon request is made available to a NATO country.

(3) *Trade.* (a) The vessel shall not engage in trade prohibited to U.S.-flag vessels under Department of Commerce Transportation Orders T–1 and T–2, as amended, or any modification thereof;

(b) The vessel shall not be chartered to aliens on a demise or bareboat basis without the prior approval of the Maritime Administration; and

(c) The vessel shall not be chartered to aliens for carriage of cargoes of any kind to or from the Soviet Union, Latvia, Lithuania, Estonia, Poland, Czechoslovakia, Hungary, Rumania, Bulgaria, Albania, North Korea, the Soviet Zone of Germany, Manchuria, Communist China, the Communist-controlled area of Vietnam, or Cuba, without the prior approval of the Maritime Administration.

(4) *Default.* In the event of default under conditions 1 or 2 or 3 above, the vessels approved for transfer shall be subject to the penalties imposed by Section 41 of the Shipping Act, 1916, as amended (46 U.S.C. 839). Pursuant to the provisions of Section 38 of the Shipping Act, 1916, as amended (46 U.S.C. 836), the Maritime Administrator may remit the forfeiture of the vessel provided for in Section 41 of the Shipping Act, 1916, as amended (46 U.S.C. 839), upon such conditions as may be required under the circumstances of the particular case, including the payment of a sum in lieu of forfeiture and the execution of a new agreement containing substantially the same conditions set forth above which will be applicable to the vessel for the remaining period of the original agreement. In order to secure the payment of any such sum of money, a foregin contractor owned or controlled by foreign citizens shall agree by way of a contract approved as to form by the General Counsel of the Maritime Administration to comply with the above conditions and to provide a United States commercial surety bond or other surety acceptable to the Maritime Administrator for an amount ranging from $25,000 to $250,000 depending upon the type, size and condition of the vessel. "Other surety" may be any one of the following:

(a) An irrevocable letter of credit from a United States bank;

(b) United States Government bonds;

(c) The written guarantee of a friendly government of which the foreign buyer is a national;

(d) A written guarantee or penal bond by a United States corporation which is found to be financially qualified to service the undertaking to pay the stipulated amount; or

(e) a foreign surety bond or guarantee of a foreign bank, if endorsed by a United States corporate surety company or a United States bank which would be responsible to the Maritime Administration.

If the foreign contractor is owned or controlled by U.S. citizens, the foreign contractor and its principal U.S. citizen owners shall agree in form satisfactory to the General Counsel, Maritime Administration, to pay an amount ranging from $25,000 to $250,000, such agreement to be secured by the written guarantee of said parties, or other form of guarantee, as may be required by the Maritime Administration.

B. The sale of U.S. privately-owned vessels of 3,000 gross tons and over to foreign buyers for scrapping abroad.

(1) *Ownership.* The vessel or any interest therein shall not be sold without the prior written approval of the Maritime Administration.

(2) *Time within which to be scrapped.* Within a period of 18 months from the date of approval of the sale, the hull of said vessel shall be completely scrapped, dismantled, dismembered, or destroyed in such manner and to such extent as to prevent the further use thereof, or any part thereof, as a ship, barge, steamship, or any other means of transportation.

(3) *Distribution of scrap material.* The scrap resulting from the demolition of the hull of the vessel, the engines, machinery, and major items of equipment shall not be sold to, or utilized by, any noncitizen of the United States residing in the Soviet Union, Latvia, Lithuania, Estonia, Poland, Czechoslovakia, Hungary, Rumania, Bulgaria, Albania, North Korea, the Soviet Zone of Germany, Manchuria, Communist China, the Communist-controlled area of Vietnam, or Cuba. Such scrap shall not be exported to these countries. In addition, the engines, machinery and major items of equipment shall not be exported to destinations within the United States.

(4) *Default.* In the event of default under any or all of (1), (2), and (3) above, the contractor shall pay to the Maritime Administration, Department of Commerce, without prejudice to any other rights which the United States may have, as liquidated damages and not as a penalty, the sum of not less than $25,000, depending upon the size, type and condition of the vessel. This payment shall be secured by a surety company bond or other guarantee satisfactory to the Maritime Administration. "Other guarantee" may be one of those set out in section A(4) of this statement of policy.

(5) *Evidence of scrapping and destination of scrap materials.* There shall be filed with the Maritime Administration a certificate or other evidence satisfactory to its General Counsel, duly attested and authenticated by a United States Consul that the scrapping of

the vessel (hull only) and disposal or utilization of the resultant scrap, the engines, machinery and major items of equipment have been accomplished in the manner prescribed by this section.

C. Resident agent in the United States to accept service of process for foreign transferee.

All foreign transferees, whether corporate entities, associations, companies, partnerships, individuals, or joint ventures, which or who have been granted approval by the Maritime Administration pursuant to Sections 9 or 37 or both of the Shipping Act, 1916, as amended (46 U.S.C. 808 and 835), shall, prior to the issuance and delivery of the Transfer Order covering the ship or ships to be transferred, appoint and designate a resident agent in the United States to receive and accept service of process or other notice in any action or proceeding instituted by the United States of America relating to any claim arising out of the approved transaction. This appointment and designation of the resident agent shall not be terminated, revoked, amended or altered without the prior written consent and approval of the Maritime Administration. The resident agent designated and appointed by the foreign transferee shall be subject to approval by the Maritime Administrator. To be acceptable, the resident agent must maintain a permanent residence in the United States, shall be a banking or lending institution, or a ship operating or shipowning company incorporated under the laws of the United States, or a U.S. corporation which is satisfactory from the standpoint of known integrity and responsibility. No individual will be accepted as a resident agent.

The foreign transferee shall file with the Maritime Administration a written copy of the appointment of the resident agent, which copy shall be fully endorsed by the resident agent that it accepts the appointment, that it will act thereunder and that it will notify in writing the Maritime Administration in the event it is disqualified from so acting by reason of any legal restrictions. If a corporation is selected and approved as resident agent, service of process or notice upon any officer, agent, or employee of the corporation at its principal place of business would constitute effective service on, or notice to, the foreign transferee.

The subsequent transfer of ownership or registry of vessels which have been transferred to either foreign ownership or registry or both subject to Maritime Administration contractual control, as set forth above, will be subject to substantially the same Maritime Administration policy that governed the original transfer and sale, including such changes or modifications that have subsequently been made and continued in effect. Approval of these subsequent transfers will be subject to the same terms and conditions governing the transfer and sale of U.S. flag vessels to foreign registry or ownership or both at the time of the subsequent transfer.

The completion of all approved transactions, either by virtue of Sections 9, 37 and 41 of the Shipping Act, 1916, as amended (46 U.S.C. 808, 835 and 839), or the Maritime Administration's contract with the foreign owner, will be authorized by notification in the form of a Transfer Order to all interested parties, upon the receipt of the executed contract, the required bond or other surety, and other supporting documents required by said contract.

In order that the Maritime Administration's records may be maintained on a current basis, the owner or transferee of the ship is required to notify the Maritime Administration of the date and place where the approved transaction was completed, and the name of the vessel, if changed. This information relating to the completion of the transaction and the change in name should be furnished to the Maritime Administration as soon as possible, but not later than ten days after the same has occurred.

III. VESSELS UNDER 3,000 GROSS TONS

Generally, the Maritime Administration will grant approvals required by Sections 9 or 37 or both of the Shipping Act, 1916, as amended, of vessels of under 3,000 gross tons provided the vessel is not needed for reasons of national defense and provided also that the foreign buyer and country of registry are acceptable to the Maritime Administration. Except in unusual circumstances, no conditions will be imposed.

Dated: August 19, 1964.

J. W. GULICK,
Acting Maritime Administrator.

[F.R. Doc. 64-8580; Filed, Aug. 21, 1964; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 16]

SPANISH PIMIENTOS IN TINS

Proposed Schedule of Drained Weights

Notice is hereby given pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that under the authority of sections 507 and 624 of the Tariff Act of 1930 (19 U.S.C. 1507, 1624), it is proposed to amend § 16.6(c) of the Customs regulations to provide for adoption of certain specified average drained weights for pimientos in various sizes of tins imported from Spain. In liquidations of entries, the adopted weight would represent the dutiable weight of the contents, the difference between the total weight of the contents and the drained weights being the allowance made for tare for the water.

Pimientos in tins are bought and sold by net weight which includes added water. In most instances entry is made at such commercial net weight or at a drained weight estimated by the importer.

Upon liquidation, duties may be reduced or advanced from estimated deposits, dependent upon the dutiable weight determined from tests of samples taken from each shipment. This proposal would provide an equitable basis for determining weight to the mutual benefit of importers and the Government.

To obtain the average drained weights, the contents of one three kilo size tin and six tins of each other size from each packer's first shipment in four successive crop years were drained in a suitable collander for not less than two minutes. The drained pimientos then were weighed to the closest one-quarter ounce. The averages of the test results are reflected in the drained weights proposed for adoption.

Should occasional customs sampling and testing of future import shipments disclose variations between verified actual drained weights and those adopted, the differences will be evaluated with a view to possible modification of the adopted schedule drained weights.

It is proposed to amend the regulations as set forth below:

In Part 16—Liquidation of duties, the heading of § 16,6 is amended to read "Tare; dutiable weights."

Section 16.6(c) is amended as follows: The first sentence is amended by substituting "the average for certain classes of merchandise" for "the average weight of coverings of certain classes of merchandise" and by inserting in the proper alphabetic order the following:

Pimientos in tins imported from Spain.—

Size can	*Drained weights*
3 kilos	30 pounds—case of 6 tins.
28 oz	36.72 pounds—case of 24 tins.
15 oz	17.72 pounds—case of 24 tins.
7 oz	8.62 pounds—case of 24 tins.
4 oz	5.33 pounds—case of 24 tins.

Such schedule drained weight shall be used as the customs dutiable weight in the liquidation of entries, the difference between the weight of the net contents of pimientos in tins and such drained weight being the allowance made in liquidation for tare for water.

Consideration will be given in the disposition of this proposal to any relevant data, views, suggestions or objections which are submitted in writing to the Commissioner of Customs, Bureau of Customs, Washington, D.C., 20226, within 30 days from the date of publication of this notice in the FEDERAL REGISTER. No hearing will be held.

[SEAL] PHILIP NICHOLS, JR.,
Commissioner of Customs.

Approved: August 13, 1964.

JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 64-8543; Filed, Aug. 21, 1964; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 141]

FORESTS

Notice of Proposed Rule Making

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Revised Statutes, sections 161, 463, and 465 (5 U.S.C. 22; 25 U.S.C. 2 and 9), it is proposed to amend Chapter I of Title 25, Code of Federal Regulations, by the revision of Part 141 to read as set forth below. The purpose of this amendment is to incorporate numerous changes necessitated by the passage of the Act of April 30, 1964, Public Law 88-301 (78 Stat. 186, 187). The act, supra, provides for the sustained-yield management of unallotted Indian lands and defines the objectives to be considered in the sale of timber from allotted land.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment to the Bureau of Indian Affairs, Washington, D.C., 20240, within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

1. Section 141.3 is amended to read as follows:

§ 141.3 Objectives.

(a) The following objectives are to be sought in the management of unallotted Indian forest lands in accordance with the principles of sustained yield:

(1) The preservation of such lands in a perpetually productive state by providing effective protection, by applying sound silvicultural and economic principles to the harvesting of the timber, and by making adequate provision for new forest growth as the timber is removed.

(2) The regulation of the cut in a manner which will insure method and order in harvesting the tree capital, so as to make possible continuous production and a perpetual forest business.

(3) The development of Indian forests by the Indian people for the purpose of promoting self-sustaining communities, to the end that the Indians may receive from their own property not only the stumpage value, but also the benefit of whatever profit it is capable of yielding and whatever labor the Indians are qualified to perform.

(4) The sale of Indian timber in open competitive markets in accordance with good business practices on reservations where the volume that should be harvested annually is in excess of that which is being developed by the Indians.

(5) The preservation of the forest in its natural state wherever it is considered, and the authorized Indian representatives agree, that the recreational or aesthetic value of the forest to the Indians exceeds its value for the production of forest products.

(6) The management of the forest in such a manner as to retain its beneficial effects in regulating water run-off and minimizing erosion.

(7) The preservation and development of grazing, wildlife, and other values of the forest to the extent that such action is in the best interest of the Indians.

(b) Similar objectives are sought in the management of allotted Indian forest lands, but, in addition, the sales of timber shall be based upon a consideration of the needs and best interests of the Indian owner and his heirs. The Secretary shall take into consideration, among other things:

(1) The state of growth of the timber and the need for maintaining the productive capacity of the land for the benefit of the owner and his heirs.

(2) The highest and best use of the land, including the advisability of devoting it to other uses for the benefit of the owner and his heirs.

(3) The present and future financial needs of the owner and his heirs.

2. Section 141.7 is amended to read as follows:

§ 141.7 Timber sales from unallotted and allotted lands.

(a) On reservations where the volume of timber available for cutting is in

excess of that which is being developed by the Indians, open market sales of Indian timber will be authorized: *Provided*, That consent is given by the authorized representative of the tribe for tribal timber, and by the owners of a majority Indian interest in trust or restricted timber on allotted lands. The consent of the Secretary is required in all cases.

(b) The Secretary may sell the timber on any Indian land held under a trust or other patent containing restrictions on alienations without the consent of the owners when in his judgment such action is necessary to prevent loss of values resulting from fire, insects, disease, windthrow, or other natural catastrophes.

(c) Unless otherwise authorized by the Secretary, sales from unallotted lands, allotted lands, or a combination of these two ownerships having a stumpage value exceeding $500 will not be approved until an examination of the timber to be sold has been made by a qualified forest officer and a report setting forth all pertinent information has been submitted to the officer authorized to approve the contract as provided in § 141.13. In all such sales of timber exceeding $500 in value, the timber shall be appraised and sold at not less than its appraised value.

3. Section 141.9 is amended to read as follows:

§ 141.9 Timber sales without advertisement.

Sales of timber may be made without advertisement with the consent of the authorized representative of the tribe for tribal timber or with the consent of the owners of a majority Indian interest in trust or restricted timber on allotted lands, and the approval of the Secretary: (a) To Indians or non-Indians when the timber is to be cut in conjunction with the granting of a right-of-way or authorized occupancy, or must be cut to protect the forest from injury, or if it is impractical to secure competition by formal advertising procedures, or when otherwise specifically authorized by statutes or regulations; or (b) To Indians who are members of the tribe for stumpage value not exceeding $5,000. Such contracts shall not be made for a longer term than two years. The stumpage rates in connection with such sales shall be established by the approving officer after due appraisal procedure. Timber contract forms executed under authority hereof shall be those stipulated for the sale of timber under § 141.12, and shall carry the bond requirement stipulated in § 141.14. No more than one such sale without advertisement may be made to any person or operating group of persons in any one calendar year. In the case of each negotiated transaction the approving officer shall establish a documented record of the transaction, including a written determination and finding that the transaction is of a type or class allowing the negotiation procedures or warranting departure from the procedures provided in § 141.8; the extent of solicitation and competition, or a statement of the facts upon which a finding of impracticability of securing competition is based; and a statement of the factors on which the award is based, including a determination as to the reasonability of the price accepted.

4. Section 141.13 is amended to read as follows:

§ 141.13 Execution and approval of contracts.

(a) *Contracts for the sale of tribal timber.* All contracts for the sale of tribal timber shall be executed by the authorized representative of the tribe or tribal corporation. Contracts to be valid must be approved by the Secretary. There shall be included with the contract an affidavit executed by the appropriate officer of the tribe or tribal corporation setting forth the resolution or other authority of the governing body of the tribe or tribal corporation authorizing the sale.

(b) *Contracts for the sale of allotted timber.* Contracts for the sale of allotted timber shall be executed by the Indian owners or the Secretary acting pursuant to a power of attorney from the Indian owner, subject to conditions set forth in § 141.13(b) (1), (2), and (3). Contracts to be valid must be approved by the Secretary.

(1) The Secretary shall execute contracts on behalf of minors and Indian owners who are incompetent by reason of mental incapacity after consultation with any legally appointed guardian.

(2) The Secretary shall execute contracts for those persons whose ownership in a decedent's estate has not been determined or for those persons who cannot be located after a reasonable and diligent search and the giving of notice by publication.

(3) Upon the request of the owner of an undivided but unrestricted interest in land in which there are trust or restricted Indian interests, the Secretary shall include such unrestricted interest in a sale of the trust or restricted interests in the timber, pursuant to Part 141, and perform any functions required of him by the contract of sale for both the restricted and the unrestricted interests, including the collection and disbursement of payments for timber and the deductions as service fees from such payments of sums in lieu of administrative expenses.

5. Section 141.18 is amended to read as follows:

§ 141.18 Deductions for administrative expenses.

In sales of timber from either allotted or unallotted lands, a reasonable deduction shall be made from the gross proceeds to cover in whole or in part the cost of managing and protecting the forest lands, including the cost of timber sale administration, but not including the costs that are paid from funds appropriated specifically for fire suppression or forest pest control. Unless special instructions have been given by the Secretary as to the amount of the deduction, or the manner in which it is to be made, there shall be deducted 10 percent of the gross amount received for timber sold under regular supervision, and 5 percent when the timber is sold in such a manner that little administrative expense by the Indian Bureau is required. Service fees in lieu of administrative deductions shall be determined in a similar manner.

(Act of April 30, 1964, 78 Stat. 186, 187)

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

AUGUST 18, 1964.

[F.R. Doc. 64-8528; Filed, Aug. 21, 1964; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 980]

ONIONS

Proposed Import Regulation

Notice is hereby given of proposed grade, size, quality, and inspection requirements to be made applicable to the importation of onions into the United States pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit written data, views or arguments in connection with these proposals shall file the same, in quadruplicate, with the Hearing Clerk, U.S. 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)).

§ 980.103 Onion import regulation.

Except as otherwise provided, during the period September 14, 1964, through June 30, 1965, no person shall import dry onions of the yellow or white varieties unless such onions are inspected and meet the requirements of this section.

(a) *Minimum grade and size requirements*—(1) *yellow varieties*—(i) *Grade.* U.S. No. 2 or better grade.

(ii) *Size.* 2 inches minimum diameter.

(2) *White varieties*—(i) *Grade.* U.S. No. 2 or better grade.

(ii) *Size.* 1½ inches minimum diameter; or 1 inch minimum to 2 inches maximum diameter.

(b) *Condition.* Due consideration shall be given to the time required for transportation and entry of onions into the United States. Onions with transit time from country of origin to entry into the United States of ten or more days may be entered if they meet an average tolerance for decay of not more than 5 percent, provided they also meet the other requirements of this section.

(c) *Minimum quantity.* Any importation which in the aggregate does not exceed 100 pounds in any day, may be imported without regard to the provisions of this section.

(d) *Plant quarantine.* Provisions of this section shall not supersede the restrictions or prohibitions on onions under the Plant Quarantine Act of 1912.

(e) *Designation of Governmental inspection service.* The Federal or the

Federal-State Inspection Service, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, and the Fruit and Vegetable Division, Production and Marketing Branch, Canada Department of Agriculture, are designated as governmental inspection services for certifying the grade, size, quality and maturity of onions that are imported into the United States under the provisions of section 8e–1 of the act.

(f) *Inspection and official inspection certificates.* (1) An official inspection certificate certifying the onions meet the United States import requirements for onions under section 8e–1 (7 U.S.C. 608e), issued by a designated governmental inspection service and applicable to a specific lot is required on all imports of onions.

(2) Inspection and certification by the Federal or Federal-State Inspection Service will be available and performed in accordance with the rules and regulations governing certification of fresh fruits, vegetables and other products (Part 51 of this title). Each lot shall be made available and accessible for inspection as provided therein. Cost of inspection and certification shall be borne by the applicant.

(3) Since inspectors may not be stationed in the immediate vicinity of some smaller ports of entry, importers of onions should make advance arrangements for inspection by ascertaining whether or not there is an inspector located at their particular port of entry. For all ports of entry where an inspection office is not located, each importer must give the specified advance notice to the applicable office listed below prior to the time the onions will be imported.

Ports	Office	Advance notice
All Texas points	W. T. McNabb, P.O. Box 111, 222 McClendon Building, Harlingen, Tex., 78550 (Phone—Garfield 3-5644).	1 day.
All Arizona points.	R. H. Bertelson, 136 Grand Avenue, P.O. Box 1646, Nogales, Ariz., 85621 (Phone—Atwater 7-2902).	Do.
All California points.	Carley D. Williams, 784 South Central Avenue, Room 294, Los Angeles, Calif., 90021 (Phone—Madison 2-8756).	3 days.
New York City	Edward J. Beller, 346 Broadway, Room 306, New York, N.Y., 10013 (Phone—Rector 2-8000, Ext. 807).	1 day.
New Orleans	Pascal J. Lamarca, 5027 Federal Office Building, 701 Loyola Avenue, New Orleans, La., 70113 (Phone—529-2411, Ext. 6741).	Do.
All other points	D. S. Matheson, Fruit and Vegetable Division, AMS, Washington, DC., 20250 (Phone—Dudley 8-5870).	3 days.

(4) Inspection certificates shall cover only the quantity of onions that is being imported at a particular port of entry by a particular importer.

(5) In the event the required inspection is performed prior to the arrival of the onions at the port of entry, the inspection certificate that is issued must show that the inspection was performed at the time of loading such onions for direct transportation to the United States; and if transportation is by water, the certificate must show that the inspection was performed at the time of loading onto the vessel.

(6) Each inspection certificate issued with respect to any onions to be imported into the United States shall set forth, among other things:

(i) The date and place of inspection;

(ii) The name of the shipper, or applicant;

(iii) The commodity inspected;

(iv) The quantity of the commodity covered by the certificate;

(v) The principal identifying marks on the containers;

(vi) The railroad car initials and number, the truck and trailer license number, the name of the vessel, or other identification of the shipment; and

(vii) The following statement, if the facts warrant: Meets U.S. Import requirements under Section 8e–1 of the Agricultural Marketing Agreement Act.

(g) *Reconditioning prior to importation.* Nothing contained in this part shall be deemed to preclude any importer from reconditioning prior to importation any shipment of onions for the purpose of making it eligible for importation.

(h) *Definitions.* For the purpose of this section, "Onions" means all varieties of Allium cepa marketed dry, except dehydrated, canned and frozen onions, onion sets, green onions, and pickling onions. Onions commonly referred to as "braided," that is, with tops, may be imported if they meet the grade and size requirements except for top length. The terms "U.S. No. 1," and "U.S. No. 2" shall have the same meaning as set forth in the United States Standards for Grades of Onions (Other than Bermuda-Granex and Creole Types, §§ 51.2830–51.2850 of this title). Tolerances for size shall be those in the United States Standards. Onions meeting the requirements of Canada No. 1 and No. 2 grades shall be deemed to comply with the requirements of U.S. No. 1 and U.S. No. 2 grades. "Importation" means release from custody of the United States Bureau of Customs.

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

Dated: August 19, 1964.

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

[F.R. Doc. 64–8555; Filed, Aug. 21, 1964; 8:49 a.m.]

[7 CFR Part 1066]

[Docket No. AO–122–A11]

MILK IN SIOUX CITY, IOWA, MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Sioux City, Iowa, on July 8, 1964, pursuant to notice thereof issued on June 24, 1964 (29 F.R. 8174).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on July 31, 1964 (29 F.R. 11278; F.R. Doc. 64–7842) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto. No exceptions were filed.

The sole material issue on the record of the hearing relates to the classification of aerated cream.

FINDINGS AND CONCLUSIONS

The following findings and conclusions on the material issue are based on evidence presented at the hearing and the record thereof:

Classification of aerated cream. The skim milk and butterfat used to produce aerated cream products should be classified as Class II milk. Under the present terms of the order, aerated cream is a Class I product.

None of the health authorities exercising jurisdiction in the marketing area requires that aerated cream be produced from Grade A milk.

Aerated cream products are not processed at any plant regulated under the order at the present time. Handlers, however, distribute aerated cream which is purchased from a plant regulated under the Minneapolis-St. Paul order. Aerated cream is a Class II product under that order. In addition, aerated cream is sold by some grocery stores in the marketing area. This product comes from an unregulated plant or plants. Similar products containing vegetable fats in place of butterfat are also marketed throughout the area.

The proposal to change the classification of aerated cream was supported by both a major handler in the market and by the cooperative association which represents all the producers now supplying the market. The handler who operates plants at Omaha and Lincoln, Nebraska, as well as at Sioux City is desirous of producing his own aerated cream for distribution through all three plants. The Omaha and Lincoln plants are both regulated under the Nebraska-Western Iowa order. Since this order classifies aerated cream as Class II, the product if made in either plant would be a Class II item. The Sioux City plant, however, is the only one with sufficient excess capacity to accommodate the manufacture of this product. The handler states that it would be impossible to produce a product which could compete pricewise with aerated cream from unregulated sources or from other markets where it is classified as Class II if he were required to pay the Class I price for the ingredients used in its manufacture.

The cooperative association supported the reclassification since its manufacture would provide a local outlet for reserve

milk in excess of the market's fluid requirements. At the present time surplus milk must be transported to manufacturing plants some distance from Sioux City. The nearest plants which will handle such milk are located at Sioux Falls, South Dakota; Norfolk, Nebraska, and Sibley and Sanborn, Iowa. The cost of moving milk to these plants would be eliminated if there were a local market for such excess milk. Net returns to member producers would thereby be increased.

RULINGS ON PROPOSED FINDINGS AND CONCLUSIONS

A brief and proposed findings and conclusions were filed on behalf of a certain interested party. This brief, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by the interested party are inconsistent with the findings and conclusions set forth herein, the request to make such findings or reach such conclusions is denied for the reasons previously stated in this decision.

GENERAL FINDINGS

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

MARKETING AGREEMENT AND ORDER

Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Sioux City, Iowa, Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Sioux City, Iowa, Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

DETERMINATION OF REPRESENTATIVE PERIOD

The month of June 1964 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Sioux City, Iowa, marketing area, is approved or favored by producers, as defined under the terms of the order, as amended and as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on August 19, 1964.

GEORGE L. MEHREN,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Sioux City, Iowa, Marketing Area

§ 1066.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Sioux City, Iowa, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Sioux City, Iowa, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator, Agricultural Marketing Service, on July 31, 1964, and published in the FEDERAL REGISTER on August 5, 1964 (29 F.R. 11278; F.R. Doc. 64-7842), shall be and are the terms and provisions of this order, and are set forth in full herein.

Section 1066.17 is revised to read as follows:

§ 1066.17 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk and flavored milk drinks, cream, either sweet or sour (including any mixture of skim milk and butterfat containing more than six percent butterfat except aerated cream and mixes for frozen desserts and ice cream), and eggnog.

[F.R. Doc. 64-8556; Filed, Aug. 21, 1964; 8:49 a.m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

ATOMIC ENERGY COMMISSION

[10 CFR Ch. I]

[Docket Nos. RM-102-1; PRM-102-A]

CONSIDERATION OF POSSIBLE FINDING OF PRACTICAL VALUE

Request for Public Comments; Holding of Public Rule Making Hearing

On June 23, 1964, the Commission published in the FEDERAL REGISTER (29 F.R. 7949) a notice that the National Coal Policy Conference, Inc., the National Coal Association, and the United Mine Workers of America had filed a petition requesting that the Commission issue a rule pursuant to section 102 of the Atomic Energy Act of 1954, as amended, finding that boiling light water reactors and pressurized light water reactors are types of utilization or production facilities that have been sufficiently developed to be of practical value for industrial or commercial purposes [Docket No. PRM-102-A].

On July 10, 1964, the Commission published in the FEDERAL REGISTER (29 F.R. 9458) a notice requesting public comments and suggestions with respect to the question whether a finding of practical value should be made pursuant to section 102 of the Atomic Energy Act of 1954, as amended, with respect to some type or types of light water, nuclear power reactors [Docket No. RM-102-1]. Ninety days were allowed for submission of written comments or suggestions regarding several specific considerations relating to the question of whether such a finding should be made. The notice also stated that this question and the petition for rule making would be considered together by the Commission, and that, accordingly, the dockets had been consolidated.

In connection with its consideration of the question presented in the July 10, 1964, notice, the Commission also invites members of the public to submit comments and suggestions with respect to the finding of practical value requested by the petitioners and the basis for the request as described in the petition. The petition is available for inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C., and copies may be obtained by addressing a request to the Director of Regulation, United States Atomic Energy Commission, Washington, D.C., 20545. Such comments and suggestions should be submitted to the Secretary, U.S. Atomic Energy Commission, Washington, D.C., 20545, by October 8, 1964. Comments received after that date will be considered if it is practicable to do so, but assurance of consideration cannot be given except as to comments filed by the date specified.

The Commission has decided that it will hold a public rule making hearing in this consolidated proceeding. The date for the hearing will be set after expiration of the time allowed for the submission of comments and suggestions and after there has been opportunity for study of the comments. The time and place of the hearing, and further details concerning the hearing, will be set forth in a subsequent FEDERAL REGISTER notice.

(Sec. 102, 68 Stat. 936; 42 U.S.C. 2132; sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Washington, D.C., this 20th day of August 1964.

For the Atomic Energy Commission.

F. T. HOBBS,
Acting Secretary
to the Commission.

[F.R. Doc. 64-8589; Filed, Aug. 21, 1964; 8:49 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71 [New]]

[Airspace Docket No. 64-CE-38]

TRANSITION AREA

Proposed Designation

The Federal Aviation Agency is considering an amendment to Part 71 [New] of the Federal Aviation Regulations to designate controlled airspace at Manistee, Michigan.

Having completed a comprehensive review of airspace requirements at Manistee, Michigan, including studies attendant to the implementation of the provisions of Amendments 60-21 and 60-29 of Part 60 of the Civil Air Regulations, the Federal Aviation Agency proposes to establish a transition area at Manistee, Michigan.

The proposed Manistee transition area would be designated to comprise that airspace extending upward from 700 feet above the surface within a 5-mile radius of Manistee Blacker Airport, Manistee, Michigan (latitude 44°16'00" N., longitude 86°15'00" W.) and within 5 miles north and 8 miles south of the 274° bearing from Manistee Blacker Airport, extending from the airport to 15 miles west.

A public instrument approach procedure is to be established at this location concurrently with a designation of the transition area. The configuration of the transition area is based on the requirements of the proposed approach procedure, holding pattern and random departures from the airport. The proposed transition area would provide protection for aircraft executing prescribed instrument approach and departure procedures at Manistee County Blacker Airport. Specific details of procedures and minimum instrument flight rule altitudes that would be required may be examined by contacting the Chief, Airspace Branch, Air Traffic Division, Central Region, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination in the office of the Regional Counsel, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Kansas City, Mo., on August 13, 1964.

J. M. BEARDSLEE,
Regional Director,
Central Region.

[F.R. Doc. 64-8549; Filed, Aug. 21, 1964; 8:48 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 64-CE-42]

TRANSITION AREA

Proposed Designation

The Federal Aviation Agency is considering an amendment to Part 71 [New] of the Federal Aviation Regulations to designate controlled airspace at Coldwater, Michigan.

Having completed a comprehensive review of airspace requirements at Coldwater, Michigan, including studies attendant to the implementation of the provisions of Amendments 60-21 and 60-29 of Part 60 of the Civil Air Regulations, the Federal Aviation Agency proposes to establish a transition area at Coldwater, Michigan.

The proposed Coldwater transition area would be designated to comprise that airspace extending upward from 700 feet above the surface within a 5-mile radius of Branch County Memorial Airport, Coldwater, Michigan (latitude 41°56'00" N., longitude 85°03'15" W.) and within 8 miles NW and 5 miles SE of the 209° bearing from the Branch County Municipal Airport extending from the airport to 12 miles SW of the airport excluding the portion within the Sturgis, Mich., transition area.

Public instrument approach procedures are to be established at this location concurrently with a designation of the transition area. The configuration of the transition area is based on the requirements of the proposed instrument holding, approach, departure and missed approach procedure.

The proposed transition area would provide protection for aircraft executing prescribed instrument approach and departure procedures at Branch County Memorial Airport. Specific details of procedures and minimum instrument flight rule altitudes that would be required may be examined by contacting the Chief, Airspace Branch, Air Traffic Division, Central Region, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination in the office of the Regional

Counsel, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Kansas City, Mo., on August 13, 1964.

J. M. BEARDSLEE,
Regional Director, Central Region.

[F.R. Doc. 64-8550; Filed, Aug. 21, 1964; 8:48 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-WA-76]

CONTROLLED AIRSPACE

Amended Proposal for Designation

The Federal Aviation Agency is considering a revised proposal with respect to designation of controlled airspace at the Chisholm-Hibbing Airport at Hibbing, Minnesota.

Interested persons are invited to participate in the amended proposal by submitting such written data, views or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in triplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before September 18, 1964, will be considered by the Administrator before taking action on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the rules docket for examination by interested persons.

In the notice of proposed rule making published in the FEDERAL REGISTER on July 9, 1964 (29 F.R. 9400), the Federal Aviation Agency proposed to alter the controlled airspace at the Chisholm-Hibbing Airport at Hibbing, Minnesota.

The notice stated, in part, that two new public instrument approach procedures were being developed for Runways 13 and 4. It was anticipated that the landing minimums for these procedures would be equivalent to the minimums for the existing special approach procedures for the same runways. Based on this assumption the FAA contemplated later action to cancel all special approach procedures for the Chisholm-Hibbing Airport.

A recent flight check, however, indicates that equivalent landing minimums cannot be authorized for the proposed approaches. Straight-in minimums for the proposed approaches would be 700–1½ as compared with 400–1 for the special procedures. In view of this development, the FAA does not intend to cancel the special procedures because of the adverse economic effect such action would have on the users, and because present and expected instrument approach activity, as cited in the notice, dictates that the best possible minimums be preserved. As a result of the flight check and further study of the Hibbing area, it has been determined that there is justification for retention of the existing approaches, to establish an additional public approach for runway 13 with 700–1½ minimums, and to protect each approach with controlled airspace.

Accordingly, the notice is amended to propose that the Hibbing control zone be designated as that airspace within a 5-mile radius of Chisholm-Hibbing Airport latitude 47°23'20" N., longitude 92°50'-25" W.); within 2 miles each side of the Hibbing VOR 313° True radial, extending from the 5-mile radius zone to the VOR; and within 2 miles each side of the 210° True bearing from Chisholm-Hibbing Airport, extending from the 5-mile radius zone to 8 miles southwest of the airport. The Hibbing transition area would be designated as that airspace extending upward from 700 feet above the surface within a 7-mile radius of Chisholm Hibbing Airport (latitude 47°23'20" N., longitude 92°50'25" W.); within 5 miles northwest and 8 miles southeast of the 210° True bearing from Chisholm-Hibbing Airport, extending from the airport to 12 miles southwest of the airport; within 2 miles each side of the 060° True bearing from Chisholm-Hibbing Airport, extending from the 7-mile radius area to 14 miles northeast of the airport; within 2 miles each side of the Hibbing VOR 313° True radial, extending from the 7-mile radius area to 8 miles northwest of the intersection of the Hibbing VOR 313° and the Eveleth VOR 273° True radials; and that airspace extending upward from 1,200 feet above the surface within 5 miles southwest and 8 miles northeast of the Hibbing VOR 133° and 313° True radials, extending from 8 miles northwest to 13 miles southeast of the VOR; within 8 miles northwest and 5 miles southeast of the 060° True bearing from Chisholm-Hibbing Airport, extending from the airport to 18 miles northeast of the airport; and within 5 miles northeast and 8 miles southwest of the Hibbing VOR 313° True radial, extending from 12 miles northwest of the intersection of the Hibbing VOR 313° and the Eveleth VOR 273° True radials to 8 miles northwest of the VOR.

Details of proposed instrument approach procedures and of proposed changes to existing procedures may be examined by contacting the Chief, Airspace Utilization Branch, Central Region, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on August 18, 1964.

H. B. HELSTROM,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-8540; Filed, Aug. 21, 1964; 8:47 a.m.]

[14 CFR Part 507]

[Reg. Docket No. 6167]

AIRWORTHINESS DIRECTIVE

McCauley Propellers

Amendment 555, 28 F.R. 3781, AD 63-8-4, as revised by Amendment 582, 28 F.R. 6830, requires inspection of certain McCauley constant speed propellers. Since the issuance of AD 63-8-4, in-flight blade failures have occurred. It is proposed therefore, to supersede Amendment 555, as revised by Amendment 582, with a new directive to require retirement of the affected propeller blades.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before September 21, 1964, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the rules docket for examination by interested persons.

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

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

MCCAULEY. Applies to McCauley constant speed Models 2A36, B2A36, C2A36, D2A36, 2D36 Series propellers installed on various single-engine tractor-type aircraft except propellers with blade serial numbers with a "K" prefix above Serial Number K25150 and to all propellers with a "Y" following the blade serial number. Also excluded are all propellers with blades with plain serial numbers above 27064 and below 21298. (A plain serial number is one without a prefix or suffix letter.)

(These may be found on such aircraft as Bellanca 14-19-2, 14-19-3; CallAir A-6; Cessna 180 Series, 182 Series, 185 Series, 210 Series, 305B, 321; Cessna 172 "Doyn" Conversion; Fletcher FU-24 Series; Lockheed 402-2; Meyers 200, 200A; Mooney Mark 20A, 20B, 20C; Navion B, D, E, F, G; Piper PA-24-180, PA-24-250; and Taylorcraft 20.)

Compliance required as indicated.

Because of the occurrence of cracks in the blade threaded shank on several propellers, accomplish the following:

(a) Propellers with affected blades not having accumulated the maximum time listed in Table II-C of McCauley Service Bulletin No. 48-C dated July 6, 1964, before the effective date of this AD and which have not been previously inspected in accordance with AD 63-8-4 shall be equipped with new blades prior to the accumulation of 100 hours' time in service after the accumulation of the maximum time in service listed in Table

II–C of McCauley Service Bulletin No. 48–C dated July 6, 1964.

(b) Propellers with affected blades having accumulated a total time in service less than 1,000 hours when inspected in accordance with AD 63–8–4 and having accumulated less than 75 hours over the total service hours listed in Table III–C of McCauley Service Bulletin No. 48–C dated July 6, 1964, on the effective date of this AD shall be equipped with new blades prior to the accumulation of 100 hours' time in service over the total service hours listed in Table III–C.

(c) Propellers with affected blades having accumulated a total time in service less than 1,000 hours when inspected in accordance with AD 63–8–4 and having accumulated more than 75 hours over the total service hours listed in Table III–C of McCauley Service Bulletin No. 48–C dated July 6, 1964, on the effective date of this AD shall be equipped with new blades within the next 25 hours' time in service.

(d) Propellers with blades having accumulated a total time of less than 1,000 hours when inspected in accordance with AD 63–8–4 and which have not accumulated the maximum time in service listed in Table III–C of McCauley Service Bulletin No. 48–C dated July 6, 1964, on the effective date of this AD shall be equipped with new blades prior to the accumulation of 100 hours' time in service after the accumulation of the maximum time in service listed in Table III–C of McCauley Service Bulletin No. 48–C dated July 6, 1964.

(e) Propellers with blades having accumulated a total time in service of 1,000 hours or more when inspected in accordance with AD 63–8–4 shall be equipped with new blades at the next propeller overhaul, or prior to the next 1,000 hours after the last blade thread inspection, whichever occurs first.

(f) Identification of propeller blade serial numbers shall be determined in accordance with McCauley Service Bulletin No. 48–C dated July 6, 1964.

(McCauley Service Bulletin No. 48–C dated July 6, 1964, including Supplemental Revisions, and Service Manual 620215 cover this same subject.)

This supersedes Amendment 555, 28 F.R. 3781, AD 63–8–4, as revised by Amendment 582, 28 F.R. 6830.

Issued in Washington, D.C., on August 18, 1964.

JAMES F. RUDOLPH,
Acting Director,
Flight Standards Service.

[F.R. Doc. 64–8517; Filed, Aug. 21, 1964; 8:45 a.m.]

Notices

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

GRAIN PROCESSING CORP.

Notice of Filing of Petition Regarding Food Additives Manganese Bacitracin, Reserpine

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 4C1336) has been filed by Grain Processing Corporation, Muscatine, Iowa, 52761, proposing the amendment of § 121.205 to provide for the safe use of reserpine with manganese bacitracin or manganese bacitracin plus penicillin for growth promotion and increasing feed efficiency in medicated feed for broiler chickens and turkeys.

Dated: August 17, 1964.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 64-8523; Filed, Aug. 21, 1964; 8:46 a.m.]

DEPARTMENT OF STATE

Agency for International Development

U.S. AMBASSADOR AND DIRECTOR OF A.I.D. MISSION AT KABUL, AFGHANISTAN

Delegation of Authority To Execute Loan Agreement

Pursuant to the Foreign Assistance Act of 1961, as amended, and subsequent delegations of authority issued thereunder, I hereby delegate to the U.S. Ambassador at Kabul, Afghanistan, and to the Director of the U.S. A.I.D. Mission, Kabul, Afghanistan, and to any person acting in the capacity of either of them, authority on behalf of the Agency for International Development to sign A.I.D. Loan No. 306-H-006 between the Royal Government of Afghanistan and the United States of America.

Dated: August 10, 1964.

WALTER G. FARR, Jr.,
Assistant Administrator, Bureau for Near East and South Asia.

[F.R. Doc. 64-8524; Filed, Aug. 21, 1964; 8:46 a.m.]

U.S. AMBASSADOR AND DIRECTOR OF A.I.D. MISSION, KARACHI, PAKISTAN

Delegation of Authority To Execute Loan Agreements

Pursuant to the Foreign Assistance Act of 1961, as amended, and subsequent delegations of authority issued thereunder, I hereby delegate to the U.S. Ambassador at Karachi, Pakistan, and to the Director of the U.S. A.I.D. Mission, Karachi, Pakistan and to any person acting in the capacity of either of them, authority on behalf of the Agency for International Development to sign the following A.I.D. Loan Agreements between the President of Pakistan and the United States of America:

1. A.I.D. Loan No. 088 (Machinery Pool);
2. A.I.D. Loan No. 089 (East Pakistan Railway);
3. A.I.D. Loan No. 090 (Power Distribution (West Pakistan));
4. A.I.D. Loan No. 091 (Transmission Systems (East Pakistan));
5. A.I.D. Loan No. 092 (Dacca Aricha Road); and
6. A.I.D. Loan No. 094 (Chittagong Port Facilities).

Dated: August 10, 1964.

WALTER G. FARR, Jr.,
Assistant Administrator, Bureau for Near East and South Asia.

[F.R. Doc. 64-8525; Filed, Aug. 21, 1964; 8:46 a.m.]

[A.I.D. Loan 277-H-050: Goodyear Lastikleri T.A.S.]

U.S. AMBASSADOR AND ACTING DIRECTOR OF A.I.D. MISSION, ANKARA, TURKEY

Delegation of Authority To Execute Special Loan Repayment Agreement

Pursuant to the Foreign Assistance Act of 1961, as amended, and subsequent delegations of authority issued thereunder, I hereby delegate to the U.S. Ambassador at Ankara, Turkey, and to the Acting Director of the U.S. A.I.D. Mission, Ankara, Turkey and to any person acting in the capacity of either of them, authority on behalf of the Agency for International Development to sign the Special Loan Repayment Agreement with respect to A.I.D. Loan 277-H-050 (Goodyear Lastikleri T.A.S.—Expansion of Tire Production Facilities) between the Republic of Turkey and the United States of America.

Dated: August 14, 1964.

WALTER G. FARR, Jr.,
Deputy Assistant Administrator, Bureau for Near East and South Asia.

[F.R. Doc. 64-8526; Filed, Aug. 21, 1964; 8:46 a.m.]

U.S. AMBASSADOR AND DIRECTOR OF A.I.D. MISSION, KARACHI, PAKISTAN

Delegation of Authority To Execute Loan Agreements

Pursuant to the Foreign Assistance Act of 1961, as amended, and subsequent delegations of authority issued thereunder, I hereby delegate to the U.S. Ambassador at Karachi, Pakistan, and to the Director of the U.S. A.I.D. Mission, Karachi, Pakistan and to any person acting in the capacity of either of them, authority on behalf of the Agency for International Development to sign the following A.I.D. Loan Agreements between the President of Pakistan and the United States of America:

1. A.I.D. Loan No. 078 (Second Sui Gas);
2. A.I.D. Loan No. 079 (Urban Water Supplies);
3. A.I.D. Loan No. 080 (Fourth General Commodities);
4. A.I.D. Loan No. 081 (Karnaful Third Power Unit);
5. A.I.D. Loan No. 082 (Siddhirganj Thermal Power);
6. A.I.D. Loan No. 083 (Lyallpur Power Station);
7. A.I.D. Loan No. 084 (Second Malaria Eradication);
8. A.I.D. Loan No. 085 (P. Western Railways);
9. A.I.D. Loan No. 086 (KESC Power Distribution); and
10. A.I.D. Loan No. 087 (SCARP 2B).

Dated: June 12, 1964.

WILLIAM B. MACOMBER Jr.,
Assistant Administrator, Bureau for Near East and South Asia.

[F.R. Doc. 64-8527; Filed, Aug. 21, 1964; 8:46 a.m.]

DEPARTMENT OF THE INTERIOR

Geological Survey

[New Mexico No. 93]

NEW MEXICO

Coal Land Classification Order

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and as delegated to me by Departmental Order 2563 of May 2, 1950, under authority of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), the following described lands, insofar as title thereto remains in the United States, are hereby classified as shown:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

COAL LANDS

T. 32 N., R. 12 W.,
Entire township.
T. 31 N., R. 13 W.,
Entire township.
T. 32 N., R. 13 W.,
Entire township.
T. 30 N., R. 14 W.,
Entire township.
T. 30 N., R. 15 W.,
Secs. 1 to 20, inclusive;
Sec. 21, W½W½;
Sec. 23, E½;
Secs. 24 and 25;
Sec. 26, E½;
Sec. 28, W½NW¼, W½SW¼, SE¼SW¼;
Secs. 29, 30, and 31;
Sec. 32, lot 4, N½, N½SW¼;
Sec. 33, NE¼NW¼, W½NW¼;
Sec. 35, lot 1, NE¼, NE¼SE¼;
Sec. 36.

T. 30 N., R. 16 W.,
Sec. 1, lots 1, 2, and 3, S½NE¼, S½;
Sec. 2, lots 9 and 10;
Sec. 10, E½SE¼;
Sec. 11, E½, E½NW¼, SW¼;
Secs. 12, 13, and 14;
Sec. 15, E½, SE¼NW¼, E½SW¼;
Sec. 21, lots 8, 9, 10, 11, 13, 14, 15, and 16;
Secs. 22 to 28, inclusive;
Secs. 33 to 36, inclusive.

NONCOAL LANDS

T. 30 N., R. 16 W.,
Sec. 1, lot 4, S½NW¼;
Sec. 2, lots 1 to 8, inclusive, S½NW¼, SW¼;
Secs. 3, 4, and 9;
Sec. 10, lots 1, 2, 3, and 4, NE¼, E½W½, W½SE¼;
Sec. 11, W½NW¼;
Sec. 15, lots 1, 2, 3, and 4, NE¼NW¼;
Sec. 16;
Sec. 21, lots 1, 2, 3, 4, 5, 6, 7, and 12.

The lands described total 111,920 acres, more or less, of which about 107,869 acres are classified coal lands, and about 4,051 acres are classified noncoal lands.

ARTHUR A. BAKER,
Acting Director.

AUGUST 17, 1964.

[F.R. Doc. 64-8529; Filed, Aug. 21, 1964; 8:46 a.m.]

Office of the Secretary

GLENN J. HALL

Statement of Changes in Financial Interests

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

(1) None.
(2) FMC Corporation, Howe Sound Co., Morrison-Knudsen Company, General Electric Co., Amalgamated Sugar Co., Idaho Power Co., First Security Bank Corp., Union Carbide Corp., West Coast Airlines, Pacific Power & Light Co., Utah Power & Light Co., Portland General Electric Co., Washington Water Power Co., Montana Power Co.
(3) None.
(4) None.

This statement is made as of August 10, 1964.

Dated: August 10, 1964.

GLENN J. HALL.

[F.R. Doc. 64-8530; Filed, Aug. 21, 1964; 8:46 a.m.]

LEROY J. SCHULTZ

Statement of Changes in Financial Interests

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

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of August 8, 1964.

Dated: August 8, 1964.

LEROY J. SCHULTZ.

[F.R. Doc. 64-8531; Filed, Aug. 21, 1964; 8:46 a.m.]

ATOMIC ENERGY COMMISSION

[Dockets Nos. 50-216, 50-60]

NEW YORK UNIVERSITY AND U.S. NAVAL HOSPITAL

Notice of Proposed Issuance of Construction Permit and Facility License Amendment

The U.S. Naval Hospital ("the licensee") has possessed and operated a Model AGN-201M, Serial 105, nuclear reactor ("the reactor") at its location in Bethesda, Maryland, pursuant to License No. R-27 heretofore issued by the Atomic Energy Commission. The licensee advised that the reactor has not been operated since April 1962 and in May 1963 was declared excess to the needs of the U.S. Naval Hospital. The reactor was subsequently designated for transfer to New York University.

By application dated December 19, 1963, and supplements thereto dated March 31, 1964, May 5, 1964, May 29, 1964, and July 14, 1964 (collectively "the application"), New York University requested authorization to possess, disassemble and transfer the reactor to its campus in New York City, and to reconstruct and operate the reactor at that location.

Please take notice that the Atomic Energy Commission ("the Commission") proposes to issue to New York University a construction permit, substantially as set forth in Appendix A below, which would authorize the University (1) to possess, but not to operate, the reactor, (2) to disassemble and transfer the reactor from its present location at Bethesda, Maryland, to New York University's campus located at University Heights, Borough of the Bronx, New York City, and (3) to reconstruct the reactor at that location.

Notice is also hereby given that concurrently with the issuance of the construction permit the Commission proposes to issue Amendment No. 6 to Facility License No. R-27, substantially as set forth in Appendix B below. The amendment would authorize the U.S. Naval Hospital to retain legal title to, but not to possess, use or operate, the Model AGN-201M, Serial 105, nuclear reactor presently located at the National Naval Medical Center, Bethesda, Maryland. At such time as the Department of the Navy effects transfer of title to the reactor to New York University, and the Director, Division of Reactor Licensing, is notified of such transfer by the parties involved, the Commission will terminate License No. R-27.

The Commission has found that:

A. The application complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commmission's regulations set forth in Title 10, Chapter 1, CFR;

B. New York University is financially and technically qualified to possess, disassemble, transfer, and reconstruct the reactor at the new location as described in the application;

C. New York University has submitted sufficient information to provide reasonable assurance that the reactor can be (1) disassembled and transferred from its present location, and (2) reconstructed at the new location as proposed without undue risk to the health and safety of the public;

D. New York University is a nonprofit educational institution and will use the reactor for the conduct of educational activities and is therefore exempt from the financial protection requirement of subsection 170a. of the Atomic Energy Act of 1954, as amended; and

E. Issuance of the proposed construction permit and facility license amendment will not be inimical to the common defense and security or to the health and safety of the public.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicants may file a request for a hearing, and any person whose interest may be affected by the proposed issuance of the construction permit and facility license amendment may file a petition for leave to intervene. Any request for a hearing or petition for leave to intervene shall be filed in accordance with the provisions of the Commission's rules of practice, 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, a notice of hearing or an appropriate order will be issued.

For further details with respect to this proposed issuance, see (1) the application and (2) a related hazards analysis prepared by the Research and Power Reactor Safety Branch of the Division of Reactor Licensing, both of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington, D.C., 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 20th day of August 1964.

For the Atomic Energy Commission.

ROGER S. BOYD,
Chief, Research and Power Reactor Safety Branch, Division of Reactor Licensing.

APPENDIX A

NEW YORK UNIVERSITY

Docket No. 50-216

Proposed Construction Permit

1. The U.S. Naval Hospital ("the licensee") has possessed and operated a Model AGN-201M, Serial 105, nuclear reactor ("the reactor") at its location in Bethesda, Maryland, pursuant to License No. R-27 heretofore issued by the Atomic Energy Commission. The licensee advised that the reactor has not been operated since April 1962, was de-

cleared excess to the needs of the U.S. Naval Hospital in May 1963, and was subsequently designated for transfer to New York University. By application dated December 19, 1963, and supplements thereto dated March 31, 1964, May 5, 1964, May 29, 1964, and July 14, 1964 (collectively "the application"), New York University requested authorization to possess, disassemble and transfer the reactor to its campus in New York City, and to reconstruct and operate the reactor at that location.

2. The Atomic Energy Commission ("the Commission") hereby issues a construction permit to New York University:

A. Pursuant to the Atomic Energy Act of 1954, as amended, ("the Act") and Title 10, Chapter I, CFR, Part 50, "Licensing of Production and Utilization Facilities," (1) to possess, but not to operate, the reactor described in the application, (2) to disassemble and transfer the reactor from its present location at Bethesda, Maryland, to New York University's campus located at University Heights, Borough of the Bronx, New York City, and (3) to reconstruct the reactor at that location.

B. Pursuant to the Act and Title 10, CFR, Chapter 1, Part 70, "Special Nuclear Material," to possess, transfer and store at the new location, but not to use, 660 grams of uranium 235 as reactor fuel.

C. Pursuant to the Act and Title 10, CFR, Chapter 1, Part 30, "Licensing of Byproduct Material," to possess, transfer and store at the new location, but not to use, a Radium Beryllium neutron startup source; and to possess, but not to separate, such byproduct material as has been produced by operation of the reactor by the U.S. Naval Hospital.

3. This permit shall be deemed to contain and is subject to the conditions specified in Sections 50.54 and 50.55 of the Commission's regulations; is subject to all applicable provisions of the Act and rules, regulations and orders of the Commission now or hereafter in effect, and is subject to the additional conditions specified below:

A. The earliest and latest dates for completion of disassembly, transfer, and reconstruction of the reactor at the new location are November 15, 1964, and June 15, 1965, respectively.

B. The disassembly and transfer of the reactor to its new location on New York University's campus, and reconstruction at that location shall be accomplished in accordance with the procedures described in the application.

C. This construction permit is contingent upon the execution of an indemnity agreement as required by Section 170 of the Act.

4. Upon completion of the disassembly, transfer, and reconstruction of the reactor at its new location in accordance with the terms and conditions of this permit, and upon finding that the reactor will operate in conformity with the provisions of the Act and the rules and regulations of the Commission, and in the absence of any good cause being shown to the Commission why the granting of a license to operate the reactor would not be in accordance with the provisions of the Act, the Commission will issue a Class 104 license to New York University pursuant to Section 104c of the Act, which license shall expire twenty (20) years after the date of this construction permit.

Date of issuance:

For the Atomic Energy Commission.

ROGER S. BOYD,
Chief, Research and Power Reactor Safety Branch, Division of Reactor Licensing.

No. 165——7

APPENDIX B

U.S. NAVAL HOSPITAL

Docket No. 50-60

Proposed Amendment to Facility License

[License No. R-27; Amdt. No. 6]

Facility License No. R-27, as amended, which authorizes the U.S. Naval Hospital to possess and operate its Model AGN-201M, Serial 105, reactor at its site in Bethesda, Maryland, is hereby amended to authorize the U.S. Naval Hospital to retain legal title to, but not to possess, use or operate the Model AGN-201M reactor presently located at the National Naval Medical Center, Bethesda, Maryland, which reactor is designated for transfer to New York University located at University Heights, Borough of the Bronx, New York City.

This amendment is effective as of the date of issuance.

Date of issuance:

For the Atomic Energy Commission.

ROGER S. BOYD,
Chief, Research and Power Reactor Safety Branch, Division of Reactor Licensing.

[F.R. Doc. 64-8607; Filed, Aug. 21, 1964; 10:00 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 5713 etc.]

PIEDMONT CASE

Notice of Hearing

Piedmont case (Norfolk-North proposals):

Notice hereby is given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on September 9, 1964, at 10:00 a.m., e.d.s.t., in Room 725, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned Examiner.

For further information regarding the issues involved herein, interested persons may refer to the various orders of the Board, the prehearing conference report, and other documents, which are on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., August 17, 1964.

[SEAL] HERBERT K. BRYAN,
Hearing Examiner.

[F.R. Doc. 64-8537; Filed, Aug. 21, 1964; 8:47 a.m.]

[Dockets 14846, etc.; Order No. E-21198]

SOUTHERN AIRWAYS, INC., AND EASTERN AIR LINES, INC.

Order Relating to Applications for Exemptions and Amendment of Certificate

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 17th day of August 1964.

Application of Southern Airways, Inc. for an exemption pursuant to section 416(b) of the Act, Docket 14846; Application of Eastern Air Lines, Inc. for an exemption pursuant to section 416(b) of the Act, Docket 14872; Application of Eastern Air Lines, Inc. for amendment of certificate of public convenience and necessity pursuant to section 401 of the Act, Docket 14889.

On November 4, 1963, Southern Airways, Inc. (Southern) filed an application requesting temporary exemption authority pursuant to section 416(b) of the Act, for a period of two years from the effective date of the order, to overfly the segment junction point Florence-Sheffield-Tuscumbia, Alabama (Muscle Shoals), on flights between Huntsville, Alabama, and New Orleans, Louisiana, and to serve one or more intermediate points on its segment 10 between Muscle Shoals and New Orleans (Columbus and Jackson, Mississippi) and to serve New Orleans' Lakefront Airport in addition to the Moisant International Airport. Southern also requests authority to transport traffic between Lakefront and Moisant Airports.[1]

The essential justification advanced by Southern is that improved service is required by the National Aeronautics and Space Administration (NASA) to and from its various installations in the area. Southern further alleges that through a combination of existing certificate authority over segment 6 and segment 10 one stop and multi-stop service is now provided circuitously between Huntsville and New Orleans through the junction point Muscle Shoals; that Muscle Shoals will continue to receive adequate service if Southern is permitted to overfly it, and that Muscle Shoals presently generates very little traffic for the Huntsville-New Orleans flights.

On November 14, 1963, Eastern Air Lines, Inc. (Eastern) filed an application for an exemption, pursuant to section 416(b) of the Act, requesting authority to provide: (1) Daily scheduled service between Chicago-Nashville-Birmingham-Mobile-New Orleans and (2) daily scheduled service over the routing Chicago-Huntsville-New Orleans-Houston.[2]

Eastern also relies upon national defense considerations to justify its request. The carrier states that it has been providing one round trip between Chicago-Huntsville-Birmingham-Mobile-New Orleans under exemption

[1] On June 2, 1964, Southern filed a certificate amendment application in Docket 15289 requesting a new segment between Houston and Huntsville via several intermediate points, including New Orleans and Jackson.

[2] By application filed November 26, 1963, Eastern applied under section 401 of the Act, Docket 14889, for the issuance of a certificate of public convenience and necessity or the amendment of its existing certificates to permit it to engage in scheduled air transportation of persons, property and mail over substantially the same routes applied for in its pending exemption application, and also over a route between Chicago, Ill., Indianapolis, Ind., Louisville, Ky., Nashville, Tenn., Huntsville, Birmingham, Montgomery, and Mobile, Ala., and New Orleans, La.

authority granted by Order E–17939, dated January 19, 1962; and that the traffic carried between the cities on this routing, other than Huntsville-Chicago and Huntsville-New Orleans, has developed to a point where at times it is difficult to provide Huntsville with the service it was intended to have under the exemption. Eastern alleges that the public interest can best be served by substituting Nashville for Huntsville as an intermediate stop on the flights it now operates between Chicago, Huntsville, Birmingham, Mobile, and New Orleans, and by adding a new round trip flight Chicago-Huntsville-New Orleans and Houston.

On Novemebr 13, 1963, Delta filed an answer to Southern's exemption application, stating, inter alia, that it did not oppose Southern's application insofar as it related to improved services between Huntsville and the New Orleans area; but that Southern should not be permitted to use NASA's request for improved service between Huntsville and New Orleans as a vehicle to obtain changes in its certificate authority in markets that have no relation to the NASA requirements, such as that between Jackson and New Orleans.

On November 26, 1963, Delta filed an answer to Eastern's exemption application stating, inter alia, that it did not object to the grant to Eastern of the authority requested so long as the carrier is required to serve at least three intermediate points on all flights between Chicago and New Orleans; that Eastern through the exemption procedures should not be allowed to obtain one stop or two stop scheduled authority in the Chicago-New Orleans market which would make it competitive with Delta; and that the Eastern exemption application involves complex and controversial issues relating to requests that could not be legally granted under section 416(b) of the Act.

On November 26, 1963, NASA submitted a consolidated answer to the exemption applications filed by Southern and Eastern, indicating support of the truckline service of Eastern over that of Southern on the basis that Eastern could provide service in more modern equipment than could Southern.

On November 14, 1963, Trans-Texas Airways, Inc. (Trans-Texas) filed an answer to Southern's application stating, inter alia, that Southern has not shown that a need exists for nonstop service between Huntsville and the Moisant International Airport, and that Trans-Texas is an applicant in Docket 14057 for an extension of its segment 7 from Houston and New Orleans to Huntsville.

On November 26, 1963, Trans-Texas filed an answer to Eastern's exemption application opposing the grant of new authority to Eastern on the grounds, inter alia, that Eastern's exemption request raises controversial issues which cannot be settled under the exemption process; that extraordinary need for the service requested has not been shown; and that no undue hardship has been indicated by Eastern which would warrant granting exemption authority under section 416(b) of the Act.

On November 14, 1963, Eastern filed an answer in opposition to Southern's exemption request stating, inter alia, that Southern's application for exemption raises factual and policy issues not subject to proper solution under the exemption procedure; and that a substantial policy question is raised as to whether Southern could engage in air transportation between separate airports that serve the same city.

The Space Division of Chrysler Corporation, the Board of Levee Commissioners and the Chamber of Commerce of the New Orleans Area and the New Orleans Aviation Board filed answers or statements of position supporting improved service between Huntsville and New Orleans. On November 26, 1963, Southern filed an answer to Eastern's exemption application in which it stated, inter alia, that the Board should consider only the need for nonstop authority between Huntsville and New Orleans and that other issues raised by Eastern's application with reference to other markets should not be considered in that they may be inappropriate for exemption procedures, or may otherwise delay or jeopardize the disposition on the merits of Southern's and Eastern's Huntsville-New Orleans exemption requests.

On December 4, 1963, the Huntsville-Madison County Airport Authority (Huntsville) filed a "motion for expedited hearing and other relief" relating to Dockets 14846, 14872, and 14889, requesting the grant of exemption authority to Eastern as requested in Docket 14872 and to set down for hearing all issues raised by all parties in Docket 14889. Support for the granting of this motion was filed by NASA, the City of Birmingham and the Birmingham Chamber of Commerce, the City of Houston and the Houston Chamber of Commerce, the City of Mobile and the Mobile Chamber of Commerce, the City of New Orleans, and the Chamber of Commerce of New Orleans Area and Eastern. Southern and Delta filed answers opposing Huntsville's motion. In support of its answer Delta alleged, inter alia, that both of Eastern's applications embrace sweeping new operating authority going far beyond the needs of Huntsville or the NASA Redstone Arsenal. On December 6, 1963, Eastern and Southern filed replies to answers opposing their applications, neither of which contains matters not previously advanced.

On March 2, 1964, the Board of Levee Commissioners Orleans Levee District (District) filed a motion in Dockets 14846 and 14872 requesting separate and expeditious action on Southern's request to serve the Lakefront Airport. Answers were filed by Southern in support of the motion; by Delta in opposition only to the extent that Southern's service between Jackson and New Orleans might be improved; and by Eastern and Huntsville suggesting that service could be provided to Lakefront Airport at New Orleans through use of the airport notice procedure of the Board.

In earlier orders denying requests for exemption authority to provide service at Huntsville,[3] the Board found that the applications raised complex and controversial issues of fact and policy which could not be resolved without a full evidentiary hearing. The instant applications raise issues no less complex and controversial than those raised in the previously denied applications.

Although a need may exist for improved service between Huntsville and New Orleans to meet NASA's requirements, it has not been established that an urgent or extraordinary situation exists requiring immediate relief. Service is now being provided in these markets by both Southern and Eastern with one and two stop flights. Grant of the authority requested would result in some time-saving but not of such magnitude as to justify the use of our exemption powers. For example, on the basis of Southern's allegations the nonstop flight from Huntsville to Lakefront Airport would be only about 31 minutes faster than its present service to the Moisant Airport; while Eastern in its answer claims about 35–40 minutes faster time to Moisant Airport with the Electra nonstop it would operate as compared to Southern's proposed M–404 nonstop. In view of the foregoing, we have concluded that Eastern's and Southern's exemption applications should be denied.

We shall also deny Huntsville's motion requesting that Eastern's certificate application in Docket 14889, in its entirety, be set down for expedited hearing. Huntsville has not made the showing required by § 399.60 of the Board's Statements of General Policy to justify granting priority to Eastern's application. However, since a need may exist for improved air service between Huntsville and New Orleans we have decided to institute a limited investigation to determine whether a need exists for nonstop service between the two communities. To insure that this proceeding will be strictly limited in scope, in the event Eastern is awarded authority we shall restrict such authority so as to require that any flights serving Chicago, New Orleans, and Huntsville must also serve at least two additional points between Chicago and New Orleans.

Although Eastern, Southern and Trans-Texas currently have on file certificate applications which include Huntsville-New Orleans authority, we have decided that the better practice would be not to consolidate herein such applications. By those applications the carriers seek broad certificate authority involving points and areas not at issue herein. Rather than sever out the Huntsville-New Orleans portions of these applications and dismiss the remainder, our action herein will permit the applications to remain on the docket.

The District's motion of March 2, 1964, will also be denied. To the extent that the District seeks to have service provided at the Lakefront Airport, our customary airport notice procedure (Part 202 of the Board's Economic Regulations) is available to the carrier. To the extent

[3] Order E–15907, October 11, 1960; Order E–18654, August 1, 1962.

that the carrier has requested authority to carry traffic between Lakefront and Moisant Airports there has been no sufficient proof of need for such service to justify use of the exemption procedure, assuming such action could be taken.

Upon consideration of the foregoing, the Board finds that Eastern and Southern have failed to establish that the enforcement of section 401 of the Federal Aviation Act of 1958, as amended, is an undue burden on them by reason of the limited extent of, or unusual circumstances affecting their operations and would not be in the public interest.

Accordingly, it is ordered:

1. That the application of Eastern in Docket 14872, and Southern in Docket 14846, be and they hereby are denied;

2. That the motion of the Huntsville-Madison County Airport Authority be and it hereby is denied;

3. That the motion of the Board of Levee Commissioners Orleans Levee District be and it hereby is denied;

4. That an investigation be and hereby is instituted in Docket 15468, pursuant to section 401(g) of the Federal Aviation Act of 1958 as amended, to determine whether the public convenience and necessity require and whether the Board should amend one or more of the certificates of Eastern, Southern, or Trans-Texas to authorize nonstop service between Huntsville, Alabama and New Orleans, Louisiana, subject to the limitation that any flights serving Chicago, New Orleans and Huntsville must also serve at least two additional points between Chicago and New Orleans;

5. That Eastern Air Lines, Inc., Southern Airways, Inc., Trans-Texas Airways, Inc., the cities of New Orleans, Louisiana, and Huntsville, Alabama, be and they hereby are made parties to this proceeding;

6. That a copy of this order shall be served upon all of the parties named in ordering paragraph 5;

7. That the proceeding ordered herein be assigned for expedited hearing before an Examiner of the Board at a time and place hereafter to be designated; and

8. That requests for relief not specifically granted herein be and they hereby are denied.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.*

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 64-8538; Filed, Aug. 21, 1964; 8:47 a.m.]

CIVIL SERVICE COMMISSION

AGRONOMY SERIES ET AL.

Positions for Which Commission Has Prescribed Minimum Educational Requirements

In accordance with section 5 of the Veterans' Preference Act of 1944, as amended, the Civil Service Commission has decided that previously-approved minimum educational requirements for positions in the Biological Sciences Group, GS-400-0, and Related Series of Positions, should be superseded by revised requirements. Identification of the superseded requirements, the revised requirements, the duties of the positions, and the reasons for the Commission's decision that these requirements are necessary are set forth below.

THE AGRONOMY SERIES, GS-471-0

ALL GRADES AND SPECIALIZATIONS

Superseded requirements. The following material supersedes that previously appearing in 5 CFR 24.69 (published originally in 20 F.R. 9380, December 15, 1955). The superseded material appeared in both places under the heading of Agronomist, GS-407-5/15. Subsequently, the series code was changed in the new classification standards for this series. These standards were published in February 1961, but the superseded material was never corrected to show this change.

Minimum educational requirements. Applicants for these positions must have successfully completed one of the following requirements:

A. A full 4-year course of study in an accredited college or university leading to a bachelor's or higher degree with major study in agronomy or a closely related discipline or field of science. This course of study must have included at least 30 semester hours of course-work in the basic plant sciences, with a minimum of 15 semester hours in agronomic subjects, such as those dealing with plant breeding, crop production, and soil and crop management. The quality of this course-work must have been such that it would serve as a prerequisite for more advanced academic study in the field of science to which it pertains.

B. A total of at least 30 semester hours in the basic plant sciences, including a minimum of 15 semester hours in agronomic subjects, as described in A above, plus a sufficient amount of additional experience or education to total 4 years of education and experience or 4 years of education. The nature and quality of this additional experience or education must have been such that, when combined with the prescribed 30 semester hours in the basic plant sciences, it would give the applicant a professional and scientific knowledge of agronomy equivalent to that normally gained by successfully completing the full 4-year course of study requirements prescribed in A above.

Applicants for positions in research, development, and comparable highly technical and scientific functional areas of agronomic work must meet the requirements prescribed in A above.

Duties. Agronomists perform professional and scientific work requiring the application of a sound working knowledge of the fundamental principles of the plant, soil, and related natural, biological, and physical sciences, including those dealing with the water relationships involved, to the improvement, production, management, and utilization of field, pasture, and cover crops, turf, and related vegetation. They also apply these knowledges to soil and crop management, to the development and use of weed controls and plant regulators, and in performing other work of an agronomic nature. Some of the assignments are primarily concerned with the performance of research or similar highly technical scientific work in specialized areas of agronomy, such as those dealing with specific field crops, pasture and cover crops, plant regulators, soil and water relationships, etc. Other assignments are more concerned with the development and establishment of sound agronomic practices on large areas of government-owned land, or with the development, establishment, and use of sound agronomic practices in substantial conservation programs.

Reasons for establishing requirements. Agronomists apply a sound basic knowledge of the agricultural, biological, and related natural and physical sciences, and a specific knowledge of agronomy in almost every facet of their work. The duties of research and other highly technical and scientific positions in this series are particularly demanding in this respect, and may also require the application of a highly refined and exacting knowledge of agronomy and of the specific background and tool sciences that relate to the work. Appropriate scientific training of this kind can only be acquired at accredited colleges and universities that have appropriate scientific facilities available and a staff of trained instructors who can evaluate the student's progress in the various scientific subjects properly.

The specific course-work prescribed in the Minimum Educational Requirements represents the minimum amount of scientific training an individual must have to prepare himself as an Agronomist. A career Agronomist cannot develop or advance very far in his field without this specific kind of training, for he must apply this training on a day-to-day basis in performing professional agronomy work. Fully professional agronomy work cannot be performed effectively and efficiently at full levels of competence without this training.

THE ANIMAL HUSBANDRY SERIES, GS-487-0

ALL GRADES AND SPECIALIZATIONS

Superseded requirements. The following material supersedes that previously appearing in 5 CFR 24.74 (published originally in 21 F.R. 260, January 13, 1956) and 5 CFR 24.85 (published originally in 20 F.R. 9380, December 15, 1955).

Minimum educational requirements. Applicants must have successfully completed one of the following requirements:

A. A full 4-year course of study in an accredited college or university leading to a bachelor's or higher degree with major study in animal husbandry, dairy husbandry, poultry husbandry, or a closely related discipline or field of animal science. This course of study must have included at least 30 semester hours in the basic biological and agri-

* Concurring and dissenting statement of Vice Chairman Murphy filed as part of original document.

cultural sciences, with a minimum of 20 semester hours in animal science. The quality of this course-work must have been such that it would serve as a prerequisite for more advanced academic study in the field of science to which it pertains.

B. A total of at least 30 semester hours of course-work in the basic biological and agricultural sciences, including a minimum of 20 semester hours in appropriate animal science subjects, as described in A above, plus a sufficient amount of additional experience or education to total 4 years of education and experience or 4 years of education. The nature and quality of this additional experience or education must have been such that, when combined with the prescribed 30 semester hours in the basic biological and agricultural sciences, it would give the individual a professional and scientific knowledge of animal husbandry equivalent to that normally gained by successfully completing the full 4-year course of study described in A above.

For Animal Husbandman positions, at least 10 of the required 20 semester hours in animal science must have been in animal husbandry, i.e., courses dealing with the breeding, feeding, production, and management of livestock, and the care and preparation of their products.

For Dairy Husbandman positions, at least 10 of the required 20 semester hours in animal science must have been in dairy husbandry.

For Poultry Husbandman positions, at least 10 of the required 20 semester hours in animal science must have been in poultry husbandry.

Applicants for positions in research, development, and comparable highly technical and scientific functional areas of animal, dairy, or poultry husbandry work must meet the requirements prescribed in A above.

Duties. Animal Husbandmen perform professional and scientific work requiring the application of a sound working knowledge of the fundamental principles of the agricultural and biological sciences, and a more thorough and detailed knowledge of animal (livestock) husbandry, dairy husbandry, or poultry husbandry in connection with the breeding, development, management, and care of livestock, dairy herds, and poultry, or the production, preparation, and use of their products and byproducts. This work may be concerned with such phases of husbandry as breeding, nutrition, biochemistry, management, housing, growth, body form, physiology, and anatomy of the animals and birds, or with any other phase of the science that would tend to establish sound breeding programs, find better and more economical methods of managing herds or flocks, or better husbandry in general. Some of the assignments are of a research nature where the work is strongly oriented toward the solving of specific problems related to the development, breeding, management, and use of livestock, dairy animals, or poultry, or to the development, production, and use of their products or byproducts. Other assignments are more concerned with the management of individual herds and flocks, and the production of their products and byproducts, or the management of herds and flocks as part of general agricultural or conservation programs.

Reasons for establishing requirements. Animal, Dairy, and Poultry Husbandmen apply a sound knowledge of the basic agricultural, biological, and related physical and natural sciences, and a more detailed knowledge of their specialty in their work. The duties of research and other highly technical and scientific positions are particularly demanding in this respect, and may also require a detailed and exacting knowledge of the tool sciences related to husbandry, such as genetics, chemistry, nutrition, microbiology, and soils and agronomy. Appropriate scientific training of this kind can only be acquired at accredited colleges and universities that have appropriate scientific facilities available and a staff of trained instructors who can evaluate the student's progress in the various scientific subjects properly.

The specific course-work prescribed in the Minimum Educational Requirements represents the minimum amount of scientific training an individual must have to prepare himself as an Animal, Dairy, or Poultry Husbandman. A career Husbandman cannot develop or advance very far in his field without this specific kind of training, for he must apply this training on a day-to-day basis in performing his work. Fully professional animal, dairy, or poultry husbandry cannot be performed effectively and efficiently at full levels of competence without this training.

The Botany Series, GS–430–0

ALL GRADES AND SPECIALIZATIONS

Superseded requirements. The following material superseded that previously appearing in 5 CFR 24.72 (published originally in 21 F.R. 259, January 13, 1956).

Minimum educational requirements. Applicants must have successfully completed one of the following requirements:

A. A full 4-year course of study in an accredited college or university leading to a bachelor's or higher degree with major study in botany or basic plant science. This course of study must have included at least 24 semester hours in botany.

B. A total of at least 24 semester hours in botany, plus a sufficient amount of additional experience or education to total 4 years of experience and education or 4 years of education. The nature and quality of this additional experience or education must have been such that, when combined with the prescribed 24 semester hours in botany, it would give the applicant a professional and scientific knowledge of botany comparable to that normally gained by successfully completing the full 4-year course of study described in A above.

For positions dealing with the study of fungi, or with basic mycological relationships, the course-work in botany must have included at least 6 semester hours in mycology.

Applicants for positions in research, development, and comparable highly technical and scientific functional areas of botanical work must meet the requirements prescribed in A above.

Duties. Botanists perform professional and scientific work requiring the application of a sound working knowledge of the fundamental principles of plant science and the related natural and physical sciences, and a more intimate and detailed working knowledge of one or more of the recognized fields of botany, i.e., plant anatomy, plant cytology, plant genetics, plant ecology, mycology, algology, and ethnobotany. Some assignments are primarily concerned with the performance of research or similar highly technical scientific work in a specialized area or field of botany. Other assignments are of a more general nature, or deal with broad problem areas or with special botanical problems, such as those involved in determining the botanical relationships of large areas, regions, watershed, etc., or with the collection, analysis, and dissemination of botanical knowledge of a specific nature.

Reasons for establishing requirements. Botanists apply a sound basic knowledge of the biological, physical, and related natural sciences, and a highly specialized knowledge of one or more of the recognized fields of botany to their work. The duties of research and other highly technical and scientific positions are particularly demanding in this respect, and may also require the application of a highly refined and exacting knowledge of a specific field of botany, e.g., mycology, and of the related tool sciences that relate to their work. Appropriate scientific training of this kind can only be acquired at accredited colleges and universities that have appropriate scientific facilities available and a staff of training instructors who can evaluate the student's progress in the various scientific subjects properly.

The specific course-work prescribed in the Minimum Educational Requirements represents the minimum amount of scientific training an individual must have to prepare himself as a Botanist. A career Botanist cannot develop or advance very far in his field without this specific kind of training, for he must apply this training continuously in performing professional work in botany. Fully professional work in the field of botany cannot be performed effectively and efficiently at full levels of competence without this training.

The Entomology Series, GS–414–0

ALL GRADES AND SPECIALIZATIONS

Superseded requirements. The following material supersedes that previously appearing in 5 CFR 24.76 (published originally in 20 F.R. 9380, December 15, 1955).

Minimum educational requirements. Applicants must have successfully completed one of the following requirements:

A. A full 4-year course of study in an accredited college or university leading to a bachelor's or higher degree with major study in entomology or a closely

related discipline or field of the biological or physical sciences. This course of study must have included at least 30 semester hours in basic biological and physical sciences, with a minimum of 16 semester hours in entomology. The quality of this course-work must have been such that it would serve as a prerequisite for more advanced work in the field of science to which it pertains.

B. A total of at least 30 semester hours in basic biological and physical sciences, including a minimum of 16 semester hours in entomology, as described in A above, plus a sufficient amount of additional experience or education to total 4 years of education and experience or 4 years of education. The nature and quality of this additional experience or education must have been such that, when combined with the prescribed 30 semester hours in the basic biological and physical sciences, it would give the individual a professional and scientific knowledge of entomology equivalent to that normally gained by successfully completing the full 4-year course of study described in A above.

Applicants for positions in research, development, and comparable highly technical and scientific functional areas of entomological work must meet the requirements described in A above.

Duties. Entomologists perform professional and scientific work requiring a sound fundamental knowledge of the biological, natural, and physical sciences, and a refined working knowledge of one or more of the recognized fields of entomology, i.e., insect taxonomy, insect morphology, insect physiology, genetics, and economic, medical, or veterinary entomology. Some assignments are primarily concerned with a detailed study of insects and the performance of research or similar highly technical scientific work in a specialized area of entomology. Other assignments are more concerned with the solving of problems related to the detection, identification, control, and elimination of harmful insects, the use or exploitation of useful insects, or the identification, control, and eradication of disease bearing or disease causing insects.

Reasons for establishing requirements. Entomologists apply a sound basic knowledge of the biological, natural, and physical sciences, and a highly specialized knowledge of one or more of the major fields of entomology to their work. The duties of research and other highly technical and scientific positions are particularly demanding in this respect, or of one of the subject-matter areas of entomology, and a working knowledge of the tool sciences applied in the work, e.g., chemistry, statistics, mathematics, physics, botany, etc. Other positions, such as those dealing with economic or medical entomology, are almost as demanding. Appropriate scientific training of this kind can only be acquired at accredited colleges or universities that have appropriate scientific facilities available and a staff of trained instructors who can evaluate the student's progress in the various scientific subjects properly.

The specific course-work prescribed in the Minimum Educational Requirements represents the minimum amount of scientific training an individual must have to prepare himself as an Entomologist. A career Entomologist cannot develop or advance very far in his field without this specific kind of training, for he must apply this training continuously in performing professional entomology work. Fully professional work in entomology cannot be performed effectively and efficiently at full levels of competence without this training.

The Food Technology Series, GS–1382–0

ALL GRADES AND SPECIALIZATIONS

Superseded requirements. The following material supersedes that previously appearing in 5 CFR 24.36, subparagraph (9) (published originally in 20 F.R. 9380, December 15, 1955), and 5 CFR 24.126 (published originally in 20 F.R. 9380, December 15, 1955). The material superseded appeared under the headings of Dairy Manufacturing Specialist, GS–491–5, and Food Products Technologist, GS–1390–5/15.

The series code previously used for these positions became obsolete when the Food Technology Series, GS–1382–0, was established (TS 14, Handbook of Occupational Groups and Series of Classes, published October 1960). This new series was defined to include positions previously included in the Technology Series, GS–1390–0, the Dairy Manufacturing Technology Series, GS–491–0, the Fishery Products Technology Series, GS–492–0, and the Meat Technology Series, GS–495–0. The superseded material does not show this change.

Minimum educational requirements. Applicants must have successfully completed one of the following requirements:

A. A full 4-year course of study in an accredited college or university leading to a bachelor's or higher degree with major study in food technology, dairy technology, microbiology, biology, chemistry, physics, or a closely related discipline or field of science. This course of study must have included at least 30 semester hours of course-work in the basic biological and physical sciences, with a minimum of 20 semester hours in food technology and closely related subjects, or 20 semester hours in subjects that can be applied directly to food technology. The quality of this course-work must have been such that it would serve as a prerequisite for more advanced academic study in the field of science to which it pertains.

B. A total of at least 30 semester hours in basic biological and physical sciences with a minimum of 20 semester hours in appropriate subjects, as described in A above, plus a sufficient amount of additional experience or 4 years of education. The nature and quality of this additional experience or education must have been such that, when combined with the prescribed 30 semester hours in the basic biological and physical sciences, it would give the individual a professional and scientific knowledge of food technology comparable to that normally gained by successfully completing the full 4-year course of study described in A above.

Applicants for positions in research, development, and similar highly technical and scientific functional areas of food technology work must meet the requirements prescribed in A above.

Duties. Food Technologists perform professional and scientific work requiring the application of a sound working knowledge of the fundamental principles of the biological and physical sciences, and a detailed working knowledge of one or more of the disciplines of fields of science directly applied in their work. In performing this work they apply a thorough knowledge of a particular kind of food technology, i.e., meat products, cereals, fruits, and vegetables, poultry products, dairy products, etc., and a refined knowledge of the chemical, physical, or microbiological principles involved. Most of the work is highly technical and scientific and deals with the qualities, preparation, processing, milling, and organoleptic and related qualities of foods.

Reasons for establishing requirements. Food Technologists apply a sound knowledge of the basic biological and physical sciences, and thorough knowledge of their specialty, including a refined knowledge of chemistry, physics, or microbiology, where applicable. The duties of most of the positions are highly demanding in this respect and require a detailed and exacting knowledge of the sciences involved, i.e., chemistry, physics, or microbiology. Appropriate scientific training of this kind can only be acquired at accredited colleges or universities that have appropriate scientific facilities available and a staff of trained instructors who can evaluate the student's progress in the various scientific subjects properly.

The specific course-work prescribed in the Minimum Educational Requirements represents the minimum amount of scientific training an individual must have to prepare himself as a Food Technologist. A career Food Technologist cannot develop or advance very far in his specialty without this specific kind of training, for he must apply this training on a day-to-day basis in performing his work. Fully professional food technology work cannot be performed effectively and efficiently at full levels of competence without this training.

The Forest Products Technology Series GS–1380–0

ALL GRADES AND SPECIALIZATIONS

Superseded requirements. The following materials supersedes that previously appearing in 5 CFR 24.124 (published originally in 20 F.R. 9380, December 15, 1955, and amended in 22 F.R. 4883, July 11, 1959). The material superseded appeared under the heading of Forest Products Technologist, GS–1390–5/15.

The series code previously used for these positions became obsolete when the Forest Products Technology Series, GS–1380–0, was established (TS 14, Handbook of Occupational Groups and Series of Classes, published in October 1960).

This new series was defined to include these positions. They were formerly included in the Technology Series, GS–1390–0.

Minimum educational requirements. Applicants must have successfully completed one of the following requirements:

A. A full 4-year course of study in an accredited college or university leading to a bachelor's or higher degree with major study in wood technology, wood utilization, forestry, biological science, chemistry, physics, mathematics, engineering, or a closely related discipline or field of science. This course of study must have included at least 20 semester hours in any (or any combination) of the following subjects: chemistry, physics, mathematics, forest insects, forest pathology, botany, statics, kinematics, mechanics of materials, and subjects pertaining to wood technology, and wood utilization, such as physical and mechanical properties of wood, anatomy and identification of wood, seasoning and preserving of wood, plywood and laminated wood, harvesting of wood products, and manufacture of wood products. The quality of this course-work must have been such that it would serve as a prerequisite for more advanced academic study in the field of science to which it pertains.

B. A total of at least 20 semester hours in appropriate forest products technology subjects, as described in A above, plus a sufficient amount of additional experience or education to total 4 years of education and experience or 4 years of education. The nature and quality of this additional experience or education must have been such that, when combined with the prescribed 20 semester hours in forest products technology subjects, it would give the individual a professional and scientific knowledge of forest products technology comparable to that normally gained by successfully completing the full 4-year course of study described in A above.

Applicants for positions in research, development, and similar highly technical and scientific functional areas of forest products technology work must meet the requirements prescribed in A above.

Duties. Forest Products Technologists perform professional and scientific work requiring the application of a sound working knowledge of the scientific principles of the basic and applied sciences underlying forest products technology and a refined working knowledge of one or more of the specialized areas of forest products technology. Most of the work is highly technical and scientific and generally is concerned with such fields of technology as solid wood products, wood based materials, wood quality, and wood engineering. This work is further specialized within these broad areas and deals with studies or research in such areas as wood structures and systematic anatomy, sawmill techniques and products, additives and extracts of wood, insect, disease, and physical damage to timber products, protection of wood and wood structures, manufacture of wood products, chemistry of adhesions, solid state mechanics of wood fibers, etc.

Reasons for establishing requirements. Forest Products Technologists apply a sound knowledge of the basic and applied sciences, and a more detailed and refined knowledge of their specialty in their work. The duties of most of the positions are highly technical and scientific and are particularly demanding in this respect. They may also require a detailed and exacting knowledge of the specific disciplines or fields of science applied in the work, such as chemistry, physics, mathematics, or specific forestry or engineering subjects, etc. Appropriate scientific training of this kind can only be acquired at accredited colleges and universities that have appropriate scientific facilities available and a staff of trained instructors who can evaluate the student's progress in the various scientific subjects properly.

The specific course-work prescribed in the Minimum Educational Requirements represents the minimum amount of scientific training an individual must have to prepare himself as a Forest Products Technologist. A career Technologist cannot develop or advance very far in his field without this specific kind of training for he must apply it on a day-to-day basis in performing his work. Fully professional forest products technology work cannot be performed effectively or efficiently without this training.

The Genetics Series, GS–440–0

ALL GRADES AND SPECIALIZATIONS

Superseded requirements. The following material supersedes that previously appearing in 5 CFR 24.77 (published originally in 20 F.R. 9380, December 15, 1955).

Minimum educational requirements. Applicants must have successfully completed a full 4-year course of study in an accredited college or university leading to a bachelor's or higher degree with major study in genetics or one of the basic biological sciences. This course of study must have included at least 9 semester hours of course-work in genetics.

Duties. Geneticists perform professional and scientific work in the fields of plant and animal genetics requiring the application of a sound working knowledge of the fundamental principles of biology, the basic animal or plant sciences, and the physical sciences, and a refined working knowledge of genetics in studies designed to determine the principles and mechanisms of inheritance and their application in planned breeding programs, and the development of these programs. This work is highly technical and scientific, and usually involves highly complicated research where the Geneticist must apply a broad range of knowledges in biology, chemistry, and physics, and utilize tool sciences such as mathematics and statistics in solving specific problems. The scientific methods, procedures, and techniques applied in the work are intricate and refined, and are designed to make full use of a wide range of the modern advances in the field of science, including biochemistry, biophysics, microbiology, and related sciences.

Reasons for establishing requirements. Geneticists apply a sound working knowledge of the basic biological sciences, and a refined knowledge of genetics and the related tool sciences in all of their work. The duties of the work are most demanding in this respect, and require a thorough and up-to-date understanding of the most recent advances in science, particularly as they apply to genetics, and a thorough understanding of the tool sciences applied in the work. Appropriate scientific training of this kind can only be acquired at accredited colleges and universities that have modern, well-equipped laboratories available and a staff of instructors who can evaluate the student's progress in the various scientific subjects properly.

The specific course-work prescribed in the Minimum Educational Requirements represents the minimum amount of scientific training an individual must have to prepare himself as a Geneticist. A career Geneticist cannot develop or advance very far in his field without this specific kind of training, for he must apply this knowledge in all of the scientific work he does. Fully professional genetics work cannot be performed effectively and efficiently at full levels of competence without this kind of training.

The Home Economics Series, GS–493–0

ALL GRADES AND SPECIALIZATIONS

Superseded requirements. The following material supersedes that previously appearing in 5 CFR 24.125 (published originally in 20 F.R. 9380, December 15, 1955).

Minimum educational requirements. Applicants must have successfully completed one of the following requirements:

A. A full 4-year course of study in an accredited college or university leading to a bachelor's or higher degree with major study in home economics or a closely related discipline or field of science. This course of study must have included at least 20 semester hours either in or directly applicable to one of the following fields of home economics: (1) food science, (2) nutrition, (3) home management and household economics, (4) housing and household equipment, or (5) textiles and clothing. The quality of this course-work must have been such that it would serve as a prerequisite for more advanced courses in the field of science to which it pertains.

B. A total of at least 20 semester hours in home economics, as described in A above, plus a sufficient amount of additional experience or education to total 4 years of education and experience or 4 years of education. The nature and quality of this additional experience or education must have been such that, when combined with the prescribed 20 semester hours in home economics, it would give the applicant a professional and scientific knowledge of home economics comparable to that normally gained by successfully completing the full 4-year course of study described in A above.

Applicants for positions in research, development, and comparable highly technical and scientific functional areas of home economics work must meet the requirements described in A above.

Duties. Home Economists perform professional and scientific work requiring the application of a sound working knowledge of the fundamental principles of the basic biological, physical, and applied sciences underlying the science of home economics, and a more thorough and detailed knowledge of one of the major fields of home economics, i.e., food quality and use, human nutrition, home management and household economics, housing and household equipment, and textiles and clothing. Some of the assignments are primarily concerned with the study of some phase or facet of these fields and involves the performance of research of similar highly technical and scientific work in a specialized area of these fields of home economics. Other assignments deal with the operations of food programs, the preparation of foods in specific operating situations, or with the dissemination of knowledge in the field of home economics in connection with extension programs or with other work of a similar nature.

Reasons for establishing requirements. Home Economists apply a sound knowledge of the basic biological, physical, and applied sciences, and a more detailed knowledge of a specialized field of home economics in their work. The duties of research and other highly technical and scientific positions are particularly demanding in this respect and may require a detailed and exacting knowledge of one of the fields of home economics and of the tool sciences applied in the work, e.g., chemistry, physics, microbiology, statistics, etc. Appropriate scientific training of this kind can only be acquired at accredited colleges and universities that have appropriate facilities available and a staff of trained instructors who can evaluate the student's progress in the various scientific subjects properly.

The specific course-work prescribed in the Minimum Educational Requirements represents the minimum amount of scientific training an individual must have to prepare herself as a Home Economist. A career Home Economist cannot develop or advance very far in her field without this specific kind of training, for she must apply this training on a day-to-day basis in performing her work. Fully professional home economics work cannot be performed effectively and efficiently at full levels of competence without this training.

THE HORTICULTURE SERIES, GS–437–0

ALL GRADES AND SPECIALIZATIONS, EXCEPT FOR POSITIONS WHERE THE WORK IS PRIMARILY CONCERNED WITH THE MAINTENANCE OF PARKS AND GROUNDS

Superseded requirements. The following material supersedes that previously appearing in 5 CFR 24.78 (published originally in 20 F.R. 9380, December 15, 1955, as amended in 24 F.R. 5817, July 22, 1959).

Minimum educational requirements. Applicants must have successfully completed one of the following requirements:

A. A full 4-year course of study in an accredited college or university leading to a bachelor's or higher degree in horticulture or a closely related field of basic plant science. This course of study must have included at least 30 semester hours of course-work in the basic plant sciences with a minimum of 16 semester hours in horticultural subjects, such as those dealing with the breeding, care, management, production, and post harvest handling of horticultural crops. The quality of this course-work must have been such that it would serve as prerequisite for more advanced courses in the field of science to which it pertains.

B. A total of at least 30 semester hours of course-work in the basic plant sciences, as described in A above, plus a sufficient amount of additional experience or education to total 4 years of education and experience or 4 years of education. The nature and quality of this additional experience or education must have been such that, when combined with the prescribed 30 semester hours in basic plant sciences, it would give the applicant a professional and scientific knowledge of horticulture comparable to that normally gained by successfully completing the full 4-year course of study described in A above.

Applicants for positions in research, development, and comparable highly technical and scientific functional areas of horticulture work must meet the requirements described in A above.

Duties. Horticulturists perform professional and scientific work requiring the application of a sound working knowledge of the fundamental principles of the plant, soil, and related natural, biological, and physical sciences, and a more intimate and detailed knowledge of horticulture, to the breeding, improvement, propagation, culture, production, storage, and handling of horticultural crops. Most of the assignments are primarily concerned with the performance of research or similar highly technical and scientific work in specialized areas of horticulture, such as those dealing with specific kinds of fruits, vegetables, ornamentals, and nursery stock or seed producing plants. Other assignments are concerned with the carrying out of operational programs, such as those involved in the care and maintenance of park areas, or with the integration of sound horticultural practices in general management programs.

Reasons for establishing requirements. Horticulturists apply a sound knowledge of the agricultural, biological, and related natural and physical sciences, and a specific knowledge of horticulture in their work. The duties of research and other highly technical and scientific positions in this series are particularly demanding in this respect, and may also require a detailed and exacting knowledge of horticulture and of the related sciences that are applied in the work. Appropriate scientific training of this kind can only be acquired at accredited colleges and universities that have appropriate scientific facilities available and a staff of trained instructors who can evaluate the student's progress in the various scientific subjects properly.

The specific course-work prescribed in the Minimum Educational Requirements represents the minimum amount of scientific training an individual must have to prepare himself as a Horticulturist. A career Horticulturist in most of the specializations in this series cannot develop or advance very far in his field without this specific kind of training, for he must apply this training on a day-to-day basis in performing professional horticultural work. Fully professional horticultural work, except for that involving maintenance of parks and grounds, cannot be performed effectively and efficiently at full levels of competence without this training.

THE NEMATOLOGY SERIES, GS–415–0

ALL GRADES AND SPECIALIZATIONS

Superseded requirements: The following material supersedes that previously appearing in 5 CFR 24.129 (published originally in 21 F.R. 262, January 13, 1956).

Minimum educational requirements. Applicants must have successfully completed a full 4-year course of study in an accredited college or university leading to a bachelor's or higher degree with major study in nematology, plant pathology, or parasitology. This course of study must have included at least 6 semester hours in plant nematology.

Duties. Nematologists perform professional and scientific work requiring the application of a sound working knowledge of the principles of the agricultural, biological, and physical sciences, and an intimate and detailed working knowledge of plant nematology and the closely related sciences, such as plant pathology, microbiology, etc. The duties of these positions are highly technical and scientific and normally involve the application of highly specialized knowledges in the fields of nematology and the related sciences. The work may deal with the taxonomy of the nematodes, their psysiology, relationship to plants, soil and ecological conditions; their distribution and means of spreading, their enemies, diseases, and other natural control factors; their control by cultural, rotational, chemical and therapeutical methods; or with their affect on crop production and plant growth in general.

Reasons for establishing requirements. Nematologists apply a sound basic knowledge of the agricultural, biological, and physical sciences, and a refined knowledge of nematology and the tool sciences related to nematology, in all of their work. The duties of the positions are most demanding in this respect, and require a thorough and up-to-date understanding of these sciences. Appropriate scientific training of this kind can only be acquired at accredited colleges and universities that have modern, well-equipped laboratories available and a staff of instructors who can evaluate the student's progress in the various scientific subjects properly.

The specific course-work prescribed in the Minimum Educational Requirements represents the minimum amount of scientific training an individual must have to prepare himself as a Plant Nematologist. A career Nematologist cannot develop or advance very far in his field without this specific kind of training, for he must apply this knowledge in all of the scientific work he does. Fully professional plant nematology work cannot

be performed effectively and efficiently without this kind of training.

THE PARASITOLOGY SERIES, GS–412–0

ALL GRADES AND SPECIALIZATIONS

Superseded requirements. The following material supersedes that previously appearing in 5 CFR 24.82 (published originally in 20 F.R. 9380, December 15, 1955).

Minimum educational requirements. Applicants must have successfully completed one of the following requirements:

A. A full 4-year course of study in an accredited college or university leading to a bachelor's or higher degree with major study in animal parasitology, zoology, or a closely related discipline or field of science. This course of study must have included at least 30 semester hours in biological science, with a minimum of 20 semester hours in zoology and parasitology, helminthology, protozoology, or medical or veterinary entomology. The quality of this course-work must have been such that it would serve as a prerequisite for more advanced courses in the field of science to which it pertains.

B. A total of at least 30 semester hours in biological science, as described in A above, plus a sufficient amount of additional experience or education to total 4 years of education and experience or 4 years of education. The nature and quality of this additional experience or education must have been such that, when combined with the prescribed 30 semester hours in biological science, it would give the applicant a professional and scientific knowledge of parasitology equivalent to that normally gained by successfully completing the full 4-year course of study described in A above.

Applicants for positions in research, development, and comparable highly technical and scientific functional areas of parasitology work must meet the requirements described in A above.

Duties. Parasitologists perform professional and scientific work requiring the application of a sound working knowledge of the principles of the basic animal and physical sciences, and a specific knowledge of parasitology and microbiology, in connection with the study, investigation, and control of the parasites of man, domestic and wild animals, and fish. This work deals with the occurrence, structure, identification, life histories, pathology, epidemiology, immunology, physiology, host relationships, and the biological, physical, and chemical control of the various protozoan, helminth, and arthropod parasites. Some of the assignments are primarily concerned with the performance of research or similar highly technical and scientific work in specific fields of parasitology, such as those dealing with a specific parasite, groups of parasites, or specific control measures. Other assignments deal with the identification and diagnosis of parasitic infestations in hospital or field situations.

Reasons for establishing requirements. Parasitologists apply a sound basic knowledge of the animal and physical science, and a specific knowledge of parasitology and microbiology in their work. The duties of research and other highly technical and scientific positions are particularly demanding in this respect and may also require the application of a highly refined and exacting knowledge of specific parasites and of the tool sciences as they relate to the work. Appropriate scientific training of this kind can only be acquired at accredited colleges and universities that have appropriate scientific facilities and a staff of instructors who can evaluate the student's progress in the various scientific subjects properly.

The specific course-work prescribed in the Minimum Educational Requirements represents the minimum amount of scientific training individual must have to prepare himself as a Parasitologist. A career Parasitologist cannot develop or advance very far in his field without this specific kind of training, for he must apply this training on a day-to-day basis in performing professional parasitology work. Fully professional parasitology work cannot be performed effectively and efficiently at full levels of competence without this training.

THE PHYSIOLOGY SERIES, GS–413–0

ALL GRADES AND SPECIALIZATIONS, EXCEPT FOR POSITIONS INVOLVING HIGHLY TECHNICAL RESEARCH RELATING TO HUMAN HEALTH, DISEASES, AND ENVIRONMENTAL RESPONSES

Superseded requirements. The following material supersedes that previously appearing in 5 CFR 24.86 (published originally in 20 F.R. 9380, December 15, 1955).

Minimum educational requirements. Applicants must have successfully completed a full 4-year course of study in an accredited college or university leading to a bachelor's or higher degree with major study in one of the basic animal sciences, physiology, or a closely related discipline or field of science. This course of study must have included at least 24 semester hours in the basic animal sciences, with a minimum of 10 semester hours in animal physiology. The quality of this course-work must have been such that it would serve as a prerequisite for more advanced academic study in the field of science to which it pertains.

Duties. Physiologists perform professional and scientific work in the fields of animal and human physiology requiring the application of a sound working knowledge of the fundamental principles of the basic animal and physical sciences, and a refined working knowledge of physiology in studies designed to determine the functional relationships of organisms and their component parts, the physiological relationships involved, the biological and physical processes involved, and the environmental and physical factors involved in these relationships and processes. The duties of these positions are highly technical and scientific and normally involve the application of a broad range of knowledges in the fields of physiology and biochemistry in specific problem areas or in specific situations, e.g., to establish environmental responses, etc. The scientific methods, procedures, and techniques applied in the work are often intricate and refined, and are designed to make full use of the modern advances in biochemistry, biophysics, and microbiology.

Reasons for establishing requirements. Physiologists apply a sound basic knowledge of the basic biological and physical sciences, and a refined knowledge of physiology and biochemistry in all of their work. The duties of the work are most demanding in this respect, and require a thorough and up-to-date understanding of the most recent advances of science, particularly as they apply to physiology, and a thorough understanding of the tool sciences that relate to the work. Appropriate scientific training of this kind can only be acquired at accredited colleges and universities that have modern, well-equipped laboratories available and a staff of instructors who can evaluate the student's progress in the various scientific subjects properly.

The specific course-work prescribed in the Minimum Educational Requirements represents the minimum amount of scientific training an individual must have to prepare himself as a Physiologist. A career Physiologist cannot develop or advance very far in his field without this specific kind of training, for he must apply this knowledge in all of the scientific work he does. Fully professional physiology work cannot be performed effectively and efficiently at full levels of competence without this kind of training.

THE PLANT PATHOLOGY SERIES, GS–434–0

ALL GRADES AND SPECIALIZATIONS

Superseded requirements. The following material supersedes that previously appearing in 5 CFR 24.83 (published originally in 20 F.R. 9380, December 15, 1955).

Minimum Educational Requirements. Applicants must have successfully completed a full 4-year course of study in an accredited college or university leading to a bachelor's or higher degree with major study in plant pathology or a closely related discipline or field of science. This course of study must have included at least 20 semester hours in basic botany or plant science with a minimum of 10 semester hours in plant pathology. The quality of this course-work must have been such that it would serve as a prerequisite for more advanced courses in the field of science to which it pertains.

Duties. Plant Pathologists perform professional and scientific work requiring the application of a sound working knowledge of the fundamental principles of the plant sciences, the related biological sciences, such as entomology and microbiology, and the physical sciences, and a refined working knowledge of plant pathology, in connection with the investigation and study of the cause, nature, prevalence, and severity of plant diseases caused by parasitic and nonparasitic organisms and viruses. Most of the assignments are primarily concerned with the performance of research and similar highly technical and scientific work involving the development and use of techniques to determine the causitive organisms, establish their identity, determine their life cycles and host parasite relationships, and their effect on the culture, production, harvest, transporta-

tion, and storage of plants and plant products. Some work involves the development and integration of sound horticultural practices in operating programs, such as those involved in the care and maintenance of parks and grounds and the management of government-owned installations.

Reasons for establishing requirements. Plant Pathologists apply a sound basic knowledge of the plant sciences, the related biological sciences, and the physical sciences, and a specific knowledge of plant pathology in their work. The duties of most of the positions in this series are particularly demanding in this respect, and may also require the application of a highly refined and exacting knowledge of plant pathology and of the tool sciences that relate to the work. Appropriate scientific training of this kind can only be acquired at accredited colleges and universities that have appropriate scientific facilities available and a staff of trained instructors who can evaluate the student's progress in the various scientific subjects properly.

The specific course-work prescribed in the Minimum Educational Requirements represents the minimum amount of scientific training an individual must have to prepare himself as a Plant Pathologist. A career Pathologist cannot develop or advance very far in his field without this specific kind of training for he must apply this training on a day-to-day basis in performing professional plant pathology work. Fully professional plant pathology work cannot be performed effectively and efficiently at full levels of competence without this training.

THE PLANT PHYSIOLOGY SERIES, GS–435–0

ALL GRADES AND SPECIALIZATIONS

Superseded requirements. The following material supersedes that previously appearing in 5 CFR 24.84 (published originally in 21 F.R. 261, January 13, 1956).

Minimum educational requirements. Applicants must have successfully completed a full 4-year course of study in an accredited college or university leading to a bachelor's or higher degree with major study in botany, plant physiology, or a closely related discipline or field of science. This course of study must have included at least 10 semester hours in plant physiology.

Duties. Plant Physiologists perform professional and scientific work in the field of plant physiology requiring the application of a sound working knowledge of the fundamental principles of the basic biological, plant, and physical sciences, and a refined working knowledge of plant physiology, in studies concerning one or more of the vital functions essential to plant life, or to the products of plants, such as growth, nutrition, respiration, and reproduction. The duties of the positions are highly technical and scientific and normally involve the application of a broad range of knowledges in the fields of physiology and biochemistry in specific problem areas or in specific situations, e.g., to establish the effects of environmental factors, such as light, temperature, and nutrients upon rate, kind, and amount of growth; to determine the chemical composition of plant or plant parts in relation to a variety of conditions; to determine the maturity, quality, and storage life of flowers, fruits, roots, seeds, or other plant products; to study the effects and nature of substances that regulate the growth and development of plants; etc. The scientific methods, procedures, and techniques applied in the work are often intricate and refined, and are designed to make full use of modern advances in biochemistry, biophysics, and microbiology.

Reasons for establishing requirements. Plant Physiologists apply a sound basic knowledge of the basic biological, plant, and physical sciences and a refined knowledge of plant physiology and biochemistry in all of their work. The duties of the work are most demanding in this respect, and require a thorough and up-to-date understanding of the most recent advances of science, particularly as they apply to physiology, and a thorough understanding of the tool sciences that relate to the work. Appropriate scientific training of this kind can only be acquired at accredited colleges and universities that have modern, well-equipped laboratories available and a staff of instructors who can evaluate the student's progress in the various scientific subjects properly.

The specific course-work prescribed in the Minimum Educational Requirements represents the minimum amount of scientific training an individual must have to prepare himself as a Plant Physiologist. A career Plant Physiologist cannot develop or advance very far in his field without this specific kind of training, for he must apply this knowledge in all the scientific work he does. Fully professional plant physiology work cannot be performed effectively and efficiently at full levels of competence without this kind of training.

THE PLANT TAXONOMY SERIES, GS–433–0

ALL GRADES AND SPECIALIZATIONS

Superseded requirements. The following material supersedes that previously appearing in 5 CFR 24.130 (published originally in 21 F.R. 262, January 13, 1956).

Minimum educational requirements. Applicants must have successfully completed a full 4-year course of study in an accredited college or university leading to a bachelor's or higher degree with major study in botany or basic plant science. This course of study must have included at least 24 semester hours in botany with a minimum of 10 semester hours in plant taxonomy, plant systematics, or similar course-work having a direct bearing on plant taxonomy.

Duties. Plant Taxonomists perform professional and scientific work requiring the application of a sound working knowledge of the basic biological, plant, and physical sciences, and a refined working knowledge of plant taxonomy and systematics in connection with studies of various kinds and types of plants. The duties of these positions are highly technical and scientific and normally involve the application of a detailed and intimate knowledge of the plants in making determinations of the taxonomic position and nomenclatorial status of plants, studying and developing principles, methods, and systems for classifying plants, identifying and describing plants and seeds, and preparing technical and scientific material about the plants.

Reasons for establishing requirements. Plant Taxonomists apply a sound basic knowledge of the basic biological, plant, and physical sciences, and a refined knowledge of plant taxonomy and systematics in all of their work. The duties of the work are particularly demanding in this respect, and require a thorough and up-to-date understanding of the most recent advances in science, particularly as they apply to plant taxonomy and systematics, and a thorough understanding of the tool sciences as they relate to the work. Appropriate scientific training of this kind can only be acquired at accredited colleges and universities that have modern, well-equipped facilities available and a staff of instructors who can evaluate the student's progress in the various scientific subjects properly.

The specific course-work prescribed in the Minimum Educational Requirements represents the minimum amount of scientific training an individual must have to prepare himself as a Plant Taxonomist. A career Taxonomist cannot develop or advance very far in his field without this specific kind of training, for he must apply this knowledge in all of the scientific work he does. Fully professional plant taxonomy work cannot be performed effectively and efficiently at full levels of competence without this kind of training.

THE RANGE CONSERVATION SERIES, GS–454–0

ALL GRADES OF POSITIONS IN THE RANGE SCIENTIST SPECIALIZATIONS

Superseded requirements. The following material supersedes that previously appearing in 5 CFR 24.55 (published originally in 21 F.R. 259, January 13, 1956, as amended by 22 F.R. 2883, July 11, 1957).

The superseded material appeared under the heading of Range Conservationist (Research), GS–454–5/15. However, this title is in the process of being revoked and will be superseded by the title Range Scientist, which will be the appropriate title for research positions in this series.

Minimum educational requirements. Applicants must have successfully completed a full 4-year course of study in an accredited college or university leading to a bachelor's or higher degree with major study in range management or a closely related discipline or field of science. This course of study must have included:

1. At least 10 semester hours in range management, plant ecology, or any combination of the two; or

2. At least 20 semester hours in an appropriate combination of the subject-matter fields of science listed below, provided the training includes at least 3 semester hours of course work in at least 4 of the subject-matter fields listed. These subject-matter fields are (a) plant physiology, (b) plant taxonomy, (c) soils,

(d) forage crop management and production, (e) animal husbandry, provided course-work in nutrition is included, (f) wildlife management, (g) biometry, and (h) other fields where the problems and work are related directly to range, pasture, or forage crop management.

Duties. Range Scientists perform professional and scientific work requiring the application of a sound working knowledge of the fundamental principles of the basic animal, plant, natural, and physical sciences, and a refined knowledge of range management, or the specific sciences that underlie and are applied in determining the factors that influence range maintenance and the improvement and efficient utilization of range forage by livestock and big game. The duties of the positions are highly technical and scientific and normally involve the application of a wide range of knowledges in the fields of botany, ecology, range management, and specific areas of the related natural and physical sciences that affect basic soil, plant, and water relationships, or the development, maintenance, and utilization of ranges and range lands. The scientific methods, procedures, and techniques applied in the work are often intricate and refined, and are designed to make full use of the modern advances of science as they apply to range conservation and range management.

Reasons for establishing requirements. Range Scientists apply a sound basic knowledge of the animal, plant, natural, and physical sciences and a refined knowledge of range management, and of the sciences related to range management, in all of their work. The duties of the positions are most demanding in this respect, and require a thorough and up-to-date understanding of the most recent advances of science, particularly as they apply to range management, and of tool sciences that relate to the work. Appropriate scientific training of this kind can only be acquired at accredited colleges and universities that have modern, well-equipped laboratories and related scientific facilities available, and a staff of instructors who can evaluate the student's progress in the various scientific subjects properly.

The specific course-work prescribed in the Minimum Educationa' Requirements represents the minimum amount of scientific training an individual must have to prepare himself as a Range Scientist. A career Range Scientist cannot develop or advance very far in his field without this specific kind of training, for he must apply this knowledge in all of the scientific work he does. Fully professional range science work cannot be performed effectively and efficiently at full levels of competence without this kind of training.

THE SOIL SCIENCE SERIES, GS–470–0

ALL GRADES AND SPECIALIZATIONS

Superseded requirements. The following material supersedes that previously appearing in 5 CFR 24.87 (published originally in 20 F.R. 9380, December 15, 1955, as amended by 21 F.R. 5813, August 4, 1956).

Minimum educational requirements. Applicants must have successfully completed one of the following requirements:

A. A full 4-year course of study in an accredited college or university leading to a bachelor's or higher degree with major study in soil science, geology, agronomy, chemistry, physics, or a closely related discipline or field of the biological, physical, or earth sciences. This course of study must have included at least 30 semester hours in the biological, physical, and earth sciences with a minimum of 15 semester hours in soils. The quality of this course-work must have been such that it would serve as a prerequisite for more advanced courses in the field of science to which it pertains.

B. A total of at least 30 semester hours in the biological, physical, and earth sciences, as described in A above, plus a sufficient amount of additional experience or education to total 4 years of education and experience or 4 years of education. The nature and quality of this additional experience or education must have been such that, when combined with the prescribed 30 semester hours in biological, physical, and earth sciences, it gives the applicant a professional and scientific knowledge of soil science equivalent to that normally gained by succesfully completing the full 4-year course of study described in A above.

Applicants for positions in research, development, and comparable highly technical and scientific functional areas of soils work must meet the requirements described in A above.

Duties. Soil Scientists perform professional and scientific work requiring the application of a sound working knowledge of the principles of the agricultural, biological, and physical sciences, and a refined working knowledge of soil science and the sciences closely related to soil science, such as agronomy, chemistry, and physics, in connection with the study and investigation of soils from the standpoint of their distribution, their interrelated physical, chemical, and biological properties and processes, their relationships to climatic, physiographic, and vegetative influences, and their adaptation to use and management in agriculture. Some assignments are primarily concerned with the performance of research and other highly technical and scientific work in specialized areas of soil science, such as those concerned with the determination of the genesis, morphology, and classification of soils, the determination of methods of soil management that will improve the production of crops in specific situations by fertilization, liming, drainage, irrigation, etc., or the determination of the biological, chemical, and physical properties of soil. Other assignments are more concerned with the carrying out of field studies to determine how soils should be classified, mapped, and evaluated, and how they should be managed and used in specific situations.

Reasons for establishing requirements. Soil Scientists apply a sound knowledge of the basic agricultural, biological, and physical sciences, and a specific knowledge of soil science in all of their work. The duties of research and other highly technical and scientific positions are particularly demanding in this respect, and may also require the application of a highly refined and exacting knowledge of both soil science and the specific facets of the agricultural, biological, and physical sciences that relate to the work. Appropriate scientific training of this kind can only be acquired at accredited colleges and universities that have appropriate scientific facilities available and a staff of trained instructors who can evaluate the student's progress in the various scientific subjects properly.

The specific course-work prescribed in the Minimum Educational Requirements represents the minimum amount of scientific training an individual must have to prepare himself as a Soil Scientist. A career Soil Scientist cannot develop or advance very far in his field without this specific kind of training, for he must apply this training on a day-to-day basis in performing professional soils work. Fully professional soils work cannot be performed effectively or efficiently at full levels of competence without this training.

THE SYSTEMATIC ZOOLOGY SERIES, GS–411–0

ALL GRADES AND SPECIALIZATIONS

Superseded requirements. The following material supersedes that previously appearing in 5 CFR 24.131 (published originally in 21 F.R. 262, January 13, 1956).

Minimum educational requirements. Applicants must have successfully completed a full 4-year course of study in an accredited college or university leading to a bachelor's or higher degree with major study in zoology or biology. This course of study must have included at least 24 semester hours in zoology with a minimum of 10 semester hours in systematic zoology, taxonomy, or similar courses that have a direct bearing on systematic zoology.

Dutics. Systematic Zoologists perfrom professional and scientific work requiring the application of a sound working knowledge of biological, animal, and related natural and physical sciences, and a refined knowledge of systematic and taxonomic zoology in connection with studies of various kinds and types of animals. The duties of these positions are highly technical and scientific and normally involve the application of a detailed and intimate knowledge of the animals in making determinations of their classification according to natural relationships, reviewing and revising existing classification systems, and studying the ecology, structure, function, distribution, habits, life histories, and economic importance of the animals, and in preparing technical and scientific material about the animals.

Reasons for establishing requirements. Systematic Zoologists apply a sound basic knowledge of the basic biological, animal, and related natural and physical sciences, and a refined knowledge of systematic zoology, specific groups of

animals, and the segments of science related to this field of study in all of their work. The duties of the positions are particularly demanding in this respect, and require a thorough and up-to-date understanding of the most recent advances of science, particularly as they apply to systematic zoology, and a thorough understanding of the tool sciences as they relate to the work. Appropriate scientific training of this kind can only be acquired at accredited colleges and universities that have modern, well-equipped facilities available and a staff of instructors who can evaluate the student's progress in the various scientific subjects properly.

The specific course-work prescribed in the Minimum Educational Requirements represents the minimum amount of scientific training an individual must have to prepare himself as a Systematic Zoologist. A career Systematic Zoologist cannot develop or advance very far in his field without this specific kind of training, for he must apply this knowledge in all of the scientific work he does. Fully professional systematic zoology work cannot be performed effectively and efficiently at full levels of competence without this kind of training.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 64-8548; Filed, Aug. 21, 1964; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

[Commission Order 1 (Amended); Supp. 3]

MANAGING DIRECTOR

Delegation of Specific Authorities

In section 7, Specific authorities delegated to the Managing Director, subsection 7.03 is hereby supplemented to read as follows:

7.03 Authority to review and determine the validity of alleged or suspected violations, exclusive of formal complaints, of the shipping statutes and rules and regulations of the Commission by common carriers by water in the domestic offshore or the foreign commerce of the United States, terminal operators, freight forwarders, and other persons subject to the provisions of the shipping statutes; authority to determine corrective action necessary with respect to violations and conduct negotiations and obtain compliance by the violating parties, except where violations involve major questions of policy or major interpretations of statutes, or orders, rules and regulations of the Commission, or acts having material effect upon the Commerce of the United States: authority to determine, with respect to the foregoing, whether alleged or suspected violations should or should not be referred to the Department of Justice for prosecution.

JOHN HARLEE,
Rear Admiral, U.S. Navy (Ret.), Chairman.

AUGUST 13, 1964.

[F.R. Doc. 64-8532; Filed, Aug. 21, 1964; 8:46 a.m.]

[Docket No. 1194]

CONFERENCE AGREEMENT PROVISIONS RELATING TO CONCERTED ACTIVITIES

Extension of Time for Filing Comments

At the request of interested parties, and good cause appearing, time for filing comments in this proceeding is hereby enlarged to and including December 4, 1964, for all parties.

By the Commission.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 64-8533; Filed, Aug. 21, 1964; 8:46 a.m.]

[General Order 9]

ATLANTIC AND GULF/WEST COAST OF SOUTH AMERICA CONFERENCE ET AL.

Notice of Agreements Filed For Approval

Correction

In F.R. Doc. 64-8444, appearing at page 11935 of the issue for Thursday, August 20, 1964, the following correction is made in the matter in the center column of page 11936: The agreement number of the agreement filed by Mr. J. M. Phillips should read "Agreement No. 8054-2" instead of "Agreement No. 8045-2".

FEDERAL POWER COMMISSION

[Docket No. G-7071, etc.]

TEXACO INC. ET AL.

Findings and Order

AUGUST 14, 1964.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, amending certificates, terminating certificates, permitting and approving abandonment of service, terminating rate proceeding, making successor co-respondent, redesignating proceeding, accepting agreement and undertaking for filing, and accepting related rate schedules and supplements for filing.

Each of the Applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce, for permission and approval to abandon service, or a petition to amend an existing certificate authorization, all as more fully described in the respective applications and petitions (and any supplements or amendments thereto) which are on file with the Commission.

The Applicants herein have filed related FPC gas rate schedules and propose to initiate or abandon, add or delete natural gas service in interstate commerce as indicated in the tabulation herein. All sales certificated herein are either equal to or below the ceiling prices established by the Commission's Statement of Policy 61-1, as amended, or involve sales for which certificates have been previously issued.

Socony Mobil Oil Company (Operator), et al., Applicant in Docket No. G-17629, proposes to continue service heretofore authorized in Docket No. G-18830 and rendered pursuant to a contract heretofore designated as BBM Drilling Company (Operator), et al., FPC Gas Rate Schedule No. 6. BBM has filed a change in rate under said rate schedule which change was suspended in Docket No. RI61-304. The change in rate has never been made effective and Socony has requested that the proceeding be terminated and that the rate not be made effective. Accordingly, BBM's rate schedule will be redesignated as a rate schedule of Socony Mobil; the certificate issued in Docket No. G-18330 will be terminated and the order issuing a certificate in Docket No. G-17629 will be amended to authorize Socony Mobil to continue the subject sales; and the proceeding pending in Docket No. RI61-304 will be terminated. The request that the rate not be made effective and that the rate proceeding be terminated will be construed as a notice of withdrawal of Supplement No. 4 to Socony Mobil's FPC Gas Rate Schedule No. 350 (as so redesignated herein).

Sunset International Petroleum Corporation, Applicant in Docket No. CI64-1490, proposes to continue the sale of natural gas heretofore authorized in Docket No. CI64-858 pursuant to a contract heretofore designated as The Atlantic Refining Company FPC Gas Rate Schedule No. 140 which hereinafter will also be designated as a rate schedule of Sunset. The presently effective rate under the subject rate schedule is in effect subject to refund in Docket No. RI61-389. Sunset has filed a motion to be made corespondent in said proceeding and has submitted an agreement and undertaking to assure the refund of any amounts collected in excess of the amount determined to be just and reasonable in Docket No. RI61-389 insofar as said proceeding pertains to sales from properties assigned to Sunset by Atlantic. Accordingly, Sunset will be made a corespondent in said proceeding; said proceeding will be redesignated; and the agreement and undertaking will be accepted for filing.

After due notice no petition to intervene, notice of intervention, or protest

to the granting of any of the respective applications or petitions has been received.

At a hearing held on August 13, 1964, the Commission on its own motion received and made part of the record in these proceedings all evidence, including the applications, amendments and exhibits thereto, submitted in support of the respective authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of said Act upon the commencement of the service under the respective authorizations granted hereinafter.

(2) The sales of natural gas hereinbefore described, as more fully described in the respective applications, amendments and/or supplements herein, will be made in interstate commerce, subject to the jurisdiction of the Commission, and such sales by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) The sales of natural gas by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefor should be issued as hereinafter ordered and conditioned.

(4) The respective Applicants are able and willing properly to do the acts and to perform the services proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the certificate authorizations heretofore issued by the Commission in Docket Nos. G–6716, G–7071, G–7963, G–10318, G–11635, G–16563, G–17629, G–17979, G–18748, CI60–444, CI61–616, CI61–1055, CI61–1137, CI61–1162, CI62–1184, CI63–331, CI63–730, CI63–1407, CI63–1437, CI64–136, CI64–305, CI64–423, CI64–547, CI64–959, CI64–1325, and CI64–1369 should be amended as hereinafter ordered.

(6) The sales of natural gas proposed to be abandoned by the respective Applicants, as hereinbefore described, all as more fully described in the tabulation herein and in the respective applications, are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act, and such abandonments should be permitted and approved as hereinafter ordered.

(7) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates of public convenience and necessity heretofore issued in Docket Nos. G–3714, G–4219, G–15297, G–18830, G–20151, and CI61–808 to Applicants herein, relating to the several abandonments and successions hereinafter permitted and approved, should be terminated.

(8) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificate hereinafter issued in Docket No. CI63–730 should be conditioned as were the certificates issued by the order accompanying Opinion No. 353 (27 FPC 449).

(9) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the proceeding pending in Docket No. RI61–304 should be terminated and that Supplement No. 4 to Socony Mobil Oil Company, Inc. (Operator), et al., FPC Gas Rate Schedule No. 350 (as so redesignated herein) should be considered withdrawn.

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Sunset International Petroleum Corporation should be made a co-respondent with The Atlantic Refining Company in the proceeding pending in Docket No. RI61–389, that said proceeding should be redesignated accordingly, and that the agreement and undertaking submitted by Sunset should be accepted for filing.

The Commission orders:

(A) Certificates of public convenience and necessity be and the same are hereby issued, upon the terms and conditions of this order, authorizing the sales by the respective Applicants herein of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary for such sales, all as hereinbefore described and as more fully described in the respective applications, amendments, supplements and exhibits in this consolidated proceeding.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder, and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against the respective Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the respective contracts, particularly as to the cessation of service upon termination of said contracts, as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificates aforesaid be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The orders issuing certificates in Docket Nos. G–6716, G–10318, G–11635, G–17979, G–18748, CI61–1137, CI61–1162, CI64–423, and CI64–959 be and the same are hereby amended by deleting therefrom authorization to sell natural gas, and in all other respects said orders shall remain in full force and effect.

(E) The orders issuing certificates in Docket Nos. G–7071, G–7963, G–16563, G–17629, CI61–616, CI61–1055, CI62–1184, CI63–331, CI63–1407, CI63–1437, CI64–136, CI64–547, CI64–1325, and CI64–1369 be and the same are hereby amended by adding thereto authorization to sell natural gas from additional acreage, and in all other respects said orders shall remain in full force and effect.

(F) The certificate issued in Docket No. CI63–730 be and the same is hereby conditioned as follows:

(a) The initial price shall not exceed 15.0 cents per Mcf at 14.65 psia including tax reimbursement plus Btu adjustment;

(b) In the event that the Commission amends its Policy Statement No. 61–1 by adjusting the boundary between the Panhandle area and the "Other" Oklahoma area so as to increase the initial wellhead price for new gas in the area of the sale involved herein, Applicant may thereupon substitute the new rate reflecting the amount of such increase, and thereafter collect such new rate prospectively in lieu of the rate herein required; and

(c) The allowances for take-or-pay provisions and the upward Btu adjustment provisions in the related rate schedule are subject to the ultimate disposition with respect to such provisions in the rule making proceedings in Docket Nos. R–199 and R–200; however, Applicant will not be required to file take-or-pay provisions for less than 80 percent of the annual contract quantities.

(G) The certificates heretofore issued in the following dockets be and the same are hereby terminated: G–3714, G–4219, G–15297, G–18830, G–20151, and CI61–808.

(H) The orders issuing certificates in the following dockets be and the same are hereby amended by changing the certificate holder to the successor in interest as set forth in the tabulation herein: CI60–444, CI63–730, and CI64–305.

(I) Permission for and approval of the abandonment of service by the respective Applicants, as hereinbefore described and as more fully described in the respective applications herein, are hereby granted.

(J) The related rate schedules and supplements are hereby accepted for filing subject to the applicable Commission regulations under the Natural Gas Act and are effective and designated as indicated in the tabulation herein.

(K) The authorization granted in Docket Nos. CI64–1369 and CI65–2 determines only the payments which legally may be made by the buyer to the seller and shall not estop the Commission from considering the appropriate costs to be attributed to the subject sales should the buyers' purchased gas costs be an issue in future rate proceedings under sections 4(e) or 5(a) of the Natural Gas Act.

(L) The proceeding pending in Docket No. RI61–304 be and the same is hereby terminated.

(M) Socony Mobile Oil Company, Inc. (Operator), et al., is hereby permitted to withdraw Supplement No. 4 to its FPC Gas Rate Schedule No. 350 (as so redesignated herein).

(N) Sunset International Petroleum Corporation be and it is hereby made a co-respondent with The Atlantic Refining Company in the proceeding pending in Docket No. RI61–389, and said proceeding is redesignated accordingly.[1]

(O) The agreement and undertaking submitted by Sunset International Petroleum Corporation in Docket No. RI61–389 to assure the refund of any amounts collected in excess of the amount determined to be just and reasonable in Docket No. RI61–389, insofar as said proceeding pertains to sales from properties assigned to Sunset by The Atlantic Refining Company, be and the same is hereby accepted for filing.

(P) Sunset International Petroleum Corporation shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the agreement and undertaking filed in Docket No. RI61–389 by Sunset shall remain in full force and effect until discharged by the Commission.

By the Commission.

[SEAL] GORDON M. GRANT,
Acting Secretary.

Docket No. and date filed	Applicant	Purchaser, field and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
G–7071 (G–6716)[1] (G–11635)[2] C 3–17–64 6–29–64[4]	Texaco Inc.	El Paso Natural Gas Co., West Dollarhide Field, Lea County, N. Mex.	Supplemental agreement 12–31–63.[3]	269	4
			Letter 6–25–64[5]	269	5
G–7963 C 6–29–64	McCall Drilling Co., Inc.	Equitable Gas Co., Troy and Freemans Creek Dists., Gilmer and Lewis Counties, W. Va.	Letter agreement 4–30–64.[6]	20	4
G–16563 C 7–2–64	Cities Service Co.	United Gas Pipe Line Co., Northwest Corpus Channel Field, Nueces County, Tex.	Amendment 5–27–64[6 7]	31	5
G–17629 (G–18830)[8] C&E 4–30–64	Socony Mobil Oil Co., Inc. (Operator), et al. (successor to BBM Drilling Co. (Operator), et al.).	El Paso Natural Gas Co., Spraberry Trend, Midland County, Tex.	BBM Drilling Co. (Operator), et al., FPC GRS No. 6.	[9] 350	----
			Supplement Nos. 1–4	350	1–4
			Notice of succession 4–29–64.[10]	----	----
			Assignment 12–31–63	350	5
			Effective date: 1–1–64	----	----
G–17979 D–6–25–64	Sinclair Oil & Gas Co.	Transwestern Pipeline Co., acreage in Lipscomb County, Tex.	Letter agreement 4–14–64.[5 11]	193	13
G–18748 D 6–25–64	do	El Paso Natural Gas Co., acreage in Ochiltree County, Tex.	Assignment 3–7–61[12 13]	189	18
CI60–444 E 6–29–64	James H. Helland (Operator), et al. (successor to John L. Welsh, Jr. (Operator), et al.	Trunkline Gas Co., Byrne Field, Bee County, Tex.	John L. Welsh, Jr., (Operator), et al., FPC GRS No. 4.	1	----
			Notice of succession (undated).	----	----
			Assignment 8–1–63	1	1
			Effective date: 7–20–60	----	----

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.

See footnotes at end of table.

[1]The Atlantic Refining Company and Sunset International Petroleum Corporation.

Docket No. and date filed	Applicant	Purchaser, field and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
CI61–616 C 11–18–63	Texaco Inc.	Transwestern Pipeline Co., White City Penn Field, Eddy County, N. Mex.	Amended agreement 9–12–63.	[14] 227	3
			Letter 4–8–64	227	4
CI61–1055 C 7–9–64	Cities Service Oil Co.	Anadarko Production Co., acreage in Morton County, Kans.	Amendment 6–18–64[6]	143	2
CI61–1137 D 7–2–64	Sinclair Oil & Gas Co. (partial abandonment).	Panhandle Eastern Pipe Line Co., acreage in Meade County, Kans.	Amendment agreement 12–16–63.[15]	208	3
			Effective date: 8–2–64	----	----
CI61–1162 D 7–6–64	Ocean Drilling & Exploration Co. (Operator), et al. (partial abandonment).	Transcontinental Gas Pipe Line Corp., Block 67, Ship Shoal Area, Terrebonne Parish, La.	Notice of partial cancellation 6–29–64[5 15 16]	4	7
CI62–1184 C 6–29–64	Sinclair Oil & Gas Co. (Operator), et al.[17]	Arkansas Louisiana Gas Co., Wilburton Field, Latimer County, Okla.	Ratification 5–25–64.[6 18]	251	7
CI63–331 C 7–9–64	W. Leslie Rogers	Hope Natural Gas Co., Clay Dist., Ritchie County, W. Va.	Letter agreement 3–11–64.	4	3
			Letter agreement 5–14–64.[6]	4	4
CI63–675 A 11–23–62	Amerada Petroleum Corp.	El Paso Natural Gas Co., Jameson Field, Mitchell and Nolan Counties, Tex.	Contract 10–31–62	101	----
			Letter 2–14–63[6]	101	1
CI63–730 E 7–6–64	Sohio Petroleum Co.[19] (successor to S. J. Sarkeys).	Michigan Wisconsin Pipe Line Co., Putman Field, Dewey County, Okla.	S. J. Sarkeys, FPC GRS No. 1.	102	----
			Supplement Nos. 1 and 2.	102	1 & 2
			Notice of succession 6–1–64.	----	----
			Assignment (undated)	102	3
			Assignment 4–2–64	102	4
			Effective date: 4–1–64	----	----
CI63–1407 C 6–29–64	Sunray DX Oil Co.	Kansas-Nebraska Natural Gas Co., Inc., various Fields, Hamilton County, Kans.	Letter agreement 4–8–64.[6]	242	1
CI63–1437 C 5–25–64 7–8–64[20]	The Atlantic Refining Co.	Arkansas Louisiana Gas Co. West Vixen Field, Caldwell Parish, La.	Supplemental agreement 4–15–64.[6]	272	2
CI64–136 C 7–9–64	Cities Service Oil Co.	Arkansas Louisiana Gas Co. Star Field, Kingfisher County, Okla.	Amendment 6–15–64[6]	172	3
CI64–305 E 6–12–64	Texstar Petroleum Co. (successor to Bert Young).	Cities Service Gas Co., East Antelope Mississippi Gas Pool, Marion County, Kans.	Bert Young, FPC GRS No. 1.	1	----
			Supplement No. 1	1	1
			Notice of succession 6–9–64.	----	----
			Assignment 5–1–64[13]	1	2
CI64–423 D 6–26–64	Ashland Oil & Refining Co.	Transwestern Pipeline Co., acreage in Ellis County, Okla.	Letter agreement 5–20–64.[5 21]	154	7
CI64–547 C 6–29–64	Pioneer Production Corp. (Operator), et al.	Northern Natural Gas Co., various fields, Lipscomb County, Tex.	Supplemental agreement 4–13–64.[6]	23	1
CI64–913 A 2–13–64	Pan American Petroleum Corp.	Southern Union Gathering Co., Basin Dakota Field, San Juan County, N. Mex.	Contract 7–1–63[6]	396	----
CI64–959 D 7–7–64	Medallion Oil Co. (partial abandonment).	Texas Eastern Transmission Corp., Jefferson Field, Marion County, Tex.	Letter agreement 3–30–64.[22]	1	9
CI64–1168 A 4–3–64 7–6–64[23]	Union Oil Co. of California (Operator), et al.	El Paso Natural Gas Co., Gallegos Canyon Unit, San Juan County, N. Mex.	Contract 3–5–63	89	----
			Letter agreement 6–9–64.[6]	89	1
CI64–1229 A 4–20–64	George H. & Hill Williams.	Arkansas Louisiana Gas Co., Gragg Area, Sebastian County, Ark.	Ratification 8–8–63	1	----
			Contract 3–26–63[6]	1	1
CI64–1325 C 7–6–64	Texaco Inc. (Operator), et al.	Lone Star Gas Co., Northwest Velma Field, Stephens County, Okla.	Amendment 6–26–64[6]	332	1
CI64–1369 C 7–8–64	Anadarko Production Co.	Panhandle Eastern Pipe Line Co., North Richland Center Field, Texas County, Okla.	Supplemental agreement 5–20–64.[6]	80	1

Docket No. and date filed	Applicant	Purchaser, field and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
CI64-1414 (G-3714) [24] (G-4219) [25] A 5-27-64	The Lancer Corp. (successor to Humble Oil & Refining Co. and Phelps Dodge Corp.).	Texas Eastern Transmission Corp., Trebloc Field, Chickasaw County, Miss.	Humble Oil & Refining Co., FPC GRS No. 186.[26]	1	
			Supplement Nos. 1-5	1	1-5
			Notice of succession 4-28-64.		
			Assignment 9-16-63 [27]	1	6
			Effective date: 7-1-63		
CI64-1480 (G-15297) B 6-11-64.	Gulf Oil Corp.	Phillips Petroleum Co., Fuhrman-Mascho Field, Andrews County, Tex.	Notice of cancellation 6-10-64.[5 28]	140	2
CI64-1490 (G-10318) A 6-15-64	Sunset International Petroleum Corp. (partial succession).[29]	El Paso Natural Gas Co., Block 9 Field, Andrews County, Tex.	Contract 2-13-56	[30] 8	
			Supplemental agreement 9-22-59.	8	1
			Supplemental agreement 10-26-59.	8	2
			Supplemental agreement 6-29-60.	8	3
			Assignment 7-23-63	8	4
			Assignment 1-10-64 [6]	8	5
CI64-1535 A 6-24-64	C. L. Kingsbury, et al.	Hope Natural Gas Co., Washington Dist., Calhoun County, W. Va.	Contract 4-22-64 [6]	8	
CI64-1541 A 6-26-64	Gulf Oil Corp.	Northern Natural Gas Co., Hansford Upper Morrow Field, Hansford County, Tex.	Contract 4-29-64 [6]	276	
CI64-1542 A 6-25-64	Howard W. Sharpley, et al.	Hope Natural Gas Co., Glenville Dist., Gilmer County, W. Va.	Contract 5-14-64 [6]	3	
CI64-1543 A 6-25-64	E. M. Reynolds	Hope Natural Gas Co., Collins Settlement and Banks Dist., Upshur and Lewis Counties, W. Va.	Contract 9-4-63 [6]	1	
CI64-1544 A 6-25-64	Jack L. Phillips (Operator), et al.	Arkansas Louisiana Gas Co., Clinton Lake Field, Marion County, Tex.	Contract 6-3-64 [6]	2	
CI64-1545 A 6-25-64	Cleary Petroleum, Inc.	Arkansas Louisiana Gas Co., Milton Field, Le Flore County, Okla.	Contract 5-28-64	12	
			Contract 5-24-62	12	1
			Supplemental agreement 3-22-63.[5]	12	2
CI64-1546 A 6-26-64	Luke Grace Drilling Co., et al.	Northern Natural Gas Co., Bradford (Tonkawa) Field, Lipscomb County, Tex.	Contract 10-29-63	1	
			Amendment 6-1-64 [6]	1	1
CI64-1547 A 6-26-64	Joseph E. Seagram & Sons, Inc. d.b.a. Texas Pacific Oil Co.	Kansas-Nebraska Natural Gas Co., Inc., Frenchie Draw Unit, Wind River Basin, Fremont and Natrona Counties, Wyo.	Contract 6-8-64 [6]	79	
CI64-1548 (G-20151) B 6-26-64	Plains Exploration Co. (Operator), et al.	Kansas-Nebraska Natural Gas Co., Inc., Ruby Field, Washington County, Colo.	Notice of cancellation 6-23-64.[5 28]	5	1
CI64-1549 A 6-26-64	Southwestern Oil & Refining Co. (Operator), et al.	Texas Eastern Transmission Corp., Pargmann Field, Karnes County, Tex.	Contract 4-21-64 [6]	7	
CI64-1550 A 6-26-64	Quaker State Oil Refining Corp.	Hope Natural Gas Co., Glenville District, Gilmer County, W. Va.	Contract 5-22-64 [6]	6	
CI64-1553 A 6-29-64	Socony Mobil Oil Co., Inc.	Transcontinental Gas Pipe Line Corp., West Leleux Field, Acadia Parish, La.	Contract 6-24-64 [6]	357	
CI64-1555 A 6-30-64	George Jackson, et al. d/b/a Binns-Jackson Gas Co.	Cumberland and Allegheny Gas Co., Buckhannon District, Upshur County, W. Va.	Contract 6-16-64 [6]	37	
CI64-1558 A 6-29-64	The Pure Oil Co.	Panhandle Eastern Pipe Line Co., Tuttle Ranch Field, Clark County, Kans.	Contract 3-20-64 [6]	82	
CI64-1559 A 6-29-64	Jake L. Hamon (Operator), et al.	Northern Natural Gas Co., Acreage in Texas County, Okla.	Contract 6-10-64 [6]	42	
CI65-2 A 7-2-64	Southwest Natural Production Co., et al.	Arkansas Louisiana Gas Co., Arkoma Basin Area, Haskell and Le Flore Counties, Okla.	Ratification agreement 5-12-64.	20	
			Contract 5-24-62	20	1
			Letter agreement 3-5-63.	20	2
			Supplemental agreement 3-22-63.	20	3
			Letter agreement 6-25-64.[6]	20	4
CI65-3 A 7-1-64	Palm Petroleum Corp.	J. C. Wynne, d/b/a The Bering Co., Horizon Field Ochiltree County, Tex.	Contract 5-22-64 [6]	4	
CI65-4 A 7-1-64	Galen McKibben, et al. d/b/a B. & M. Drilling Co.	Equitable Gas Co., Sand Fork Field, Court House District, Lewis County, W. Va.	Contract 8-29-63 [6]	3	
CI65-5 A 7-6-64	Paul F. Starr, agent for Floe McCulty, et al.	Pennzoil Co., Henry District, Clay County, W. Va.	Contract 3-23-64 [6]	14	
CI65-6 A 7-6-64	Davidor & Davidor, Inc.	Northern Natural Gas Co., Harper Ranch Morrow Sand Gas Pool, Clark County, Kans.	Contract 4-24-64 [6]	8	
CI65-8 A 7-6-64	Skelly Oil Co.	Northern Natural Gas Co., Cunningham Area, Lipscomb County, Tex.	Contract 5-14-64 [6]	199	
CI65-9 (CI61-808) B 7-6-64	Pan American Petroleum Corp.	Transcontinental Gas Pipe Line Corp., Raceland Field, Lafourche Parish, La.	Notice of cancellation 7-1-64 [5 15]	293	4
CI65-10 A 7-6-64	Edwin L. Cox	Lone Star Gas Co., Hunsucker Lease, Carter County, Okla.	Contract 6-18-64 [6]	57	
CI65-13 A 7-7-64	Medallion Oil Co.	Arkansas Louisiana Gas Co., Jefferson Field, Marion County, Tex.	Contract 6-1-64 [6]	2	
CI65-15 A 7-9-64	Coloma Oil & Gas Corp., Operator, agent for F. G. Kingsley, et al.	Texas Eastern Transmission Corp., Karon Field, Live Oak County, Tex.	Contract 5-25-64	2	
			Letter agreement 5-25-64.[6]	2	1

See footnotes at end of table.

[1] Rate in effect under E. A. Culbertson and Wallace W. Irwin FPC GRS No. 1.
[2] Rate in effect under Gulf Oil Corp. FPC GRS No. 64.
[3] Adds acreage acquired from Skelly Oil Co., who previously acquired such acreage from Gulf Oil Corp. and Culbertson and Irwin.
[4] Supplement to amendment filed to reflect the rates of 9.0 cents (applicable to sales from acreage acquired from Gulf Oil Corp.) and 5.5 cents (applicable to sales from acreage acquired from E. A. Culbertson and Wallace W. Irwin) in lieu of the 9.0 cents rate shown in Mar. 17, 1964 filing.
[5] Effective date: Date of this order.
[6] Effective date: Date of initial delivery.
[7] Covers sales of gas from additional producing zone, between depths of 10,793 and 10,900 feet.
[8] Applicant requests certificate issued to BBM Drilling Co. in Docket No. G-18830 be terminated and sales thereunder added under Docket No. G-17629.
[9] Proposed rate of 11.1056 cents per Mcf suspended in Docket No. RI61-304.
[10] The request in the notice of succession that the change in rate heretofore designated as Supplement No. 4 to BBM Drilling Co. (Operator), et al., FPC GRS No. 6 not be made effective is herein being construed as a notice of withdrawal of said supplement.
[11] Deletes 160 net acres of undeveloped acreage from original contract.
[12] Assignment of nonproductive acreage from Sinclair to Carl M. Archer.
[13] Effective date: Date of transfer of properties.
[14] Rate schedule previously accepted for filing.
[15] Source of gas depleted.
[16] Cancels rate schedule with respect to sales from Block 67, Ship Shoal Area, Offshore Terrebonne Parish, La., only.
[17] Applicant is filing to cover the interests of Southwest Natural Production Co. and Stephens Production Co.
[18] Adoption and ratification of Sinclair's contract of Mar. 15, 1962 by Stephens Production Co. and Southwest Natural Production Co.
[19] Applicant agreed to accept permanent certificate for subject acreage with same terms and conditions as predecessor's authorization (terms and conditions imposed in Opinion No. 353).
[20] Contract summary to amendment filed.
[21] Deletes 170 net acres from contract; buyer unable to obtain authorization to connect well to its line.
[22] Deletes sales from wells which have declined in pressure.
[23] Motion for reconsideration filed; construed as a petition to amend application for rate of 13.0 cents per Mcf in lieu of the proposed 14.0 cents.
[24] Certificate issued to Humble Oil & Refining Co.
[25] Certificate issued to Phelps Dodge Corp.

[26] Lancer also proposed to succeed to Phelps Dodge Corp. FPC GRS No. 1, which is a concurrence in Humble's Rate Schedule No. 186 (formerly Carter Oil Co. Rate Schedule No. 24). Phelp Dodge's Rate Schedule No. 1 will be cancelled.
[27] Instrument by which Humble Oil & Refining Co. and Phelps Dodge Corp. assigned the subject interest to The Lancer Corp.
[28] Production no longer economically feasible.
[29] Partially succeeds The Atlantic Refining Co. FPC GRS No. 140.
[30] Rate in effect subject to refund in Docket No. RI61-389.

[F.R. Doc. 64-8472; Filed, Aug. 21, 1964; 8:45 a.m.]

[Docket No. CP64-258]

EL PASO NATURAL GAS CO.

Notice of Application

AUGUST 17, 1964.

Take notice that on April 29, 1964, as supplemented on July 27, 1964, El Paso Natural Gas Company (Applicant), P.O. Box 1492, El Pasco, Texas, 79999, filed in Docket No. CP64-258 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 an additional 2700 horsepower compressor unit and necessary appurtenances at Applicant's Dumas Compressor Station, Moore County, Texas, all as more fully set forth in the application and supplement which are on file with the Commission and open to public inspection.

The purpose of the proposed facilities is to enable Applicant to receive and subsequently utilize some 40,000 Mcf of natural gas per day at 14.65 psia which Applicant has contracted to purchase from Phillips Petroleum Company (Phillips) in addition to gas presently being received from Phillips under other authorization. Delivery is to be made at the discharge side of Phillips' Dumas Compressor Station. Phillips' related application for authorization to make this additional sale to Applicant is the subject of Docket No. CI64-918.

The total estimated cost of the facilities proposed herein is $895,000, which will be financed from current working funds, supplemented as necessary by short-term bank loans.

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 September 10, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-8520; Filed, Aug. 21, 1964; 8:45 a.m.]

[Docket No. CP64-315]

KANSAS-NEBRASKA NATURAL GAS CO. INC.

Notice of Application

AUGUST 17, 1964.

Take notice that on June 30, 1964, Kansas-Nebraska Natural Gas Company, Inc. (Applicant), Phillipsburg, Kansas, filed in Docket No CP64-315 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 natural gas facilities in Wyoming and Nebraska, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct and operate approximately 66 miles of 16-inch pipeline replacing an equal amount of deteriorating 10- and 12-inch pipeline between Douglas and Lingle, Wyoming, a 2000 horsepower compressor addition at Casper, Wyoming, and a 1000 horsepower compressor addition at Northport, Nebraska.

The application indicates that Applicant has entered into gas purchase contracts dedicating additional reserves in the Wind River Basin, Natrona and Fremont Counties, Wyoming, and the Powder River Basin, Converse County, Wyoming. Applicant states that it requires the proposed increase in capacity out of Wyoming in order to transport the additional gas eastward to market.

The application shows the total estimated cost of the proposed facilities to be $2,352,000, which cost will be financed from current working capital and interim bank loans.

It appears reasonable and in the public interest to allow a period of less than fifteen days for public notice of this application.

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 28, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-8521; Filed, Aug. 21, 1964; 8:45 a.m.]

[Docket No. RI65-139]

AMERICAN PETROFINA COMPANY OF TEXAS

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

AUGUST 18, 1964.

Respondent named herein has filed a proposed change in rate and charge of a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth in Appendix A below.

The proposed changed rate and charge 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 a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its 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, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplement to the rate schedule filed by Respondent shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondent shall execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154..02 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule involved. Unless Respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding 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 October 1, 1964.

By the Commission.

GORDON M. GRANT,
Acting Secretary.

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		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI65-139...	American Petrofina Co. of Texas, P.O. Box 2159, Dallas 21, Tex., Attn: Walker W. Smith, attorney.	38	3	Texas Eastern Transmission Corp. (Midway East Field, San Patricio County, Tex.) (R.R. Dist. No. 4).	$1,820	7-24-64	[1] 9-1-64	[2] 9-2-64	[4] [6] 15.0	[3] [4] [5] 5.6	

[1] The stated effective date is the effective date requested by Respondent.
[2] The suspension period is limited to one day.
[3] Periodic rate increase.
[4] Pressure base is 14.65 psia.
[5] Rate is subject to downward Btu adjustment.
[6] Initial rate.

APPENDIX A

American Petrofina Company of Texas' (American Petrofina) related contract was executed subsequent to September 28, 1960, the date of issuance of the Commission's Statement of General Policy No. 61-1, as amended, and the proposed rate is above the applicable area ceiling for increased rates but does not exceed the applicable ceiling price for initial rates in the area involved. We believe, in this situation, that American Petrofina's rate filing should be suspended for one day from September 1, 1964, the proposed effective date.

[F.R. Doc. 64-8519; Filed, Aug. 21, 1964; 8:45 a.m.]

[Docket No. CP64-262]

UNITED NATURAL GAS CO.

Notice of Application

AUGUST 17, 1964.

Take notice that on April 29, 1964, United Natural Gas Company (Applicant), 308 Seneca Street, Oil City, Pennsylvania, filed in Docket No. CP64-262 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the installation and operation of an additional 300 Hp compressor unit and connecting facilities at its Medix Run Field Compressor Station in Benezette Township, Elk County, Pennsylvania, all as more fully set forth in the application on file with the Commission and open to public inspection.

The application states that Applicant is presently operating its Medix Run Field Compressor Station in Benezette Township, Elk County, Pennsylvania, for the purpose of pulling suction on producing gas wells in that area and compressing such produced gas for discharge into Applicant's Line F-M 100. Due to increased operating pressures being maintained in Line F-M 100 Applicant now requires a two-stage compressor operation in order to discharge said natural gas into Line F-M 100, instead of the single stage unit now utilized. In addition, the proposed unit will enable Applicant under emergency conditions to maintain the station in operation in the event the present compressor becomes inoperable.

Applicant proposes to take a presently available unused 300 Hp compressor unit from a field compressor station in Potter County, Pennsylvania, and relocate it in the Medix Run Field Compressor Station for use as stated. The estimated cost of the installation of the compressor unit and the construction of connecting facilities is $4,830.00, which will be defrayed from current funds.

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 September 8, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-8522; Filed, Aug. 21, 1964; 8:45 a.m.]

FEDERAL RADIATION COUNCIL

RADIATION PROTECTION GUIDANCE FOR FEDERAL AGENCIES

Memorandum for the President

JULY 16, 1964.

Pursuant to Executive Order 10831 and Public Law 86-373, the Federal Radiation Council is transmitting recommendations for the approval of the President for guidance of Federal agencies in their radiation protection activities. The present recommendations are directed to guidance for protective actions affecting the normal production, processing, distribution, and use of food products for human consumption. Specific guidance is provided for iodine-131. It is the intention of the Council to release the background material leading to these recommendations as Staff Report No. 5 when the recommendations herein are approved.

Background. The first two memorandums which provided guidance for Federal agencies in the conduct of their radiation protection activities were approved by the President on May 13, 1960, and September 20, 1961. These provided a general philosophy of radiation protection and general principles of control based on the annual intake of radionuclides. The recommendations contained therein provided the basis for the control and regulation of normal peacetime operations in which exposure to radiation is a factor. Numerical values were provided for the Radiation Protection Guides designed to limit the exposures of the whole body and of certain organs resulting from normal peacetime operations.

During the period of atmospheric testing of nuclear weapons in 1961 and 1962 the question arose as to the use of these Radiation Protection Guides for determining the conditions under which the production, processing, distribution, and use of food, particularly fresh fluid milk, should be altered to reduce human intake of radionuclides from fallout.

In September 1962 the Federal Radiation Council stated its position on this subject, and in 1963 the Council reiterated that existing guides were not applicable to a determination of a need for protective actions and noted that it would recommend guidance on the subject to the President.

Concept of Protective Action Guide. In previous reports the Federal Radiation Council has recommended a philosophy of radiation protection and discussed alternative approaches to the derivation of basic guidance for radiation protection. It has pointed out that decisions concerned with radiation protection involve a balance between the possible health risks associated with radiation exposure and the reasons for accepting the exposure. The Council adopted the term "Radiation Protection Guide" to express the balance between the benefits from normal peacetime operations and the health risks associated with those exposures. The radionuclide releases causing these exposures are generally controlled at the source.

Radiation protection guidance for protective actions applicable to ingestion of food contaminated with radioactive material requires a different balance. Here, the Council is concerned with a balance between the risk of radiation exposure and the impact on public well-being associated with alterations of the normal production, processing, distribution, and use of food.

For this purpose, the Council has adopted the term "Protective Action Guide" (PAG), defined as the projected absorbed dose to individuals in the general population which warrants protective action following a contaminating event. The projected dose is the dose that would be received in the future by individuals in the population group from the contaminating event if no protective action were taken. If the projected dose exceeds the PAG, protective action is indicated. According to the operational technique adopted in the Memorandum for the President, May 1960, the corresponding average projected dose to a suitable sample of the exposed population would be one-third of the PAG.

A protective action is an action or measure taken to avoid most of the exposure to radiation that would occur from future ingestion of foods contaminated with radioactive materials. Such actions are appropriate when the health benefits associated with the reduction in exposure to be achieved are sufficient to offset the undesirable features of the protective actions. The PAG represents the Council's judgment as to where this balance should be for the conditions considered most likely to occur. If, in a particular situation, there is available an effective action with low total impact, initiation of such action at a projected dose lower than the PAG may be justifiable. If only very high impact action would be effective, initiation of such action at a projected dose higher than the PAG may be justifiable.

A basic assumption in the development of the guidance in this memorandum is that a condition requiring protective action is unusual and should not be expected to occur frequently. In any event, the numerical values selected for the Protective Action Guides are not intended to authorize deliberate releases expected to result in absorbed doses of these magnitudes.

The types of actions to which application of the Protective Action Guides may be related are:

1. Altering production, processing, or distribution practices affecting the movement of radioactive contamination through the food chain and into the human body. This action includes storage of food supplies and animal feeds to allow for radioactive decay.

2. Diverting affected products to uses other than human consumption.

3. Condemning affected foods.

Measures that require an alteration of the normal diet are generally less desirable than those listed and should not be undertaken except on the advice of competent medical authorities.

Radionuclides considered. Four radionuclides are of particular importance in considering radioactive contamination of food. These are iodine-131, strontium-89, strontium-90, and cesium-137. This memorandum will deal only with iodine-131.

In contrast to the other fission nuclides, the relatively high yield of iodine-131 and the short radioactive half-life (8 days) of iodine-131 make it the radionuclide most likely to reach concentrations justifying protective actions. This is especially true if the deposition occurs within a few days after the fission event. Protective action against iodine-131 must be taken promptly in order to be effective.

Physical and biological factors related to iodine-131 have been considered in FRC Reports No. 1 and No. 2. As in FRC Report No. 2, it is assumed that children one year of age, with a thyroid weight of 2 grams and 30 percent uptake of iodine-131, are the critical segment of the population.

Protective actions against iodine-131. The Council has evaluated the kinds of protective actions available for use against iodine-131, the health benefit that may result by averting a radiation dose larger than the Protective Action Guide, and the probable impact of taking the actions. Of various actions that might be effective in averting the major part of the potential exposure, two appear to provide the most acceptable combinations of maximum effectivesness and minimum undesirable consequences. One of these is the diversion of fresh milk to provide unaffected milk in the contaminated area and to use the affected milk in the production of dairy products that may be conveniently stored until the iodine-131 has effectively decayed, a matter of a few weeks. The other is the substitution of stored feed for pasturage, until most of the iodine-131 has decayed.

Recommendations. In view of the considerations summarized, the following recommendations are made.

It is recommended that:

1. The term "Protective Action Guide" (PAG) be adopted for Federal use.

The Protective Action Guide is defined as the projected absorbed dose to individuals in the general population which warrants protective action following a contaminating event. The projected dose is the dose that would be received in the future by individuals in the population group from the contaminating event if no protective action is taken.

It is recommended that:

2. The Protective Action Guide for iodine-131 be 30 rads to the thyroid.

If the projected dose exceeds the Protective Action Guide, protective action is indicated.

According to the operational technique adopted in the Memorandum for the President, May 1960, the corresponding average projected dose to the thyroids of a suitable sample of the exposed population group would be 10 rads.

It is recommended that:

3. The guidance contained herein be approved for the use of Federal agencies in the conduct of those radiation protection activities affecting the normal production, processing, distribution, and use of food and agricultural products.

ANTHONY J. CELEBREZZE,
Chairman.

The recommendations numbered "1" through "3" contained in the above memorandum are approved for the guidance of Federal agencies, and the memorandum shall be published in the FEDERAL REGISTER.

LYNDON B. JOHNSON.

JULY 31, 1964.

[F.R. Doc. 64-8590; Filed, Aug. 21, 1964; 8:49 a.m.]

FEDERAL RESERVE SYSTEM

VALLEY BANCORPORATION

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(2)), by Valley Bancorporation, which is a bank holding company located in Appleton, Wisconsin, for the prior approval of the Board of the acquisition by Applicant of 80 percent or more of the voting shares of Reedsville State Bank, Reedsville, Wisconsin.

In determining whether to approve an application submitted pursuant to section 3(a)(2) of the Bank Holding Company Act, the Board is required by that Act to take into consideration the following factors: (1) The financial history and condition of the company and the bank concerned; (2) their prospects; (3) the character of their management; (4) the convenience, needs, and welfare of the communities and the area concerned; and (5) whether or not the effect of such acquisition would be to expand the size or extent of the bank holding company system involved beyond limits consistent with adequate and sound banking, the public interest, and the preservation of competition in the field of banking.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C., 20551.

Dated at Washington, D.C., this 18th day of August 1964.

By order of the Board of Governors.

[SEAL] KENNETH A. KENYON,
Assistant Secretary.

[F.R. Doc. 64-8509; Filed, Aug. 21, 1964; 8:45 a.m.]

THE RENEGOTIATION BOARD

GENERAL COUNSEL

Notice of Basic Compensation

Pursuant to the provisions of section 309 of P.L. 88–426, the General Counsel of The Renegotiation Board shall receive compensation at the rate of $24,500 per annum.

Dated: August 19, 1964.

LAWRENCE E. HARTWIG,
Chairman.

[F.R. Doc. 64–8542; Filed, Aug. 21, 1964; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 54–199]

STANDARD GAS AND ELECTRIC CO. AND PHILADELPHIA CO.

Supplemental Order

AUGUST 13, 1964.

On July 24, 1952, this Commission approved a plan filed under section 11(e) of the Public Utility Holding Company Act of 1935 ("Act") by Standard Gas and Electric Company ("Standard"), New York, New York, a registered holding company, and its subsidiary company, Philadelphia Company ("Philadelphia"), then a registered holding company, In the Matter of Standard Gas and Electric Co., et al., 33 S.E.C. 664. The plan provided, among other things, for distribution of shares of common stock of Duquesne Light Company ("Duquesne") then held by Philadelphia to the public holders of common stock of Philadelphia, in the ratio of one share of the then outstanding common stock of Duquesne for each five shares of Philadelphia common stock held. The plan prescribed certain procedures for notifying such public shareholders of their rights, including the publication and mailing of notices, and designated a method of fixing a date ("cut-off date") after which all such rights would become void and of no value. Such cut-off date was thereafter fixed as April 23, 1958. In its Order of July 24, 1952, the Commission reserved jurisdiction to supervise efforts to locate the public stockholders entitled to Duquesne common stock (together with cash accumulated principally as accrued dividends on said common stock) and further reserved jurisdiction to take such other action as it might deem necessary in connection with the plan.

Standard has advised the Commission that during the years 1953 through 1957 there was an inadvertent failure to publish the required notices or to mail notices to holders who had not yet received distributions under the plan; that notwithstanding the cut-off date of April 23, 1958, numerous additional efforts were made after that date by publication, mailings and otherwise, to locate stockholders who had not theretofore received distributions under the plan; that at the present time 380 shares of Duquesne common stock (after giving effect to a 2 for 1 split in 1959, and having an aggregate current market value of about $12,000) together with $4,777.48 cash, remain unclaimed by 36 holders of Philadelphia common stock and holders of bearerscrip for Philadelphia common stock; and that such undistributed stock and cash are held by Duquesne pending final disposition thereof.

Standard proposes, among other things, that the cut-off date of the plan, within which persons entitled thereto may claim shares of Duquesne common stock and cash as provided in the plan, be extended to December 31, 1964: *Provided, however,* That any person who asserts his claim on or prior to that date will, if necessary, be given an additional period of six months (to the close of business June 30, 1965) within which to substantiate said claim to the satisfaction of Duquesne; that the claims of all persons who have not fulfilled the foregoing within the stated time limitations will be void and of no value and any unclaimed shares of Duquesne common stock and cash will be retained by Duquesne free and clear of all further claims thereto; and that not more than 60 days or less than 30 days prior to December 31, 1964, Standard will give notice of the foregoing, by newspaper publication and otherwise, to all persons who had not yet claimed their distributions under the plan. Duquesne has consented to Standard's proposals. The Commission is requested to enter a supplemental order approving the foregoing.

The Commission having considered this matter and finding that Standard's proposals are appropriate to effectuate the provisions of the plan:

It is ordered, Pursuant to the terms of the plan and the applicable provisions of the Act, that the steps proposed to be taken by Standard be, and hereby are, approved, effective forthwith, subject to the terms and conditions contained in Rule 24 under the Act.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 64–8551; Filed, Aug. 21, 1964; 8:48 a.m.]

DEPARTMENT OF LABOR

Bureau of Labor Standards

[No. MSVAR.–10]

BETHLEHEM STEEL CO.

Order Granting Variation

Name and address of applicant. Pursuant to section 41(d) of the Longshoremen's and Harbor Workers' Compensation Act (44 Stat. 1444, as amended, 33 U.S.C. 941(d)) and the provisions of 29 CFR 1502.4 and 1507.6, a variation from particular provisions of 29 CFR Part 1502 is hereby granted to Bethlehem Steel Company, Inc., Shipbuilding Division, Sparrows Point, Maryland, 21219.

Provision of 29 CFR Part 1502 varied. The provisions of 29 CFR 1502.58(a) require that unless a first aid room and a qualified attendant are close at hand and prepared to render first aid to employees on behalf of the employer, the employer shall furnish a first aid kit for each vessel on which work is being performed, except that when work is being performed on more than one small vessel at one pier, only one kit shall be required. The kit, when required, shall be kept close to the vessel and at least one employee, close at hand shall be qualified to administer first aid to the injured. The provisions of this paragraph are varied by this order insofar as they apply to the furnishing of the first aid kit and the availability of a qualified employee close at hand to administer first aid between the hours of 12:30 a.m. and 7:00 a.m. from Monday to Friday (excepting holidays) and all day Saturday, Sunday and holidays.

Conditions of Variation. 1. First aid services are furnished between the hours of 12:30 a.m. and 7:00 a.m. from Monday to Friday (excepting holidays) and all day Saturday, Sunday and holidays at the Sparrows Point Steel Plant of the Bethlehem Steel Company, which is adjacent to and borders on the property of the Sparrows Point Shipyard.

2. A central clinic and two other clinics known as the Main Dispensary, Tin Mill Dispensary and Wire Mill Dispensary are located at the Steel Plant and are opened and staffed 24 hours a day, each day of the week.

3. Two ambulances and one station wagon are available at the Main Dispensary to immediately respond to calls for on-site care or transportation from the shipyard to any of the dispensaries or to the Maryland General Hospital.

4. Travel time from the Main Dispensary to any location in the shipyard does not exceed ten minutes.

Period of variation. The variation shall be effective until terminated. See 29 CFR 1507.11.

Signed at Washington, D.C., this 18th day of August 1964.

ARTHUR W. MOTLEY,
Director,
Bureau of Labor Standards.

[F.R. Doc. 64–8544; Filed, Aug. 21, 1964; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 19, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 39203: *T.O.F.C. rates from and to points in southwestern territory.* Filed by Southwestern Freight Bureau, agent (No. B–8583), for interested rail carriers. Rates on property moving on class and commodity rates, loaded in

trailers and transported on railroad flatcars, between points in Arkansas, Kansas, New Mexico, Oklahoma and Texas, also Memphis, Tenn., on the one hand, and points in Kansas, Missouri, Oklahoma, and Texas, on the other.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Supplement 15 to Southwestern Freight Bureau, agent, tariff I.C.C. 4566.

FSA No. 39204: *T.O.F.C. rates from and to points in southwestern territory.* Filed by Southwestern Freight Bureau, agent, (No. B–8593), for interested rail carriers. Rates on property moving on class and commodity rates, loaded in trailers and transported on railroad flatcars, between Carbondale and Peoria, Ill., Cherokee and Dubuque, Iowa, also Sioux Falls, S. Dak., on the one hand, and points in southwestern territory, on the other.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Supplement 115 to Southwestern Freight Bureau, agent, tariff I.C.C. 4480.

FSA No. 39205: *T.O.F.C. rates from and to points in southwestern territory.* Filed by Southwestern Freight Bureau, agent, (No. B–8594), for interested rail carriers. Rates on property moving on class and commodity rates, loaded in trailers and transported on railroad flatcars, between Americus, Ga., Central City, Ky., and Roanoke Rapids, N.C., on the one hand, and points in southwestern territory, on the other.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Supplement 12 to Southwestern Freight Bureau, agent, tariff I.C.C. 4577.

FSA No. 39206: *T.O.F.C. rates from and to Hereford, Tex.* Filed by Southwestern Freight Bureau, agent (No. B–8584), for interested rail carriers. Rates on property moving on class and commodity rates, loaded in trailers and transported on railroad flatcars, between Hereford, Tex., on the one hand, and points in official (including Illinois), southern, southwestern and western trunk-line territories, on the other.

Grounds for relief: Short-line distance formula and grouping.

Tariffs: Supplement 187 to Southwestern Freight Bureau, agent, tariff I.C.C. 4345, and 7 other schedules named in the application.

FSA No. 39207: *Grain and grain products from and to points in Texas.* Filed by Texas-Louisiana Freight Bureau, agent (No. 511), for interested rail carriers. Rates on grain and grain products and related articles, in carloads, from specified points in Texas, to specified points in Texas.

Grounds for relief: Carrier competition.

Tariff: Supplement 3 to Texas-Louisiana Freight Bureau, agent, tariff I.C.C. 1012.

FSA No. 39208: *Class and commodity rates from and to Guion, Ind.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2735), for interested rail carriers. Rates on various commodities moving on class and commodity rates, in carloads and less-than-carloads, from or to Guion, Ind., on the one hand, and points in the United States and Canada, on the other.

Grounds for relief: New station and grouping.

By the Commission.

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

[F.R. Doc. 64–8541; Filed, Aug. 21, 1964; 8:47 a.m.]

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