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Codification Guide

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Announcing: Volume 77A**UNITED STATES STATUTES AT LARGE**

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Rules and Regulations

Title 14—AERONAUTICS AND SPACE

Chapter II—Civil Aeronautics Board

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

Revision of Authority

SEPTEMBER 10, 1964.

The authority for Part 221 of Title 14 of the Code of Federal Regulations is revised to read as follows:

AUTHORITY: The provisions of this Part 221 issued under sec. 204 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply sec. 401(e), 76 Stat. 143; 49 U.S.C. 1371; sec. 402, 72 Stat. 758, 74 Stat. 445; 49 U.S.C. 1373; sec. 404, 72 Stat. 760; 49 U.S.C. 1374; sec. 411, 72 Stat. 769; 49 U.S.C. 1381; sec. 1001, 72 Stat. 788; 49 U.S.C. 1481; sec. 1002, 72 Stat. 788; 49 U.S.C. 1482.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 64-9339; Filed, Sept. 14, 1964;
8:49 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 6196; Amdt. 808]

PART 507—AIRWORTHINESS DIRECTIVES

General Dynamics Model 240 Series Aircraft

Amendment 6, 23 F.R. 2569, AD 58-6-1, requires repetitive inspections of General Dynamics Model 240 Series aircraft equipped with certain Bendix main landing gear assemblies having 15,000 or more hours' time in service. It has subsequently been determined that the repetitive inspections required in Amendment 6 are no longer necessary after the specified rework has been accomplished. Therefore Amendment 6, AD 58-6-1, is being revised to permit the discontinuance of such repetitive inspections following the rework of the parts. Furthermore, investigation has shown that extensions of the repetitive inspection intervals based on service experience may be granted to some operators in complying with the directive. Amendment 6 is amended to permit extension of the inspection intervals where justified.

Since this amendment provides a procedure by which a different inspection interval may be established for the operators concerned and relieves a present restriction, compliance with notice and public procedure hereon is unnecessary and it 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 6, 23 F.R. 2569, AD 58-6-1, General Dynamics Model 240 Series aircraft, is amended by:

1. Deleting the parenthetical paragraph at the end thereof and substituting the following new paragraphs to read:

The repetitive inspections specified herein may be discontinued when parts on the aircraft have been reworked in accordance with Bendix Projects Division, Aircraft Service Department Service Bulletin No. L.G. 595, Convair Newsletter No. 58-1, dated January 1958, or an FAA Western Region Aircraft Engineering Division approved equivalent.

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

2. Adding the following parenthetical reference statement to read:

(Bendix Projects Division, Aircraft Service Department Service Bulletin No. L.G. 595 and Convair Newsletter No. 58-1, dated January 1958, cover this same subject.)

This amendment shall become effective September 16, 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 September 1, 1964.

C. W. WALKER,
Acting Director,
Flight Standards Service.

[F.R. Doc. 64-9369; Filed, Sept. 14, 1964;
8:49 a.m.]

[Reg. Docket No. 6197; Amdt. 809]

PART 507—AIRWORTHINESS DIRECTIVES

Piper Models PA-30 and PA-23-250 Aircraft

Amendment 770, 29 F.R. 9823, AD 64-16-8, requires modification of the propeller governors on Piper Model PA-30 aircraft. Subsequent to the issuance of Amendment 770, several additional propeller failures have occurred, one of these on takeoff. Therefore, Amendment 770 is being superseded by a new directive to require a pressure check of the propeller governor following the installation of the governor relief valve springs to provide a check of the governor output pressure. It has also been determined that similar failures can occur on the Piper Model PA-23-250 aircraft since the propeller is similar in design and operation to that used on the Model PA-30. The new directive includes the additional model.

As a situation exists which demands immediate adoption of this regulation,

it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment 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 hereby amended by adding the following new airworthiness directive:

PIPER. Applies to Model PA-30 aircraft equipped with the Hartzell HC-E2YL-2B/7663-4 propeller and Model PA-23-250 aircraft equipped with the Hartzell HC-E2YK-2RB/8465-7R propeller.

Compliance required as indicated.

There have been several instances of propeller failure on the Piper PA-30 aircraft. The replacement of governor relief valve springs in accordance with Hartzell Service Bulletin No. 88 dated July 2, 1964, as amended July 8, 1964, has not eliminated these failures. The propeller installation on Piper Model PA-23-250 is similar in design and operation to that used on the Model PA-30. Accordingly, this AD is being made applicable to both Models PA-30 and PA-23-250. To preclude further failures, comply with the following:

(a) For aircraft having propellers previously serviced in accordance with Hartzell Service Bulletin No. 88 dated July 2, 1964, as amended July 8, 1964, service the propeller governors in accordance with Hartzell Service Bulletin No. 88A dated August 4, 1964, within 10 hours' time in service after the effective date of this AD.

(b) For aircraft having propellers which have not been previously serviced in accordance with Hartzell Service Bulletin No. 88 dated July 2, 1964, as amended July 8, 1964, service the propellers in accordance with these service bulletins and, in addition, in accordance with Hartzell Service Bulletin No. 88A dated August 4, 1964, within 10 hours' time in service after the effective date of this AD.

This supersedes Amendment 770, 29 F.R. 9823, AD 64-16-8.

This amendment shall become effective September 16, 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 September 1, 1964.

C. W. WALKER,
Acting Director,
Flight Standards Service.

[F.R. Doc. 64-9370; Filed, Sept. 14, 1964;
8:49 a.m.]

[Reg. Docket No. 6198; Amdt. 810]

PART 507—AIRWORTHINESS DIRECTIVES

Beech Models C18S and AT-11 Series Aircraft

Airworthiness Directive 50-28-1, 21 F.R. 9500, as revised by Amendment 3, 23 F.R. 435, and Amendment 762, 29 F.R. 9324, requires inspection of the wing center section steel truss joints in the nacelle region on Beech Models C18S and

AT-11 aircraft. Failures of the front spar lower cap have occurred in an area just outboard of the fuselage and in an area adjacent to the lower landing gear slide tube cluster. Accordingly, AD 50-28-1 is being superseded by a new directive to also require inspection of the front spar lower cap. The new directive also covers other aircraft incorporating the same design which were not included in the original directive.

As a situation exists which demands immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment 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 hereby amended by adding the following new airworthiness directive:

BEECH. Applies to Models C18S and AT-11 Series aircraft as listed in (a) and (b). Compliance required as indicated.

(a) Applies to Models C18S, AT-11, C-45, C-45A, UC-45B, UC-45F, AT-7, AT-7A, AT-7B, AT-7C, JRB-1, JRB-2, JRB-3, JRB-4, SNB-1, SNB-2, and SNB-2C aircraft and to aircraft originally designated one of these models and subsequently changed on a supplemental type certificate that have over 1,500 hours' time in service.

Within 50 hours' time in service after the effective date of this AD, unless already accomplished within the last 450 hours' time in service, and thereafter at intervals not exceeding 500 hours' time in service from the last inspection, accomplish the following:

(1) Inspect the area of the elliptical front spar lower cap for cracks at the wing root adjacent to the fuselage using the X-ray method of inspection as defined in Beech Service Bulletin No. 64-16 dated August 1964, or an FAA approved equivalent. Pay particular attention to the juncture of the 184200-190 horizontal gusset and the 184200-5 elliptical spar cap.

(2) Inspect the elliptical front spar lower cap for cracks on each side of the lower landing gear slide tube cluster using either magnetic particle or X-ray inspection procedures as defined in Beech Service Bulletin No. 64-16 dated August 1964, or an FAA approved equivalent. Pay particular attention to the area at the tips of the 184200-108 and -109 triangular shaped gussets where they are welded to the 184200-7 elliptical spar cap.

(3) If cracks are found repair or replace the part in accordance with the manufacturer's instructions or FAA approved equivalent before further flight.

(b) Applies to Models C18S, AT-11, C-45, C-45A, UC-45B, UC-45F, AT-7, AT-7A, AT-7B, AT-7C, JRB-1, JRB-2, JRB-3, JRB-4, SNB-1, SNB-2, and SNB-2C aircraft and aircraft originally designated as one of these models and subsequently redesignated on a supplemental type certificate.

Within 100 hours' time in service after the effective date of this AD and thereafter within 100 hours' time in service from the last inspection, accomplish the following:

(1) Inspect the wing center section steel truss joints in the nacelle region for cracks using magnetic particle inspection with portable equipment as recommended by Beech Service Bulletin No. 64-16 dated August 1964, or an FAA approved equivalent. If cracks are found, make repairs within the limits of Part B of Beech Service Bulletin No. 64-16 provided the oleo drag legs, Beech P/N 734-188005, or Martin P/N 90-1000001, are

installed in accordance with the manufacturer's recommendations.

(2) Upon installation of the oleo drag legs, the inspection period may be extended to intervals not exceeding 1,000 hours' time in service between inspections.

(Beech Service Bulletin No. 64-16 dated August 1964, covers this same subject.)

This supersedes AD 50-28-1, 21 F.R. 9500, as revised by Amendment 3, 23 F.R. 435, and Amendment 762, 29 F.R. 9324.

This amendment shall become effective September 16, 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 September 2, 1964.

C. W. WALKER,
Acting Director,
Flight Standards Service.

[F.R. Doc. 64-9366; Filed, Sept. 14, 1964; 8:49 a.m.]

[Reg. Docket No. 6199; Amdt. 811]

PART 507—AIRWORTHINESS DIRECTIVES

Beech Models E18S, G18S and H18 Series Aircraft

Failures of the wing front spar lower cap have occurred on Beech Models E18S, G18S, and H18 Series aircraft. To correct this condition, an airworthiness directive is being issued to require inspection of the spar caps and repair if cracks are found.

As a situation exists which demands immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment 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 hereby amended by adding the following new airworthiness directive:

BEECH. Applies to Models E18S, E18S-9700, G18S, and H18 Series aircraft and aircraft originally designated as one of these models and subsequently redesignated on a supplemental type certificate that have 1,500 or more hours' time in service. Compliance required as indicated.

Within 50 hours' time in service after the effective date of this AD, unless already accomplished within the last 450 hours' time in service, and thereafter at intervals not exceeding 500 hours' time in service from the last inspection, inspect the front spar lower cap as follows:

(a) Inspect the area of the elliptical front spar lower cap for cracks at the wing root adjacent to the fuselage using the X-ray method of inspection as defined in Beech Service Bulletin No. 64-15, dated August 1964, or an FAA approved equivalent. Pay particular attention to the juncture of the 184200-190 horizontal gusset and the 184200-5 elliptical spar cap.

(b) Inspect the elliptical front spar lower cap for cracks on each side of the lower landing gear slide tube cluster using either magnetic particle or X-ray inspection procedures as defined in Beech Service Bulletin No. 64-15, dated August 1964, or an FAA approved equivalent. Pay particular attention to the

area at the tips of the 184200-108 and -109 triangular shaped gussets where they are welded to the 184200-7 elliptical spar cap.

(c) If cracks are found repair or replace the part in accordance with the manufacturer's instructions or FAA approved equivalent before further flight.

(Beech Service Bulletin No. 64-15, dated August 1964, covers this same subject.)

This amendment shall become effective September 16, 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 September 2, 1964.

C. W. WALKER,
Acting Director,
Flight Standards Service.

[F.R. Doc. 64-9367; Filed, Sept. 14, 1964; 8:49 a.m.]

[Reg. Docket No. 6200; Amdt. 812]

PART 507—AIRWORTHINESS DIRECTIVES

Beech Models D18 and C45 Series Aircraft

Amendment 310, 26 F.R. 6543, AD 61-15-1, requires inspection of the wing center section steel truss joints in the nacelle at the lower slide tube clusters of the landing gear on Beech Model D18S aircraft. Failures of the front spar lower cap have occurred in an area just outboard of the fuselage and in an area adjacent to the lower landing gear slide tube cluster. Accordingly, Amendment 310 is being superseded by a new directive to also require inspection of the front spar lower cap. The new directive also covers other aircraft incorporating the same design which were not included in the original directive.

As a situation exists which demands immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment 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 hereby amended by adding the following new airworthiness directive:

BEECH. Applies to Models D18 and C45 Series aircraft as listed in (a) and (b). Compliance required as indicated.

(a) Applies to Models D18S, D18C, C45G, TC-45G, C45H, TC-45H, TC-45J (SNB-5), and JRB-6 aircraft and to aircraft originally designated one of these models and subsequently redesignated on a supplemental type certificate that have over 1,500 hours' time in service.

Within 50 hours' time in service after the effective date of this AD, unless already accomplished within the last 450 hours' time in service, and thereafter at intervals not exceeding 500 hours' time in service from the last inspection, accomplish the following:

(1) Inspect the area of the elliptical front spar lower cap for cracks at the wing root adjacent to the fuselage using the X-ray method of inspection as defined in Beech Service Bulletin No. 64-17 dated August 1964, or an FAA approved equivalent. Pay particular attention to the juncture of the

184200-90 horizontal gusset and the 184200-5 elliptical spar cap.

(2) Inspect the elliptical front spar lower cap for cracks on each side of the lower landing gear slide tube cluster using either magnetic particle or X-ray inspection procedures as defined in Beech Service Bulletin No. 64-17 dated August 1964, or an FAA approved equivalent. Pay particular attention to the area at the tips of the 184200-108 and -109 triangular shaped gussets where welded to the 184200-7 elliptical spar cap.

(3) If cracks are found repair or replace the part in accordance with the manufacturer's instructions or FAA approved equivalent before further flight.

(b) Applies to Model D18S aircraft, Serial Numbers A-1 through A-471 and A-474 through A-482, and to aircraft originally designated as a D18S in this list of serial numbers and subsequently redesignated on a supplemental type certificate.

Within 500 hours' time in service after the effective date of this AD, unless already accomplished within the last 500 hours' time in service, and thereafter within 1,000 hours' time in service from the last inspection, accomplish the following:

(1) For aircraft with a maximum landing weight of more than 9,000 pounds inspect the wing center section steel truss joints in the nacelle at the lower slide tube clusters of the landing gear using the magnetic particle inspection method or an FAA approved equivalent. If cracks are found, repair or replace the truss before further flight. Make repairs only within the limits specified in Part B of Beech Service Bulletin No. 64-17 dated August 1964, or Beech Drawing 404-001-81.

(2) For aircraft with a maximum landing weight of 9,000 pounds or less which do not have either the truss reinforcements, P/N's 513412-10 and -11 prescribed in Beech Service Bulletin No. 64-17, or the oleo drag legs, inspect in accordance with (b)(1). When the truss reinforcements or the oleo drag legs are installed, the inspection may be discontinued.

(Beech Service Bulletin No. 64-17, dated August 1964, covers this same subject.)

This supersedes Amendment 310, 26 F.R. 6543, AD 61-15-1.

This amendment shall become effective September 16, 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 September 2, 1964.

C. W. WALKER,
Acting Director,
Flight Standards Service.

[F.R. Doc. 64-9368; Filed, Sept. 14, 1964; 8:49 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release No. 40-4044]

PART 270—GENERAL RULES AND REGULATIONS, INVESTMENT COM- PANY ACT OF 1940

Exemptions

On January 15, 1964, in Investment Company Act Release No. 3896, and in the FEDERAL REGISTER of January 24, 1964, 29 F.R. 616, the Securities and Exchange

Commission published notice that it had under consideration the adoption of 17 CFR 270.12d-1 (Rule 12d-1 under the Investment Company Act of 1940 ("Act")) and invited all interested persons to submit their views and comments upon the proposal. The Commission has considered all the comments and suggestions received and has determined to adopt § 270.12d-1 in the form set forth below.

Section 12(d)(3) of the Act makes it unlawful for any registered investment company or companies controlled by such registered company to purchase or otherwise acquire any security issued by, or any other interest in, the business of any person who is a broker, a dealer, is engaged in the business of underwriting, or is either an investment adviser of an investment company or an investment adviser registered under the Investment Advisers Act of 1940, unless the person is (A) a corporation all the outstanding securities of which are, or will be after the acquisition, owned by one or more registered investment companies and (B) primarily engaged in the business of underwriting and distributing securities issued by other persons, selling securities to customers, or any one or more of such or related activities, and the gross income of such person normally is derived principally from such business or related activities. Section 6(c) of the Act provides in pertinent part that the Commission by rule, regulation or order may exempt any person or transaction or any class of persons or transactions from any provision of the Act if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Section 38(a) of the Act authorizes the Commission to issue such rules as are necessary or appropriate to the exercise of the powers conferred upon the Commission in the Act.

It appears to the Commission that under certain circumstances the provisions of section 12(d)(3) operate to reduce the range of securities that investment companies may select for and hold in their portfolios. Certain portfolio companies which have recently acquired or propose to acquire interests in companies engaged or to be engaged in underwriting securities or in furnishing investment advice or in conducting the business of a securities broker-dealer have suggested that notwithstanding the provisions of section 12(d)(3) of the Act, a rule should be promulgated by the Commission permitting investment companies to retain or to acquire the securities of such portfolio companies because these latter companies are primarily and predominantly engaged in other businesses. They state in this regard that a relatively insignificant portion of their gross revenues is or will be derived from the businesses referred to in section 12(d)(3).

The exemption from the provisions of section 12(d)(3) of the Act created by the rule would be available only if the conditions specified therein are satisfied. It appears to the Commission that where the conditions set forth in the rule are

satisfied it is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act to permit registered investment companies to acquire and hold such investment interests.

After consideration of the comments received, the Commission has determined to adopt a rule which differs in certain respects from that published for comment. The principal revisions are discussed below.

The phrase "directly, indirectly, or both" has been inserted in § 270.12d-1 (a)(1)(i) of the rule (designated as § 270.12d-1(a)(2) in the rule as published for comment) to express more explicitly that which was intended by the language published for comment, namely, that the registered investment company may acquire an interest not only in a (portfolio) company which is itself directly engaged in the businesses referred to in section 13(d)(3), but also in a (portfolio) company which directly or indirectly holds an interest in another company which is engaged in said businesses, provided that the aggregate of the revenues of the (portfolio) company derived "directly, indirectly, or both" from such businesses were not in excess of 15 percent of its total gross revenues derived from all sources.

Section 270.12(d)-1(a)(1)(ii) of the rule (designated as § 270.12d-1(a)(2) in the rule as published for comment) has been revised in two respects. Firstly, it is now provided that the companies whose portfolio holdings must be aggregated for the purpose of determining the availability of the exemption provided by the rule are as follows: (a) The registered investment company, (b) registered investment companies having the same (or an affiliated) investment adviser or principal underwriter as the registered investment company, (c) registered investment companies which own an interest in a company in which the registered company also owns an interest and which company furnishes investment advice or investment research or administrative or statistical services to such other registered investment companies and to the registered investment company, and (d) companies controlled by such registered investment company or companies. Secondly, the percentage of the portfolio company's outstanding voting stock (or proprietary interest) which may be held by said company or companies has been raised from 3 percent to 10 percent. The principal effect of the first of these changes is to provide that purchases or acquisitions by registered investment companies having the same or affiliated managements are to be aggregated for purposes of the rule. The second change is designed to eliminate or mitigate a number of difficulties pointed out by the persons and organizations who furnished comments on the proposed rule. In general, these comments related to situations and circumstances in which it was stated that a 3% limitation under the rules would be unduly restrictive and would unnecessarily deprive investment companies of

investment opportunities which it would be in the interests of investors to make available to such companies.

Section 270.12d-1(a)(2) of the rule is new. It sets forth an alternative basis upon which the exemption provided by the rule may be available. Thus, an exemption is available under the rule, firstly, if the conditions set forth in paragraphs (a)(1)(i) and (ii) are compiled with or, secondly, if the conditions of subparagraph (a)(2) are satisfied.

Paragraph (b) (which was designated paragraph (a)(3) in the rule as published for comment) has been made more specific with respect to the period of time within which the required action must be taken.

The language of paragraph (c) (which was designated paragraph (b) in the rule as published for comment) has been shortened; no substantive change has been made.

Paragraphs (d), (e) and (f) of the rule are new. Paragraph (d) is designed to provide to registered investment companies a practicable means of complying with the requirements of paragraph (b) of the rule in situations where the published financial statements of a portfolio company or a company in which a portfolio company has a direct or indirect interest do not include information adequate to determine whether the company meets the conditions of paragraphs (a)(1)(i) or (2) of the rule.

Paragraph (e) of the rule provides that investments in certain types of business are unqualifiedly exempt from the prohibitions of section 12(d)(3) of the Act.

Paragraph (f) of the rule provides that the exemption afforded by the rule shall be available for transactions occurring before, as well as on or after, the effective date of the rule, except that the rule shall not be deemed to affect judgments rendered prior to the date on which the rule became effective. It is intended that the effect of paragraph (f) will be to exempt the management of an investment company from liability arising under or premised upon section 12(d)(3) of the Act for all purchases or acquisitions by the investment company made prior to the effective date of the rule to the extent that such purchases or acquisitions would have been exempt under the provisions of the rule had it then been in effect. It should be noted the rule requires that investment companies dispose of any holdings in excess of the percentages permitted by the rule within the 90-day period provided in paragraph (b) of the rule.

The text of the rule, adopted by the Commission pursuant to the authority granted to it in sections 6(c) and 38(a) of the Act, is as follows:

§ 270.12d-1 Conditional exemption of certain purchases or acquisitions of securities from the prohibitions of section 12(d)(3).

(a) The purchase or other acquisition solely for investment purposes by a registered investment company, or any company or companies controlled by such registered investment company, of any security issued by or any other interest (hereinafter such a security or interest

is designated "such interest") in the business of any person who directly or indirectly is engaged in the business of a broker, a dealer, and underwriter, an investment adviser of an investment company, or an investment adviser registered under the Investment Advisers Act of 1940 (hereinafter, these businesses are referred to as "such businesses", and the person in or through whom such interest is acquired is referred to as "such person") shall be exempt from the provisions of section 12(d)(3) of the Act, *Provided:*

(1) (i) That for each of the most recent three fiscal years prior to such purchase or acquisition or for the period of time since organization, whichever is the lesser, the total gross revenues of such person derived directly, indirectly, or both, from such businesses were not in excess of 15 percent of the total gross revenues of such person derived from all sources; and

(ii) Immediately after the purchase or other acquisition of any such interest in any such person—

(a) The registered investment company,

(b) All other registered investment companies having the same (or an affiliated) investment adviser or principal underwriter as the registered investment company,

(c) All other registered investment companies which own an interest in a company in which the registered company also owns an interest and which company furnishes investment advice or investment research or administrative or statistical services to such other registered investment companies and to the registered investment company, and

(d) Any company or companies controlled by such registered investment company or companies, as a group, in the aggregate, shall not own more than 10 percent of the total outstanding voting stock of, or proprietary interest in, such person; or

(2) That for each of the most recent three fiscal years prior to such purchase or acquisition or for the period of time since its organization, whichever is the lesser, the total gross revenues of such person derived directly, indirectly, or both, from such businesses were not in excess of 1 percent of the total gross revenues of such person derived from all sources.

(b) The registered investment company or the controlled company thereof, at the end of each of its semi-annual accounting periods, shall ascertain on the basis of the published information then available whether the purchase or other acquisition of such interest at each such date would or would not be permissible under the terms of paragraph (a)(1) or (2) of this section, and if it would not be so permissible, shall dispose of or reduce such interest within 90 days after the end of said accounting period so that the continued ownership of such securities, if any, will be in compliance with the provisions of paragraph (a)(1) or (2) of this section.

(c) For the purposes of paragraph (a)(1)(i) and (2) of this section, the phrase "gross revenues" shall mean consolidated

gross revenues, except that where and to the extent that such person owns, directly or indirectly, securities issued by, or any other interest in the business of, any other person engaged in whole or in part in such businesses and the operations of the other person are not normally included in consolidated income statements of such person, such person's ratable share of the gross revenues of the other person shall be included in its gross revenues.

(d) For the purposes of paragraph (a)(1)(i) and (2) of this section, and for the purposes of paragraph (b), of this section, in the absence of published financial information adequate to make the determination with respect to gross revenues referred to in paragraph (a)(1)(i) and (2) of this section, an investment company shall obtain and may rely upon the certificates of a responsible financial officer of such person (and, if necessary to determine the availability of the exemption provided by this section, the certificate of a responsible financial officer of any other person directly or indirectly engaged in such businesses, in whom such person has an interest) as to the percentage of the gross revenues derived from such businesses.

(e) For the purposes of this section—

- (1) Making small loans,
- (2) Purchasing or otherwise acquiring notes, drafts, acceptances, open accounts receivable, and other obligations representing part or all of the sales price of merchandise, insurance, and services, or
- (3) Making loans to manufacturers, wholesalers, and retailers of, and to prospective purchasers of, specified merchandise, insurance, and services,

shall not be "such businesses."

(f) The exemption provided by this section shall be applicable to any security acquired before, on, or after the effective date of this section, except that it shall not be deemed to affect judgments rendered prior to such effective date.

(Secs. 6(c) and 38(a), 54 Stat. 800, 841, 15 U.S.C. 80a-6(c), 80a-38(a))

Effective forthwith.

By the Commission, September 4, 1964.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 64-9299; Filed, Sept. 14, 1964; 8:45 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Docket No. R-266; Order 286]

PART 141—STATEMENTS AND REPORTS (SCHEDULES)

Revenue Data on Wholesale Sales of "Firm Power" by Electric Utilities

SEPTEMBER 4, 1964.

By letter dated February 13, 1964, the Commission transmitted to all Class A

and Class B privately owned electric utilities and licensees copies of the annual report FPC Form No. 1 for use in the preparation of the report they are required to make for the year 1963.

In its letter of transmittal the Commission advised the respondent companies that it has under consideration amending for 1964 and subsequent reporting years the schedule "Sales for Resale" on page 412 of Form No. 1 by subdividing the firm power statistical classification referred to in Instruction 2 at the head of the schedule into three categories, viz, partial-requirements customers that take power and energy to supplement their own generation or other purchases, total requirements customers who receive credit for having available standby, and all other total-requirements customers. The letter then requested the companies' cooperation in supplying such data for 1963 in their 1963 reports.

A breakdown of the "firm power" sales presently reported in the schedule is desirable to provide additional information regarding conditions of firm power service as an aid in the analysis of the charges reported for such service.

The Commission finds:

(1) In view of the foregoing, compliance with the notice, public procedure and effective date provisions of section 4 of the Administrative Procedure Act are unnecessary.

(2) Adoption of this amendment to annual report FPC Form No. 1 is necessary and appropriate for the administration of the Federal Power Act.

The Commission, acting pursuant to authority granted by the Federal Power Act, as amended, particularly sections 304, 309 and 311 thereof (49 Stat. 855, 858, 859; 16 U.S.C. 825c, 825h, 825j), orders:

§ 141.1 [Amended]

(A) The form of annual report, FPC Form No. 1, prescribed for Classes A and B electric utilities, licensees and others by § 141.1, Subchapter D, Approved Forms, Federal Power Act, Chapter I of Title 18 of the Code of Federal Regulations, is amended by deleting the second sentence of Instruction 2, in the heading to the schedule Sales for Resale (Account 447) on page 412 of the report, and inserting in lieu thereof the following: "For each sale designate statistical classification in column (b), thus: firm power, partial requirements customers that take power and energy to supplement their own generation or other purchases, FP(P); firm power, total requirements customers who receive credit for having available standby, FP(C); firm power, all other total requirements customers, FP; dump or surplus power, DP; other, O. Place an "x" in column (c) if sale involves export across a State line."

(Secs. 304, 309, 311, 49 Stat. 855, 858, 859; 16 U.S.C. 825c, 825h, 825j)

(B) The amendment shall be effective for the reporting year 1964 and thereafter.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-9301; Filed, Sept. 14, 1964; 8:45 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs,
Department of the Treasury

[T.D. 56254]

PART 8—LIABILITY FOR DUTIES,
ENTRY OF IMPORTED MERCHANDISE

Information Required on Invoices of
Certain Imported Merchandise

The statistical annotations in Subpart A, Footwear, Part 1, Schedule 7, Tariff Schedules of the United States Annotated (1963), will be expanded, effective October 1, 1964, to include a substantially larger number of statistical classes to be supplied on entries of footwear in order that considerably more detailed statistics may be collected. Effective reporting by the Bureau of Customs in this greater detail depends upon additional invoice detail.

Accordingly, § 8.13(h) of the Customs Regulations is amended to require that additional information be furnished on invoices of footwear by adding in the proper alphabetical sequence the following:

§ 8.13 Contents of invoices; incomplete invoices; general requirements supplemented.

(h) * * *

Footwear; classifiable under Schedule 7, Part 1 A, Tariff Schedules of the United States—

- (1) The importer's number (if any).
- (2) The manufacturer's number under which the merchandise is sold in the home market.
- (3) A detailed description of the merchandise.
- (4) Category as listed below:
 - (a) Huaraches.
 - (b) McKay-sewed footwear
 - (c) Moccasins.
 - (d) Turn or turned footwear.
 - (e) Welt footwear.
 - (f) Footwear with molded shoes laced to uppers.
 - (g) Slippers.
 - (h) Soled moccasins.
 - (i) Cement footwear.
 - (j) Soft sole footwear.
 - (k) Stitchdown footwear.
 - (l) Footwear with soles vulcanized to uppers or with soles simultaneously molded and attached to uppers.
 - (m) Other footwear than listed (a) to (l).
- (5) Materials of sole.
- (6) Material of chief value of sole.
- (7) Materials of upper.
- (8) Material of chief value of upper.
- (9) Material of chief value of shoe. If the shoe is composed essentially of rubber, state the percent by value of material and percent by value of synthetic rubber (if any).
- (10) (a) Percentage of weight of entire shoe for fibers; (b) Percentage of weight of entire shoe for rubber; (c) Percentage of weight of entire shoe for plastics.
- (11) Percentage of area of materials of exterior surface of upper.

(12) Gender as listed below:

- (a) Footwear for men.
- (b) Footwear for youths and boys.
- (c) Footwear for women.
- (d) Footwear for misses.
- (e) Footwear for children.
- (f) Footwear for infants.

(13) Type as listed below:

- (a) Athletic footwear.
- (b) Work footwear.
- (c) Ski boots.
- (d) Casual footwear.
- (e) Other types of footwear.

(14) Height of footwear:

- (a) Oxford height.
- (b) Other height.

(15) The number of pairs of each number shipped.

(16) The unit price per pair in the currency of purchase.

(17) The total value for quantity invoiced. Discount, if any, may be deducted at foot of invoice.

(18) If such (the same) or similar merchandise is sold, at wholesale, for home consumption, the current unit price in home currency.

Customs Form 5523 may be used for furnishing the additional information required above.

(Secs. 481, 484, 624, 46 Stat. 719, 722, as amended, 759, sec. 101, 76 Stat. 72; 19 U.S.C. 1481, 1484, 1624, General Headnote 11, Tariff Schedules of the United States)

The additional information required to be set forth on invoices of footwear is the same as that which will be required under authority of section 484(e) of the Tariff Act of 1930 (19 U.S.C. 1484(e)), to be included with entries for such footwear. The amendment is considered, therefore, as merely making a procedural change which does not require notice of proposed rulemaking under section 4 of the Administrative Procedure Act (5 U.S.C. 1003).

This amendment shall be effective on and after October 1, 1964.

Approved: September 8, 1964.

[SEAL] PHILIP NICHOLS, JR.,
Commissioner of Customs.

JAMES POMEROY HENDRICK,
Acting Assistant Secretary of the
Treasury.

[F.R. Doc. 64-9323; Filed, Sept. 14, 1964; 8:47 a.m.]

Title 33—NAVIGATION AND
NAVIGABLE WATERS

Chapter II—Corps of Engineers,
Department of the Army

PART 203—BRIDGE REGULATIONS
PART 207—NAVIGATION
REGULATIONS

Black Creek, Florida; Gulf
Intracoastal Waterway

1. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), § 203.431a is hereby prescribed to govern the operation of the Atlantic Coast Line Railroad Company bridge across Black Creek near Doctors Inlet, Florida, effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 203.431a Black Creek, Fla.; Atlantic Coast Line Railroad Company bridge near Doctors Inlet, Florida.

(a) The owner of or agency controlling the bridge shall not be required to keep a draw tender at the bridge between the hours of 7:00 p.m. and 10:00 a.m. each day. Regular draw tender service will be maintained between the hours of 10:00 a.m. and 7:00 p.m.

(b) The owner of or agency controlling the bridge shall keep conspicuously posted on both the upstream and downstream sides of the bridge, in such manner that they can be easily read at any time, signs setting forth the salient features of the regulations of this section.

(Regs., 24 August 1964, 1507-32 (Black Creek, Fla.)-ENG CW-ON, Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

2. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 207.180 is hereby amended with respect to paragraph (e) (4) prescribing regulations to govern the operation of tows on the Algiers canal between the Mississippi River and Bayou Barataria, Louisiana, effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 207.180 All waterways tributary to the Gulf of Mexico (except the Mississippi River, its tributaries and outlets) from St. Marks, Fla., to the Rio Grande; use, administration and navigation.

(e) Waterways.

(4) Size, assembly, and handling of tows. On waterways 150 feet wide or less, tows will not be allowed which are longer than 1,150 feet including towing vessels, but excluding the length of the hawser, or wider than one-half the bottom width of the channel or 55 feet, whichever width is less, except on waterways exempted by the District Engineer or on other waterways by special permission of the District Engineer for each vessel movement. A width of 78 feet will be allowed on the Gulf Intracoastal Waterway between Mile 6.2 E.H.L. (Inner Harbor Navigation Canal Lock) and Mobile Ship Channel, Mobile, Alabama. A width of 74 feet will be allowed on the Algiers Canal between the Mississippi River and Bayou Barataria, Louisiana. Tows in excess of 55 feet desiring to move over the Algiers Canal will obtain clearance from the lockmaster at Algiers Lock before entering the canal, will yield the maximum when passing other tows in the channel, report clearing the canal to Algiers Lock, and will rearrange tows to conform to prescribed dimensions immediately upon leaving the canal. The lockmaster will withhold permission for additional tows over 55 feet wide until all previously authorized tows moving in the opposite direction have cleared the waterway.

(Regs., 24 August 1964, 1507-32 (Gulf Intracoastal Waterway)-ENG CW-ON; Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

J. C. LAMBERT,
Major General, United States
Army, The Adjutant General.

[F.R. Doc. 64-9309; Filed, Sept. 14, 1964; 8:46 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter 1—Veterans Administration

PART 36—LOAN GUARANTY

Waivers and Compromises

1. In § 36.4381, paragraph (a) is amended to read as follows:

§ 36.4381 Jurisdiction of Regional Office Loan Guaranty Committee on Waivers and Compromises.

(a) The regional office committee will have original jurisdiction to adjudicate all compromise cases in its area involving an indebtedness to the United States of \$2,500 or less, resulting from payment of the gratuity, or as the result of a direct loan or the guaranty or insurance of a loan under 38 U.S.C. ch. 37, or as a result of the acquisition of a loan, or as a result of a vendee account, and will have original jurisdiction to adjudicate all waiver cases in its area under the provisions of 38 U.S.C. 1820(a) (4), involving an indebtedness of \$5,000 or less.

2. In § 36.4382(a), subparagraph (2) is amended to read as follows:

§ 36.4382 Jurisdiction of Central Office Loan Guaranty Committee on Waivers and Compromises.

(a) The Central Office committee will have jurisdiction to consider and adjudicate:

(2) All compromise cases involving an indebtedness of more than \$2,500 and all waiver cases involving an indebtedness of more than \$5,000;

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

These VA Regulations are effective upon publication in the FEDERAL REGISTER.

Approved: September 10, 1964.

By direction of the Administrator.

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

[F.R. Doc. 64-9315; Filed, Sept. 14, 1964; 8:46 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 1—Federal Procurement Regulations

PART 1-19—TRANSPORTATION

Chapter 1 of Title 41 is amended as forth below:

New Part 1-19 is added to read as follows:

Sec.	
1-19.000	Scope of part.
	Subpart 1-19.1—General
1-19.101	Definitions.
1-19.102	Coordination between contracting and transportation officers.
1-19.103	Transportation assistance.
1-19.104	Use of Government-owned equipment.
1-19.105	Specifying modes of transportation.
1-19.106	Small business assistance.
1-19.107	Insurance against transportation hazards.
	Subpart 1-19.2—Transportation Factors in the Procurement of Personal Property
1-19.200	Scope of subpart.
1-19.201	Transportation considerations in procurement planning.
1-19.201-1	Economical quantities.
1-19.201-2	Crosshauling and backhauling.
1-19.201-3	Transit privileges.
1-19.201-4	Direct deliveries.
1-19.201-5	Personal property requiring special handling.
1-19.201-6	New and modified articles.
1-19.202	Transportation factors in invitations.
1-19.202-1	Commodity description.
1-19.202-2	Packing and marking.
1-19.202-3	Guaranteed maximum shipping weights.
1-19.202-4	Minimum size of shipments.
1-19.202-5	Requesting consolidations.
1-18.202-6	Bid requirements.
1-19.202-7	Use of appropriate delivery terms.
1-19.202-8	Options in shipment and delivery.
1-19.203	Transportation factors in evaluation of bids.
1-19.203-1	Freight cost determinations.
1-19.203-2	Adequacy of loading and unloading facilities.
1-19.203-3	Lowest overall transportation costs.
	Subpart 1-19.3—Contract Delivery Terms
1-19.300	Scope of subpart.
1-19.301	Use of standard delivery terms.
1-19.302	F.o.b. origin.
1-19.303	F.o.b. origin, contractor's facility.
1-19.304	F.o.b. origin, freight allowed.
1-19.305	F.o.b. origin, freight prepaid.
1-19.306	F.o.b. destination.
1-19.307	F.o.b. vessel, port of shipment.
1-19.308	F.a.s. vessel, port of shipment.
1-19.309	F.o.b. inland carrier, point of exportation.
1-19.310	F.o.b. inland point, country of importation.
1-19.311	Ex dock, pier, or warehouse, port of importation.
1-19.312	C.&I. destination.
1-19.313	C.I.F. destination.
1-19.314	F.o.b. designated air carrier's terminal, point of exportation.
1-19.315	F.o.b. designated air carrier's terminal, point of importation.

AUTHORITY: The provisions of this part 1-19 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

§ 1-19.000 Scope of part.

This part prescribes policies and procedures (a) for the application of proper transportation and traffic management considerations in the procurement of personal property and (b) for the procurement of transportation and

related services, to the end that both property and services are procured on the basis most advantageous to the Government, in terms of economy, efficiency, and service. This part does not apply where the procurement of transportation and related services is effected solely by means of bill of lading type commitments.

Subpart 1-19.1—General

§ 1-19.101 Definitions.

As used in this part, the term "invitation" means invitation for bids or request for proposals; the term "bid" means bid or proposal; and the term "bidder" means bidder or offeror.

§ 1-19.102 Coordination between contracting and transportation officers.

Close coordination shall be maintained between the contracting officer and the transportation officer to assure that transportation factors will be considered in the procurement of personal property and that the transportation functions will be fully considered before award and will be carried out effectively, in accordance with the terms of the contract under which any property has been procured.

§ 1-19.103 Transportation assistance.

Executive agencies without transportation officers, or those desiring assistance on transportation matters, shall obtain assistance from transportation officers, Transportation and Communications Service, located in the 10 General Services Administration regional offices; except that agencies located in the metropolitan area of Washington, D.C., shall obtain such assistance from the General Services Administration, Transportation and Communications Service, Washington, D.C., 20405.

§ 1-19.104 Use of Government-owned equipment.

Generally, the preferred method of transporting personal property for the Government is through use of the facilities of commercial carriers. However, Government vehicles may be used when they are available and are not being fully utilized and when their use will result in substantial economies. They may be used for such purposes as (a) local transfer of property between Government installations, (b) pickup and delivery services which are not performed by the commercial carriers in connection with the line-haul transportation, (c) transportation of property to meet emergencies, and (d) accomplishment of program objectives which cannot be attained through use of commercial carriers.

§ 1-19.105 Specifying modes of transportation.

Preferential treatment, normally, shall not be accorded to any mode of transportation or to any particular carrier, either in the award of a contract for the procurement of personal property or in the procurement of transportation services. However, where, for valid reasons, use of particular types of carriers is necessary to meet program requirements, the invitation shall provide that only

bids involving the specified types of carriers will be considered. Examples of the need for particular types of carriers would be (a) where only certain modes of transportation could meet the required delivery date for property needed in an emergency; or (b) where the consignee's installation and related facilities preclude, or are not conducive to, service by a particular mode of transportation.

§ 1-19.106 Small business assistance.

Consistent with the policies of the Government with respect to small business, as set forth in Subpart 1-1.7, executive agencies shall place with small business concerns a fair proportion of the total purchases and contracts for transportation and related services, such as packing and crating, loading and unloading, and local drayage.

§ 1-19.107 Insurance against transportation hazards.

(a) Ordinarily, it is the policy of the Government not to insure its own risks (see § 1-10.301). Normally, the Government does not procure insurance, is a noninsurer of its property while in possession of commercial carriers and, except for the legal liability of the carrier, assumes the risk of loss. However, insurance will be required when it is mandatory by law. In special instances, the Government may, if deemed necessary and desirable and in the best interest of the Government, (1) procure insurance on its property when there is no statutory prohibition, or (2) require the carrier under the contract to assume full responsibility for loss or damage to the Government property in its possession, and to provide insurance to cover the carrier's assumed responsibility.

(b) When special considerations dictate the need for insurance, and it is proposed that the Government directly procure insurance coverage for its benefit, the contracting officer shall ascertain that there is no statutory prohibition and that funds are available therefor, and shall document the need and authorization therefor.

(c) "Valuables" shall be shipped as provided in the Government Losses in Shipment Act (50 Stat. 479 as amended; 5 U.S.C. 134). (See 31 CFR 260 for definition of the term "Valuables" and for applicable procedure.)

(d) When a commercial carrier is required to assume full responsibility for loss or damage to Government property in its possession, and the carrier is required to provide appropriate insurance to cover its assumed responsibility, the cost of such insurance to the carrier shall be included in and properly considered as a part of the transportation cost.

Subpart 1-19.2—Transportation Factors in the Procurement of Personal Property

§ 1-19.200 Scope of subpart.

This subpart prescribes policies and procedures designed to assure that proper consideration is given to transportation factors in every phase of the procurement of personal property for the Government.

§ 1-19.201 Transportation considerations in procurement planning.

Whether personal property is being procured to satisfy a specific requirement or to fulfill a long-range program, transportation advice and assistance shall be sought by, and furnished to, contracting officers from the beginning of the planning stage of the procurement cycle.

§ 1-19.201-1 Economical quantities.

In the procurement of personal property, consideration should be given to the fact that transportation rates per unit generally are lower for larger quantities than for smaller quantities. Accordingly, where a quantity larger than the quantity shown on a purchase request can be transported at lower unit transportation costs and where it appears that the amount of the savings considered in connection with the need to purchase additional quantities for use would be sufficient to warrant the procurement of the larger quantity, the purchasing activity should consult with the activity which submitted the purchase request to determine whether procurement of the larger quantity would be advantageous, transportation costs and all other factors considered. This may be the case, for example, when the additional quantity (a) could profitably be stored by the activity for future use or (b) could be distributed advantageously to several using activities on the same transportation route or in the same geographical area.

§ 1-19.201-2 Crosshauling and backhauling.

In developing the overall plans for the procurement and distribution of personal property, the procuring activity should exert every effort to avoid the expenditure of funds for unnecessary crosshauling or backhauling; that is, the transportation of personal property of the same kind in opposite directions or the return of the property to or through areas previously traversed in shipment.

§ 1-19.201-3 Transit privileges.

Where it can be anticipated that shipments of personal property being procured in volume lots (e.g., carloads or truckloads) may need to be stopped at an intermediate point, en route to final destination, for storage, export packing, processing, or other purposes, a traffic analysis should be made to determine the possible benefits to be gained by the Government through the use of existing transit privileges accorded by carriers or through efforts to obtain additional transit privileges from the carriers. Such benefits derive from the use of through rates from origin to the ultimate destination, plus a charge specified by the carrier for the transit privilege, in lieu of a more expensive combination of rates covering the transportation from origin to the transit point and the transportation from the transit point to the ultimate destination.

§ 1-19.201-4 Direct deliveries.

Where it is the usual practice of a procuring activity to purchase personal property in large quantities for shipment

to a central point and subsequent distribution to using activities, as needed, consideration shall be given to the feasibility of providing for direct delivery from the contractor to the using activity when sufficient quantities are involved to warrant scheduling such delivery.

§ 1-19.201-5 Personal property requiring special handling.

In planning the procurement of personal property which may require special handling because it is of unusual size or weight, because it is potentially dangerous to other property or human life, or for any other reason, transportation advice and assistance shall be obtained at the initial planning stage of the procurement. This will permit (a) examination of the regulations of carriers and regulatory bodies; (b) arrangements for special equipment, permits, and requirements which will have to be met when the items are ready for shipment; (c) the consideration of transportation factors in the design and/or engineering of the items; e.g., with regard to transportation in an assembled or knocked-down condition; and (d) any other action dictated by the application of sound traffic management principles.

§ 1-19.201-6 New and modified articles.

In planning the procurement of new or modified articles, transportation officers shall be alerted, at the initial planning stage of the procurement, in order that they may explore the possibility of negotiations for appropriate freight classification ratings and reasonable transportation rates.

§ 1-19.202 Transportation factors in invitations.

Invitations involving the procurement of personal property shall contain the information and provisions required by this § 1-19.202 and any other information and provisions deemed appropriate by the contracting officer after considering all transportation factors, including those discussed in Subpart 1-19.1 and this Subpart 1-19.2.

§ 1-19.202-1 Commodity description.

Invitations must contain a complete description of the commodity being procured, including packing and packaging instructions, not only to enable the bidder to quote properly on the commodity but also to provide for determination of the proper transportation charges (see §§ 1-1.305 and 1-1.307).

§ 1-19.202-2 Packing and marking.

(a) Attention to packing and marking can reduce transportation and administrative costs. Proper packing and marking for shipment helps to effect safe and timely delivery of supplies at destination, while improper packing and marking not only can cause increased or added transportation costs but also necessitate replacement or repair of lost or damaged goods, and give rise to claims against carriers and/or consignors. Circumstances such as those described in (b) and (c) of this § 1-19.202-2, which require special packing and marking, should be foreseen and adequate provision made therefor.

(b) Supplies which are to be stored for long periods, which may be exposed to the elements, or which may ultimately be intended for export shipment, usually require special treatment; e.g., it may be necessary to coat machine surfaces with rust-inhibiting compounds, or otherwise provide special protection.

(c) Shipments arriving at destination must be readily identifiable. This may necessitate special stenciling, marking, or the attachment of packing lists in whether-resistant containers to the exterior of boxes or crates.

§ 1-19.202-3 Guaranteed maximum shipping weights.

(a) Invitations shall require bidders to furnish information, where appropriate, regarding the guaranteed maximum shipping weights and the cubage of items being procured (see § 1-2.202-3 (b)(3)), so that freight costs may be evaluated on a realistic basis. (See § 1-19.202-6.)

(b) When the procurement requires guaranteed maximum shipping weights and cubage, the invitation shall include a clause similar to the following:

When actual shipping weights or cubage exceeds the guaranteed shipping weights or cubage, the amount of the Contractor's invoice shall be reduced by a sum equal to the cost incurred by the Government as a result of such excess.

§ 1-19.202-4 Minimum size of shipments.

(a) Invitations shall require bidders to furnish information, where appropriate, regarding the minimum size of shipments, so that freight costs may be evaluated on a realistic basis. (See § 1-19.202-6.)

(b) When the procurement is to be for quantities which would qualify for volume rates, the invitation shall include a clause similar to the following:

When the contract requires load-lot shipments and the Contractor, in the absence of special instructions, ships in less-than-load lots, the amount of the Contractor's invoice shall be reduced by a sum equal to the cost incurred by the Government resulting from the difference between less-than-load charges and load charges.

§ 1-19.202-5 Requesting consolidations.

Since consolidation of shipments is one possible means of reducing Government costs, solicitations for personal property which will be shipped to multiple named destinations shall include a request that the bidder consider the possibility of consolidating shipments to two or more of the destinations and of using stopoff privileges for partial unloading when the intermediate stopoff points are en route to the final destination, in accordance with routes prescribed in the carrier's tariffs.

§ 1-19.202-6 Bid requirements.

(a) Where personal property is being procured on the basis of the delivery terms set forth in §§ 1-19.302 through 1-19.306, the invitation shall include, in addition to the responsibilities of the contractor with respect to the delivery term being used, a requirement that the

bidder shall furnish the Government so much of the following data as shall be applicable to the particular procurement:

(1) Modes of transportation and, if rail transportation is used, names of rail carriers serving his facility;

(2) Number of railroad cars, motor trucks, or other conveyances that can be loaded per day;

(3) Type of packing: box, carton, crate, drum, bundle, skids, etc., and, where applicable, package number from the governing freight classification;

(4) Number of units packed in one container;

(5) Guaranteed maximum shipping weight; cubic measurement; and length, width, and height of each container;

(6) Minimum size of each shipment;

(7) Number of containers or units that can be loaded in a car, truck, or other conveyance of size normally used (specify type and size) for the commodity;

(8) Description of material in terms of the governing freight classification or tariff under which lowest freight rates are applicable; and

(9) Benefits available to the Government under transit arrangements made by the contractor.

(b) In addition to the data referred to in (a) of this § 1-19.202-6, the bidder shall be required to furnish, where applicable, supplemental data as follows:

(1) For delivery "f.o.b. origin, contractor's facility" (see § 1-19.303), if the designated facility is not covered by the line-haul transportation rate, the charges required to deliver the shipment to the point where the line-haul rate is applicable must be stated.

(2) For delivery "f.o.b. origin, freight allowed" (see § 1-19.304), the basis on which transportation charges will be allowed shall be specified, including the origin and destination from and to which transportation charges will be allowed.

(c) Where personal property is being procured on the basis of the delivery terms set forth in §§ 1-19.307 through 1-19.315, the invitation shall include, in addition to the responsibilities of the contractor with respect to the delivery term being used, a requirement that the bidder shall furnish the Government data applicable to the particular procurement as follows:

(1) For delivery "f.o.b. vessel, port of shipment" (see § 1-19.307); "f.a.s. vessel, port of shipment" (see § 1-19.308); and "f.o.b. inland carrier, point of exportation" (see § 1-19.309):

(i) Delivery schedule in number of units and/or long or short tons;

(ii) Maximum quantities available per shipment;

(iii) Quantity that can be made available for loading to vessel per running day of twenty-four hours (if procurement involves a commodity to be shipped in bulk);

(iv) Minimum leadtime required to make supplies available for loading to vessel; and

(v) Port and pier, or other designation, and, where applicable, the maximum draft of vessel (in feet) that can be accommodated.

(2) For delivery "f.o.b. inland point, country of importation" (see § 1-19.310):

and "f.o.b. designated air carrier's terminal, point of importation" (see § 1-19.315):

(i) Delivery schedule in number of units and/or long or short tons;

(ii) Maximum quantities available per shipment; and

(iii) Other data appropriate to shipment by air carrier.

(3) For delivery "ex dock, pier, or warehouse, port of importation" (see § 1-19.311), and "c.&f. destination" (see § 1-19.312):

(i) Delivery schedule in number of units and/or long or short tons;

(ii) Maximum quantities available per shipment; and

(iii) Number of containers or units that can be loaded in a car, truck, or other conveyance of size normally used (specify type and size) for the commodity.

(4) For delivery "c.i.f. destination" (see § 1-19.313):

(i) The same as specified in (3) of this § 1-19.202-6(c); and

(ii) The amount and type of marine insurance coverage; e.g., whether the coverage is W.A. (With Average) or F.P.A. (Free of Particular Average) and whether it covers any special risks or excludes any of the usual risks associated with the specific commodity involved.

(5) For delivery "f.o.b. designated air carrier's terminal, point of exportation" (see § 1-19.314):

(i) Delivery schedule in number of units, type of package, and individual weight and dimensions of each package;

(ii) Minimum lead time required to make supplies available for loading to aircraft;

(iii) Name of airport and location to which shipment will be delivered; and

(iv) Other data appropriate to shipment by air carrier.

§ 1-19.202-7 Use of appropriate delivery terms.

(a) In the selection of the appropriate delivery terms for inclusion in invitations, the delivery term ("f.o.b. origin," "f.o.b. destination," etc.) shall be that which is most advantageous to the Government. Where alternative terms of delivery are feasible and may provide economy in transportation, invitations shall provide for alternative bases so that the contracting officer can, at the time of evaluation, select the delivery term which is most favorable to the Government.

(b) The following guides may be followed in selection of the appropriate delivery term (see Subpart 1-19.3) for inclusion in the invitation:

(1) *Shipments within the United States (excluding Alaska and Hawaii)*—

(i) *Industry practice.* When it is the general practice of an industry to include the delivery costs in the selling price of a certain commodity, invitations shall ordinarily provide for delivery "f.o.b. destination."

(ii) *Nature of commodity.* In procuring articles having peculiar transportation characteristics which the supplier is especially equipped to deal with, consideration shall be given to the advisability of procuring such articles on an "f.o.b. destination" basis. An example of such

procurement would be precision machinery for which the supplier has specially designed transportation and handling equipment and which could easily be damaged by being subjected to normal transportation hazards.

(iii) *Destinations known*—(a) *Small lots.* Generally, invitations shall provide for delivery "f.o.b. destination" when it is anticipated that shipments will involve small lots; e.g., less-than-carload or less-than-truckload quantities.

(b) *Volume lots.* Generally, invitations shall provide for bids to be submitted on the basis of delivery "f.o.b. origin" and "f.o.b. destination" when it is anticipated that shipments will be made in carloads, truckloads, barge loads, or other volume lots.

(c) *Specific quantities unknown.* When total requirements and destinations to which shipments will be made are known, but the specific quantity to be shipped to each destination cannot be predetermined, invitations shall provide for bids to be submitted on the basis of delivery "f.o.b. origin" and/or "f.o.b. destination" and bids shall be evaluated on both bases. In order to evaluate "f.o.b. destination" bids and to protect the interests of both the Government and the contractor during the course of the performance of contracts awarded on this basis, where the specific quantities are unknown, the following clause shall be incorporated in both the invitation and the contract:

For the purpose of evaluating "f.o.b. destination" (bids) (proposals), and for no other purpose, it is estimated that the quantity specified will be shipped to the destinations indicated. If the quantity shipped to each destination varies from the quantity estimated, and if the variation results in a change in the transportation costs, appropriate adjustment will be made.

(iv) *Destinations unknown.* When destinations are unknown and cannot be anticipated, invitations shall provide for delivery "f.o.b. origin." However, if the destinations are unknown but the general geographic areas are known, invitations shall provide for bids to be submitted on the basis of delivery "f.o.b. origin" and/or "f.o.b. destination," and bids shall be evaluated on both bases. The following clause shall be incorporated in such invitations:

For the purpose of evaluating (bids) (proposals), and for no other purpose, the final destination(s) for the supplies will be considered to be (insert location(s)).

(2) *Shipments from the United States*—(i) *Industry practice.* When it is the general practice of an industry to include the delivery costs in the selling price of a certain commodity, invitations shall ordinarily provide for delivery to the port or airport of exit; e.g., "f.o.b. named point of exportation," "f.o.b. vessel," "f.a.s. vessel," etc.

(ii) *Government control.* Where it may be desirable to have available the use of alternate ports or to stop the supplies in transit for export packing or consolidating with other supplies; or where, for some other reason, the Government may need to control the transportation,

invitations shall provide for delivery on the basis of "f.o.b. origin."

(iii) *Alternative basis.* Where it is feasible, invitations shall provide for delivery on the basis of alternative delivery terms so that the delivery term most favorable to the Government may be selected; e.g., (a) "f.o.b. origin" and "f.o.b. vessel, port of shipment," when procuring bulk commodities, or (b) "f.o.b. origin" and "f.a.s. vessel, port of shipment," when procuring other than bulk commodities.

(3) *Shipments from outside the United States.* Language barriers, the lack of agency representatives in foreign countries, or other factors, may restrict the feasibility of procuring supplies for delivery at points within foreign countries. In such cases, invitations should provide for bids to be submitted on the basis of delivery to the foreign port or airport of exit, delivery to the United States, or delivery to another destination country. Where feasible, invitations shall provide for bids to be submitted on the basis of alternative delivery terms.

(c) The appropriate delivery term definition and related contractor responsibilities, as set forth in §§ 1-19.302 through 1-19.315, shall be incorporated (by reference, where appropriate) in the invitation.

§ 1-19.202-8 Options in shipment and delivery.

Although the Changes article (see § 1-7.101-2) allows certain changes to be made in regard to shipment and delivery, it may be desirable, in some instances, to provide specifically for certain options in the invitation.

(a) Where appropriate, the Government may reserve the right to (1) direct deliveries of all or part of the contract quantity to destinations or to consignees other than those specified in the invitation and in the contract; (2) direct shipments in quantities which may require different transportation rates from those on which the contract price is based; and (3) direct shipments by a mode of transportation other than that which may have been stipulated in the invitation and in the contract.

(b) Where the transportation charges are for the account of the contractor and changes in the transportation requirements, as directed by the Government, result in an increase or decrease in transportation costs, an appropriate equitable adjustment shall be made.

§ 1-19.203 Transportation factors in evaluation of bids.

The evaluation of bids shall include appropriate consideration of the transportation factors set forth in this § 1-19.203.

§ 1-19.203-1 Freight cost determinations.

When requesting assistance in evaluating bids, the contracting officer shall furnish the transportation officer with all pertinent data, including such information as the following:

(a) A complete description of the commodity being purchased, including packing and packaging instructions;

(b) The planned date of award;

- (c) The date of initial shipment;
- (d) Total quantity to be shipped (including weight and cubic content, where appropriate);
- (e) The delivery schedule;
- (f) The contract period; and
- (g) The possible use of transit privileges, including stopoff for partial loading or unloading, or both.

§ 1-19.203-2 Adequacy of loading and unloading facilities.

(a) *Adequacy of loading facilities.* When determining the transportation capabilities of a bidder, consideration shall be given to the type and adequacy of the bidder's shipping facilities, including his ability to consolidate and ship in load lots.

(b) *Adequacy of unloading facilities.* Consideration shall also be given to the type and adequacy of the consignee's receiving facilities, in order to avoid shipping schedules which cannot be properly accommodated.

§ 1-19.203-3 Lowest overall transportation costs.

The lowest available freight rates and related accessorial and incidental costs in effect on, or to become effective prior to, the expected date of initial shipment and on file or published at the date of the bid opening shall be used in the evaluation of bids. When rates or related costs become available after the bid opening, such rates or costs shall not be used in the evaluation unless they cover traffic for which no applicable rates or accessorial or incidental costs were in existence at the time of bid opening.

Subpart 1-19.3—Contract Delivery Terms

§ 1-19.300 Scope of subpart.

This subpart prescribes delivery terms, including definitions and related contractor responsibilities, for incorporation in invitations for bids, requests for proposals, and contracts for the procurement of personal property for the Government.

§ 1-19.301 Use of standard delivery terms.

Whenever, in accordance with § 1-19.202-7, any one (or more) of the delivery terms which are set forth in this subpart are used in invitations, the provisions of the applicable delivery term(s) shall be set forth in full or, where appropriate, incorporated by reference. Incorporation by reference may be accomplished, for example, by specifying the applicable delivery term followed by the phrase "as that term is defined in 41 CFR 1-19.3" or by any other appropriate method.

§ 1-19.302 F.o.b. origin.

(a) *Definition.* The term "f.o.b. origin" means (1) on board the indicated type of conveyance of carrier (or conveyance of the Government when so indicated), free of expense to the Government, at a named point in the city, county, and State from which the shipment will be made and from which line-haul transportation service (as distinguished from switching, local drayage, or other terminal service) begins; or,

when so stated in the invitation, (2) delivered by the contractor, free of expense to the Government, to any Government-designated point located within the same commercial zone (as prescribed by the Interstate Commerce Commission) as the f.o.b. point named in the contract.

(b) *Contractor responsibilities.* Where the term "f.o.b. origin" is used, it shall be the responsibility of the contractor to:

(1) Pack and mark to comply with contract specifications; or, in the absence of such specifications, prepare shipment in conformance with carrier requirements to protect the personal property and assure assessment of the lowest applicable transportation charge.

(2) Order specified carrier equipment when requested by the Government; otherwise, order appropriate carrier equipment not in excess of capacity to accommodate shipment.

(3) Deliver shipments in good order and condition to the carrier, and load, stow, trim, block, and/or brace carload or truckload (when loaded by the contractor) shipments on or in carrier's conveyance as required by carrier rules and regulations.

(4) Be responsible for only loss or damage, or both, to the personal property occurring prior to delivery of shipment to carrier; and also for any loss or damage resulting from improper packing and marking, and, when loaded by contractor, resulting from improper loading, stowing, trimming, blocking, and/or bracing of shipment on or in carrier's conveyance.

(5) Complete Government bill of lading supplied by the ordering agency; or, when Government bill of lading is not supplied, prepare commercial bill of lading or other transportation receipt. The bill of lading shall show thereon:

(i) Description of shipment in terms of the governing freight classification or tariff under which lowest freight rates are applicable;

(ii) The seals affixed to the conveyance, including number thereof, or other identification;

(iii) Length and capacity of cars or trucks ordered and furnished;

(iv) Other pertinent information required to effect prompt delivery to the consignee, including name, delivery and postal address of consignee, routing, etc.;

(v) Special instructions or annotations requested by the ordering agency for commercial bills of lading; for example,

(a) "To be converted to a Government bill of lading," or

(b) "This shipment is the property of, and the freight charges paid to the carrier(s) will be reimbursed by, the Government," and

(vi) Signature of carrier's agent and date shipment is received.

(6) Distribute the several parts of the bills of lading, or other transportation receipts, as directed by the ordering agency.

§ 1-19.303 F.o.b. origin, contractor's facility.

(a) *Definition.* The term "f.o.b. origin, contractor's facility," means on

board the indicated type of conveyance of carrier (or conveyance of Government when so indicated), free of expense to the Government, at the designated facility, on the named street or highway, in the city, county, and State from which the shipment will be made.

(b) *Contractor responsibilities.* The contractor responsibilities are the same as those listed in § 1-19.302(b).

§ 1-19.304 F.o.b. origin, freight allowed.

(a) *Definition.* The term "f.o.b. origin, freight allowed," means on board the indicated type of conveyance of carrier (or conveyance of the Government when so indicated), free of expense to the Government, at a point in the city, county, and State specified from which the shipment will be made and from which line-haul transportation service (as distinguished from switching, local drayage, or other terminal service) begins, with an allowance for freight, based on applicable published tariff rates between the points specified in the contract, deducted from the contract price.

(b) *Contractor responsibilities.* The contractor responsibilities are the same as those listed in § 1-19.302(b). However, risk of loss and damage shall be assumed by the Government, f.o.b. origin.

§ 1-19.305 F.o.b. origin, freight prepaid.

(a) *Definition.* The term "f.o.b. origin, freight prepaid," means on board the indicated type of conveyance of carrier (or conveyance of the Government when so indicated), free of expense to the Government, at a point in the city, county, and State specified from which line-haul transportation service (as distinguished from switching, local drayage, or other terminal service) begins, with the cost of transportation, which shall be the contractor's obligation, prepaid by the shipper to the point named in the contract.

(b) *Contractor responsibilities.* The contractor responsibilities are the same as those listed in § 1-19.302(b), except that the contractor shall prepare commercial bills of lading, instead of Government bills of lading, and shall prepay all freight charges to the extent specified in the contract. However, risk of loss and damage shall be assumed by the Government, f.o.b. origin.

§ 1-19.306 F.o.b. destination.

(a) *Definitions.* (1) The term "f.o.b. destination" means on board the conveyance of carrier, free of expense to the Government, at a specified delivery point where the consignee's facility is located. The term "facility," as used herein, means: plant, warehouse, store, lot, or other location to which shipment can be made.

(2) The term "f.o.b. destination, within consignee's premises," means delivered free of expense to the Government, laid down within the doors of the consignee's premises, including delivery to specific rooms within a building when so specified.

(b) *Contractor responsibilities.* It shall be the responsibility of the contractor to:

(1) Pack and mark to comply with contract specifications; or, in the absence of such specifications, prepare shipment in conformance with carrier requirements.

(2) Prepare and distribute commercial bills of lading.

(3) Deliver shipment in good order to the point of delivery specified in the contract.

(4) Be responsible for any loss or damage, or both, to the personal property occurring prior to its receipt by the consignee at the named point of delivery.

(5) Furnish a delivery schedule and designate mode of delivering carrier.

(6) Pay and bear all charges to the point of delivery specified in the contract.

§ 1-19.307 F.o.b. vessel, port of shipment.

(a) *Definition.* The term "f.o.b. vessel, port of shipment," means loaded, stowed, and trimmed on board the ocean vessel, free of expense to the Government, at the named port of shipment.

(b) *Contractor responsibilities.* It shall be the responsibility of the contractor to:

(1) Pack and mark to comply with contract specifications; or, in the absence of such specifications, prepare shipment for ocean transportation in conformance with carrier requirements to protect the personal property and assure assessment of the lowest applicable transportation charge.

(2) Deliver the shipment on board the ocean vessel, in good order, on the date or within the period fixed, and pay and bear all charges incurred in placing the shipment actually on board.

(3) Provide clean ship's receipt or on-board ocean bill of lading.

(4) Be responsible for any loss or damage, or both, to the personal property occurring prior to delivery of the shipment on board the ocean vessel.

(5) Render the Government, at the Government's request and expense, assistance in obtaining the documents required for exportation, or for importation at destination.

§ 1-19.308 F.a.s. vessel, port of shipment.

(a) *Definition.* The term "f.a.s. vessel, port of shipment," means delivered, free of expense to the Government, alongside ocean vessel and within reach of its loading tackle, at the named port of shipment.

(b) *Contractor responsibilities.* It shall be the responsibility of the contractor to:

(1) Pack and mark to comply with contract specifications; or, in the absence of such specifications, prepare shipment for ocean transportation in conformance with carrier requirements to protect the personal property and assure assessment of the lowest applicable transportation charge.

(2) Deliver the shipment in good order alongside the ocean vessel and within reach of its loading tackle, at the point of delivery specified in the contract, on the date, or within the period fixed, and pay and bear all applicable charges, including transportation costs and wharf-

age and handling and heavy lift charges, where necessary, up to this point.

(3) Provide clean dock or ship's receipt.

(4) Be responsible for any loss or damage, or both, to the personal property occurring prior to delivery of the shipment to the point specified in the contract.

(5) Render the Government, at the Government's request and expense, assistance in obtaining the documents required for the purpose of exportation, or of importation at destination.

§ 1-19.309 F.o.b. inland carrier, point of exportation.

(a) *Definition.* The term "f.o.b. inland carrier, point of exportation," means on board the conveyance of the carrier, free of expense to the Government, at the named point of exportation.

(b) *Contractor responsibilities.* It shall be the responsibility of the contractor to:

(1) Pack and mark to comply with contract specifications; or, in the absence of such specifications, prepare shipment for ocean transportation in conformance with carrier requirements to protect the personal property and assure assessment of the lowest applicable transportation charge.

(2) Prepare and distribute commercial bills of lading.

(3) Deliver shipment in, or on, conveyance of carrier, in good order, on the date, or within the period fixed, and pay and bear all applicable charges, including transportation costs to the point of delivery specified in the contract.

(4) Be responsible for any loss or damage, or both, to the personal property occurring prior to delivery of the shipment to the point of delivery specified in the contract.

(5) Render the Government, at the Government's request and expense, assistance in obtaining the documents required for the purpose of exportation, or of importation at destination.

§ 1-19.310 F.o.b. inland point, country of importation.

(a) *Definition.* The term "f.o.b. inland point, country of importation," means on board the indicated type of conveyance of the carrier, free of expense to the Government, at the specified inland point where the consignee's facility is located.

(b) *Contractor responsibilities.* It shall be the responsibility of the contractor to:

(1) Pack and mark to comply with contract specifications; or, in the absence of such specifications, pack and mark in conformance with carrier requirements.

(2) Deliver shipment in good order and condition, in or on conveyance of inland carrier at the named inland destination, and pay and bear all applicable charges incurred up to the point of delivery, including transportation costs, export, import, or other fees or taxes, costs of landing, wharfage costs, customs duties and costs of certificates of origin, consular invoices, or other docu-

ments which may be required for importation.

(3) Be responsible for any loss or damage, or both, until arrival of the personal property on, or in, carrier's conveyance at the named inland point.

§ 1-19.311 Ex dock, pier, or warehouse, port of importation.

(a) *Definition.* The term "ex dock, pier, or warehouse, port of importation," means delivered on the designated dock or pier, or in the warehouse, free of expense to the Government, at the named port of importation.

(b) *Contractor responsibilities.* It shall be the responsibility of the contractor to:

(1) Pack and mark to comply with contract specifications; or, in the absence of such specifications, prepare shipment in conformance with carrier requirements to protect the personal property and assure assessment of the lowest applicable transportation charge.

(2) Deliver shipment in good order, and pay and bear all applicable charges to the point of delivery specified in the contract, including transportation costs; export and import taxes, or other fees or charges levied because of importation or exportation; landing and wharfage charges and landing taxes, if any; customs duties; and all documentation costs, such as those incurred in obtaining consular invoices, legalization of bills of lading and certificates of origin, which documents shall be obtained by the contractor.

(3) Be responsible for any loss or damage, or both, to the personal property occurring prior to delivery of the shipment to the point of delivery specified in the contract.

§ 1-19.312 C. & f. destination.

(a) *Definition.* The term "c. & f. destination," means delivered on board the ocean vessel, free of expense to the Government, with the cost of transportation paid by the contractor to the named point of destination.

(b) *Contractor responsibilities.* It shall be the responsibility of the contractor to:

(1) Pack and mark to comply with the contract specifications; or, in the absence of such specifications, prepare shipment for ocean transportation in accordance with carrier requirements.

(2) Deliver the shipment in good order and condition, and pay and bear all applicable charges to the point of destination specified in the contract, including transportation costs and export taxes or other fees or charges levied because of exportation.

(3) Obtain, and dispatch promptly to the Government, clean, on-board ocean bill of lading to the named point of destination.

(4) Be responsible for any loss or damage, or both, to the personal property occurring prior to delivery.

(5) Provide, at the Government's request and expense, certificates of origin, consular invoices, or any other documents issued in the country of origin or of shipment, or both, which may be required for importation into the country of destination.

§ 1-19.313 C.i.f. destination.

(a) *Definition.* The term "c.i.f. destination" means delivered on board the ocean vessel, free of expense to the Government, with the cost of transportation and marine insurance paid by the contractor to the named point of destination.

(b) *Contractor responsibilities.* The contractor responsibilities are the same as those listed in § 1-19.312(b), except that, in addition, the contractor shall obtain, and dispatch to the Government, an insurance policy or certificate providing the amount and extent of marine insurance coverage specified in the contract or agreed upon by the contracting officer of the Government.

§ 1-19.314 F.o.b. designated air carrier's terminal, point of exportation.

(a) *Definition.* The term "f.o.b. designated air carrier's terminal, point of exportation," means loaded aboard the aircraft or delivered to the custody of the air carrier (when only the air carrier performs the loading), free of expense to the Government, at the air carrier's terminal named in the contract.

(b) *Contractor responsibilities.* It shall be the responsibility of the contractor to:

(1) Pack and mark to comply with contract specifications, or in the absence of such specifications, prepare shipment for air transportation in conformance with carrier requirements to protect the personal property and assure assessment of the lowest applicable transportation charge.

(2) Deliver the shipment into the conveyance of the carrier, or into the custody of the carrier (when only the carrier performs the loading), in good order, at the point of delivery specified in the contract, on the date or within the period designated, and pay and bear all applicable charges up to that point.

(3) Provide clean Government bill of lading and/or air waybill.

(4) Be responsible for any loss or damage, or both, occurring prior to delivery of the personal property to the point specified in the contract.

(5) Render the Government, at the Government's request and expense, assistance in obtaining the documents required for the purpose of exportation.

§ 1-19.315 F.o.b. designated air carrier's terminal, point of importation.

(a) *Definition.* The term "f.o.b. designated air carrier's terminal, point of importation," means delivered, free of expense to the Government, to the air carrier's terminal named in the contract.

(b) *Contractor responsibilities.* It shall be the responsibility of the contractor to:

(1) Pack and mark to comply with contract specifications; or in the absence of such specifications, pack and mark in conformance with carrier requirements.

(2) Prepare and distribute bills of lading or air waybills.

(3) Deliver shipment in good order and condition to the point of delivery specified in the contract, and pay and bear all charges incurred up to the point

of delivery, including transportation costs, import or export, or other fees or taxes, cost of landing (if any), customs duties, and costs of certificates of origin, consular invoices, or other documents which may be required for exportation or importation.

(4) Be responsible for any loss or damage, or both, until delivery of the personal property to the Government at the designated air carrier's terminal.

Effective date. These regulations are effective January 4, 1965, but may be observed earlier.

Dated: September 8, 1964.

LAWSON B. KNOTT, JR.,
Acting Administrator
of General Services.

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Chapter 11—Coast Guard, Department of the Treasury

[CGFR 64-44]

PART 11-1—GENERAL

PART 11-7—CONTRACT CLAUSES

Miscellaneous Amendments to Procurement Regulations

Pursuant to authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order 167-17 (20 F.R. 4976) and Treasury Department Order 167-50 (28 F.R. 530), Chapter 11 of Title 41, CFR, is amended by adding §§ 11-1.311, 11-1.315, 11-7.101-67, 11-7.101-68, 11-7.602-73, 11-7.602-74, 11-7.602-75, as follows:

Subpart 11-1.3—General Policies

§ 11-1.311 Priorities, allocations, and allotments.

Priority and allocation ratings will be assigned in accordance with procedures set forth in Chapter 3B19 of the Comptroller Manual. The contract clause set forth below shall be inserted in all ratable contracts whether entered into by formal advertising or negotiation, except that no such clause need be included in purchase orders of less than \$5,000.

PRIORITIES, ALLOCATIONS, AND ALLOTMENTS

The Contractor agrees, in the procurement and use of materials required for the performance of this contract, to comply with the provisions of all applicable rules and regulations of the Business and Defense Services Administration including Defense Material Systems Regulations.

§ 11-1.315 Use of liquidated damages provisions in procurement contracts.

(a) *Approval of use.* Liquidated damages provisions which are determined appropriate and desirable in accordance with the policy set forth in § 1-1.315-2 of this title may be used upon approval by the respective district commander or commanding officer of a Headquarters unit. Delegation of this authority is authorized to the District Comptroller or comparable level.

(b) *Documenting requirements.* Requests for approval of rates for liquidated damages provisions will be made in writ-

ing. The following information will be furnished and approved requests will substantiate the file copy of the contract:

(1) Identification number of the contemplated procurement (PR No., IFB No., and/or contract number);

(2) Type and form of contract contemplated and the required delivery schedule to be met;

(3) Data which will adequately substantiate the need for strict compliance with the delivery schedule by reflecting the damage that will result if the delivery schedule is not met;

(4) The estimated dollar amount of the contemplated procurement, whether or not competition is available, the amount of liquidated damages to be assessed, and the method of arriving at such figure.

(c) *Unauthorized use.* (1) The liquidated damages provision will not be used where the desired delivery date is not specified.

(2) If the supplies or services can be reprocurd readily from other sources in case of default and the difference in price would represent the full measure of damages to the Government, liquidated damages provisions will not be used.

(d) *Remissions.* Recommendations concerning remissions will be forwarded by the contracting officer with appropriate documentation to Commandant (F) for review and processing.

Subpart 11-7.1—Fixed-Price Supply Contracts

§ 11-7.101-67 Data and copyrights.

In accordance with the policies and procedures set forth in ASPR "32 CFR Part 9.2" insert the contract clause covering Data and Copyrights prescribed therein.

§ 11-7.101-68 Priorities, allocations and allotments.

In accordance with the requirements of § 11-1.313, insert the clause prescribed therein.

(14 U.S.C. 633, 10 U.S.C. Ch. 137)

Subpart 11-7.6—Fixed-Price Construction Contracts

§ 11-7.602-73 Data and copyrights.

In accordance with the policies and procedures set forth in ASPR "32 CFR Part 9.2" insert the contract clause covering Data and Copyrights prescribed therein.

§ 11-7.602-74 Priorities, allocations and allotments.

In accordance with the requirements of § 11-1.313, insert the clause prescribed therein.

§ 11-7.602-75 Government-furnished property.

Insert the applicable clause as set forth in ASPR "32 CFR Part 13."

(14 U.S.C. 633, 10 U.S.C. Ch. 137)

Dated: August 27, 1964.

[SEAL] P. E. TRIMBLE,
Rear Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 64-9324; Filed, Sept. 14, 1964;
8:47 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[Ex Parte 73]

PART 142—EXTENSION OF CREDIT TO SHIPPERS

Payment of Rates and Charges

It is the order of the Hearing Examiner that Part 142, Title 49, of the Code of Federal Regulations, *Extension of Credit to Shippers*, involved in Ex Parte No. 73, *Regulations for Payment of Rates and Charges* be, and it is hereby amended, and revised, effective 30 days from the date this order becomes the order of the Commission, to provide as follows:

1. Section 142.8 is revised to read as follows:

§ 142.8 Presentation of freight bills.

Every carrier shall present freight bills for all transportation charges except those specifically excepted in this part to shippers prior to the first 12 o'clock midnight following forwarding or delivery of the freight, except that when information sufficient to enable the carrier to compute the tariff charges is not then available to the carrier at the billing point, the freight bills shall be presented not later than the first 12 o'clock midnight following the day upon which sufficient information becomes available at the billing point of the carrier. A carrier may not extend further credit to any shipper which fails to promptly furnish sufficient information to allow a rail carrier to render a freight bill within a reasonable time after the shipment is tendered to the origin carrier. As used in this section, the term "shipper" includes freight forwarders, as well as shippers' associations and shippers' agents within the meaning of section 402(c) of part IV of the Interstate Commerce Act.

2. Part 142 is amended by adding a new section to read as follows:

§ 142.16 Applicability to prepaid shipments.

The provisions of this part, to the extent they are applicable to collect shipments, are to be considered equally applicable to prepaid shipments.

It is further ordered, That all proposed amendments, changes, or revisions to Part 188, Title 49, of the Code of Federal Regulations, *Extensions of Credit to Shippers*, involved in Ex Parte No. MC-1, *Payment of Rates and Charges of Motor Carriers* be, and they are hereby, denied.

It is further ordered, That the effective date of this order shall be thirty days from the date of service¹ hereof unless stayed by the Commission or the timely filing of exceptions thereto in accordance with the general rules of practice.

¹ Date of service September 10, 1964.

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

Dated at Washington, D.C., this 26th day of August A.D. 1964.

By the Commission, Richard S. Ries, Hearing Examiner.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 64-9318; Filed, Sept. 14, 1964; 8:47 a.m.]

Title 7—AGRICULTURE

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

[Avocado Order 4, Amtd. 4]

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 this amendment is based became available and the time when this amendment must become effective, as hereinafter set forth, in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation of 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 and the time of maturity of avocados must await the development of the crop; a determination as to the quality and the stage of maturity of the ten varieties of avocados covered by this amendment was made at the meeting of the Avocado Administrative Committee on September 8, 1964, and were based on recently completed research studies. After consideration of all available information relative to the growing conditions prevailing during the current season, 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; and compliance with the provisions hereof will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) It is, therefore, ordered that the provisions of paragraph (b) of § 915.304 (29 F.R. 8462; 11704; 12002; 12550) are hereby amended as follows:

I. In Table I, add certain dates and minimum weights and diameters applicable to ten varieties of avocados so that after such revision the relevant portion of such Table I reads as follows:

Variety	Date	Minimum weight or (diameter)	Date	Minimum weight or (diameter)	Date	Minimum weight or (diameter)	Date
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Fairchild.....	9-16-64	16 oz. (3 1/8 in.)	9-22-64	14 oz. (3 1/8 in.)	10- 6-64	12 oz. (3 1/8 in.)	10-20-64
Nirody.....	9-22-64	18 oz. (3 1/8 in.)	10- 6-64	15 oz. (3 1/8 in.)	10-20-64	12 oz. (3 1/8 in.)	11- 4-64
Rue.....	10- 7-64	30 oz. (4 3/8 in.)	10-14-64	24 oz. (3 1/8 in.)	10-28-64	18 oz. (3 1/8 in.)	11-11-64
Sherman.....	10-14-64	16 oz. (3 1/8 in.)	10-28-64	14 oz. (3 1/8 in.)	11-11-64	10 oz. (3 1/8 in.)	12- 2-64
Marcus.....	10-21-64	32 oz. (4 3/8 in.)					11-25-64
Nelson.....	10-21-64	14 oz. (3 1/8 in.)	11- 4-64	12 oz. (3 1/8 in.)	11-18-64	10 oz. (3 1/8 in.)	12- 9-64
Chico.....	10-27-64	15 oz. (3 1/8 in.)	11-10-64	13 oz. (3 1/8 in.)	11-24-64	10 oz. (3 1/8 in.)	12-15-64
Murphy.....	10-27-64	16 oz. (3 1/8 in.)	11-10-64	14 oz. (3 1/8 in.)	11-24-64	11 oz. (3 1/8 in.)	12-15-64
Leons.....	11-17-64	20 oz. (3 1/8 in.)	12- 1-64	16 oz. (3 1/8 in.)	12-15-64	12 oz. (3 1/8 in.)	1- 5-65
Dunedin.....	11-18-64	16 oz. (3 1/8 in.)	12- 2-64	14 oz. (3 1/8 in.)	12-16-64	10 oz. (3 1/8 in.)	1- 6-65

(c) The provisions of this amendment shall become effective at 12:01 a.m., e.s.t., September 16, 1964.

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

Dated: September 14, 1964.

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

[F.R. Doc. 64-9430; Filed, Sept. 14, 1964; 11:37 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 944]

IMPORT OF ORANGES

Notice of Proposed Rule-Making

Pursuant to the authority contained in section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and as further amended by the Agricultural Act of 1961 (75 Stat. 303-306), notice is hereby given that the Department is giving consideration to the grade, size, quality, and maturity requirements that will govern the importation of oranges into the United States.

There are at present four marketing orders effective pursuant to the said act that regulates the handling of oranges grown in the United States. Order No. 907, as amended (7 CFR Part 907), is applicable to Naval oranges grown in Arizona and in designated parts of California; Order No. 908, as amended (7 CFR Part 908), is applicable to Valencia oranges grown in Arizona and designated parts of California; Order No. 905, as amended (7 CFR Part 905), is applicable to Florida grown oranges; and Order No. 906 (7 CFR Part 906) is applicable to Texas grown oranges.

The act provides that, for specified commodities, including oranges, whenever two or more marketing orders regulating the same agricultural commodity produced in different areas of the United States are concurrently in effect, imports of such commodity shall be required to comply with the grade, size, quality, and maturity provisions of the order which, as determined by the Secretary, regulates the commodity produced in the area with which the imported commodity is in most direct competition. The proposal under consideration is to make applicable to all imports of oranges the same requirements as to grade, size, quality, and maturity as those imposed under Order No. 906 on Texas oranges and to require such imports to be inspected, by the Federal or Federal-State Inspection Service, and certified as meeting such requirements. The requirements for Texas oranges (§ 906.309; Orange Regulation 5) are to become effective on September 14, 1964, and are as follows:

* * * no handler shall handle:

(1) Any oranges of any variety, grown in the production area, which do not grade at least U.S. No. 3;

(ii) Any oranges of any variety, grown as aforesaid, which are of a size smaller than $2\frac{3}{16}$ inches in diameter, except that not more than 10 percent, by count, of such oranges in any lot of containers, and not more than

15 percent, by count, of such oranges in any individual container in such lot, may be of a size smaller than $2\frac{3}{16}$ inches in diameter; * * *

When used herein, the terms "U.S. No. 3" and "diameter" shall have the same meaning as when used in the United States Standards for Oranges (Texas and States other than Florida, California, and Arizona) (7 CFR 51.680-51.712).

Persons who desire to submit written data, views, or arguments for consideration in connection with the foregoing proposals should file them in quadruplicate with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C., 20250, not later than the tenth day after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: September 10, 1964.

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

[F.R. Doc. 64-9332; Filed, Sept. 14, 1964;
8:48 a.m.]

[7 CFR Parts 1037, 1041]

[Docket Nos. AO-72-A26, AO-197-A10]

MILK IN TOLEDO, OHIO, AND NORTH CENTRAL OHIO MARKETING AREAS

Notice of Extension of Time for Filing Exceptions to Recommended Decision on Proposed Amendments to Tentative Marketing Agreements and to Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the Toledo and North Central Ohio marketing areas which was issued August 24, 1964 (29 F.R. 12377), is hereby extended to September 28, 1964.

Signed at Washington, D.C., on September 10, 1964.

CLARENCE H. GIRARD,
Deputy Administrator.

[F.R. Doc. 64-9333; Filed, Sept. 14, 1964;
8:48 a.m.]

FEDERAL RESERVE SYSTEM

[12 CFR Part 206]

[Reg. F]

SECURITIES OF MEMBER STATE BANKS

Notice of Proposed Rule Making

The Board of Governors of the Federal Reserve System announced on August 21, 1964, that it was considering the adoption of a new Part 206 (Regulation F) to be issued pursuant to authority contained in the Securities Exchange Act of 1934 (15 U.S.C. 78). Notice of Proposed Rule Making with respect to § 206.1 through § 206.5 was published in the FEDERAL REGISTER of August 26, 1964 (29 F.R. 12127), with a request that data, views, or arguments be submitted to the Board not later than September 21, 1964. Sections 206.6 and 206.7, representing the remainder of the proposed part, are set forth below.

This notice is published pursuant to section 4 of the Administrative Procedure Act and section 1(b) of the rules of procedure of the Board of Governors of the Federal Reserve System (12 CFR 262.1(b)).

To aid in the consideration of this matter by the Board, interested persons are invited to submit in writing relevant data, views, or arguments. Such material should be sent to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C., 20551, to be received not later than October 21, 1964. The period for submission of data, views, or arguments with respect to § 206.1 through § 206.5, is hereby extended to October 21, 1964.

Dated at Washington, D.C., this 9th day of September 1964.

BOARD OF GOVERNORS OF THE
FEDERAL RESERVE SYSTEM
[SEAL] MERRITT SHERMAN,
Secretary.

§ 206.6 Reports of directors, officers, and principal stockholders.

(a) *Filing of statements.* (1) Initial statements of beneficial ownership of equity securities of a registrant bank required by section 16(a) of the Act shall be filed on Form _____. Statements of changes in such beneficial ownership required by that section shall be filed on Form _____. All such statements shall be prepared and filed in accordance with the requirements of the applicable form.

(2) A person who is already filing statements with the Board pursuant to section 16(a) of the Act need not file an additional statement on Form ____ when an additional class of equity securities of the same bank becomes registered or

when he assumes another or an additional relationship to the bank; for example, when an officer becomes a director.

(3) Any bank that has equity securities listed on more than one national securities exchange may designate one of them as the only exchange with which reports pursuant to section 16(a) of the Act need be filed. Such designation shall be filed with the Board and with each national securities exchange on which any equity security of the bank is listed. After the filing of such designation the securities of such bank shall be exempted with respect to the filing of statements pursuant to section 16(a) of the Act with any exchange other than the designated exchange.

(b) *Ownership of more than 10 percent of an equity security.* In determining, for the purpose of section 16(a), whether a person is the beneficial owner, directly or indirectly, of more than 10 percent of any class of equity security of a registrant bank, such class shall be deemed to consist of the amount of such class that has been issued, regardless of whether any part of such amount is held by or for the account of the bank.

(c) *Ownership of securities held in trust.* (1) Beneficial ownership of a registrant bank's securities for the purpose of section 16(a) of the Act shall include: (i) the ownership of such securities as a trustee where either the trustee or members of his immediate family have a vested interest in the income or corpus of the trust, (ii) the ownership of a vested beneficial interest in a trust, and (iii) the ownership of such securities as a settlor of a trust in which the settlor has the power to revoke the trust without obtaining the consent of all beneficiaries.

(2) Except as provided in subparagraph (3) of this paragraph (c), beneficial ownership of securities of registrant banks solely as a settlor or beneficiary of a trust shall be exempt from the provisions of section 16(a) of the Act where less than 20 percent in market value of the securities having a readily ascertainable market value held by such trust (determined as of the end of the preceding fiscal year of the trust) consists of equity securities with respect to which reports are required by section 16(a) or would be required but for an exemption by the Securities and Exchange Commission, the Comptroller of the Currency, or the Federal Deposit Insurance Corporation similar to the exemption provided for by this sentence. Exemption is likewise accorded from section 16(a) of the Act with respect to any obligation that would otherwise be imposed solely by reason of ownership as settlor or beneficiary of a registrant bank's securities held in trust, where the ownership, acquisition, or disposition of such securities by the trust is made without prior approval by the settlor or beneficiary. No exemption pursuant to this subparagraph shall, however, be acquired or lost solely as a result of changes in the value of the trust assets during any fiscal year or during any time when there is no transaction by the trust in the securities otherwise subject

to the reporting requirements of section 16(a) of the Act.

(3) In the event that ten percent of any class of any equity security of a registrant bank is held in a trust, that trust and the trustees thereof as such shall be deemed a person required to file the reports specified in section 16(a) of the Act.

(4) Not more than one report need be filed to report any holdings of a registrant bank's securities or with respect to any transaction in such securities held by a trust, regardless of the number of officers, directors, or 10-percent stockholders who are either trustees, settlors, or beneficiaries of a trust if the report filed discloses the names of all trustees, settlors, and beneficiaries who are officers, directors, or 10-percent stockholders. A person having an interest only as a beneficiary of a trust shall not be required to file any such report so long as he relies in good faith upon an understanding that the trustee of such trust will file whatever reports might otherwise be required of such beneficiary.

(5) As used in this paragraph (c), the "immediate family" of a trustee means: (i) a son or daughter of the trustee or a descendant of either, (ii) a stepson or stepdaughter of the trustee, (iii) the father or mother of the trustee or an ancestor of either, (iv) a stepfather or stepmother of the trustee, (v) the spouse of the trustee. For the purpose of determining whether any of the foregoing relationships exist, a legally adopted child of a person shall be considered a child of such person by blood.

(6) In determining, for the purposes of paragraph (a) of this section, whether a person is the beneficial owner, directly or indirectly, of more than 10 percent of any class of any equity security of a registrant bank, the interest of such person in the remainder of a trust shall be excluded.

(7) No report shall be required by any person, whether or not otherwise subject to the requirement of filing reports under section 16(a) with respect to his indirect interest in portfolio securities held by (i) any holding company registered under the Public Utility Holding Company Act, (ii) any investment company registered under the Investment Company Act, (iii) a pension or retirement plan holding securities of an issuer whose employees generally are the beneficiaries of the plan, (iv) a business trust with over 25 beneficiaries.

(d) *Certain transactions subject to section 16(a) of the Act.* The acquisition or disposition of any transferable option, put, call, spread, or straddle shall be deemed such a change in the beneficial ownership of the registrant bank's security to which such privilege relates as to require the filing of a statement reflecting the acquisition or disposition of such privilege. Nothing in this paragraph, however, shall exempt any person from filing the statements required upon the exercise of such option, put, call, spread, or straddle.

(e) *Exemption from section 16 of securities purchased or sold by odd-lot dealers.* A registrant bank's securities purchased or sold by an odd-lot dealer

(1) in odd lots so far as reasonably necessary to carry on odd-lot transactions or (2) in round lots to offset odd-lot transactions previously or simultaneously executed or reasonably anticipated in the usual course of business, shall be exempt from the provisions of section 16 of the Act with respect to participation by such odd-lot dealer in such transactions.

(f) *Exemption of small transactions from section 16(a).* (1) Any acquisition of a registrant bank's securities shall be exempt from section 16(a) of the Act where (i) the person effecting the acquisition does not within 6 months thereafter effect any disposition, otherwise than by way of gift, of securities of the same class, and (ii) the person effecting such acquisition does not participate in acquisitions or in dispositions of securities of the same class having a total market value in excess of \$3,000 for any 6-months period during which the acquisition occurs.

(2) Any acquisition or disposition of a registrant bank's securities by way of gift, where the total amount of such gifts does not exceed \$3,000 in market value for any 6-month period, shall be exempt from section 16(a) of the Act and may be excluded from the computations prescribed in subparagraph (1)(ii) of this paragraph (f).

(3) Any person exempted by subparagraphs (1) or (2) of this paragraph (f) shall include in the first report filed by him after a transaction within the exemption a statement showing his acquisitions and dispositions for each 6-months period or portion thereof that has elapsed since his last filing.

(g) *Temporary exemption of certain persons from sections 16(a) and (b).* During the period of 12 months following their appointment and qualification, a registrant bank's securities held by the following persons shall be exempt from sections 16(a) and 16(b) of the Act: (i) Executors or administrators of the estate of a decedent; (ii) guardians or committees for an incompetent; and (iii) receivers, trustees in bankruptcy, assignees for the benefit of creditors, conservators, liquidating agents, and similar persons duly authorized by law to administer the estate or assets of other persons. After the 12-month period following their appointment and qualification the foregoing persons shall be required to file reports under section 16(a) with respect to a registrant bank's securities held by the estates that they administer and shall be liable for profits realized from trading in such securities pursuant to section 16(b) only when the estate being administered is a beneficial owner of more than 10 percent of any class of equity security of a registrant bank.

(h) *Exemption from section 16(b) of transactions that need not be reported under section 16(a).* Any transaction that has been or shall be exempted by the Board from the requirements of section 16(a) shall, insofar as it is otherwise subject to the provisions of section 16(b), be likewise exempted from section 16(b).

(i) *Exemption from section 16(b) of certain transactions by registered invest-*

ment companies. Any transaction of purchase and sale, or sale and purchase, of any equity security of a registrant bank shall be exempt from the operation of section 16(b) of the Act, as not comprehended within the purpose of that section, if the transaction is effected by an investment company registered under the Investment Company Act of 1940 and both the purchase and sale of such security have been exempted from the provisions of section 17(a) of the Investment Company Act of 1940 by an order of the Securities and Exchange Commission entered pursuant to section 17(b) of that Act.

(j) *Exemption from section 16(b) of acquisition of shares of stock and restricted stock options under certain stock bonus, stock option, or similar plans.* Any acquisition of shares of a registrant bank's stock (other than stock acquired upon the exercise of an option, warrant, or right) pursuant to a stock bonus, profit sharing, retirement, incentive, thrift, savings, or similar plan, or any acquisition of a restricted stock option pursuant to a restricted stock option plan, by a director or officer of the bank issuing such stock or restricted stock option shall be exempt from the operation of section 16(b) of the Act if the plan meets the following conditions:

(1) The plan has been duly approved, directly or indirectly, (i) by the holders of a majority of the securities of the bank present, or represented, and entitled to vote at a meeting for which proxies were solicited substantially in accordance with the requirements of § 206.5, or by the written consent of the holders of a majority of the securities of the bank entitled to vote solicited substantially in accordance with such requirements, whether or not such requirements were applicable to such solicitations; or (ii) by the holders of a majority of the securities of a predecessor entitled to vote, in the manner specified in subdivision (i) of this subparagraph, if the plan or obligations to participate thereunder were assumed by the bank in connection with the succession.

(2) If the selection of any director or officer of the bank to whom stock may be allocated (or to whom restricted stock options may be granted pursuant to the plan) or the determination of the number or maximum number of shares of stock that may be allocated to any such director or officer (or that may be covered by restricted stock options granted to any such director or officer) is subject to the discretion of any person, then such discretion shall be exercised only as follows: (i) with respect to the participation of directors (a) by the board of directors of the bank, a majority of which board and a majority of the directors acting in the matter are disinterested persons; (b) by, or only in accordance with the recommendation of, a committee of three or more persons having full authority to act in the matter, all of the members of which committee are disinterested persons; or (c) otherwise in accordance with the plan, if the plan specifies the number or maximum number of shares of stock that directors may acquire (or that may be subject to re-

stricted stock options granted to directors) and the terms upon which and the times at which, or the periods within which, such stock may be acquired (or such options may be acquired and exercised); or sets forth, by formula or otherwise, effective and determinable limitations with respect to the foregoing based upon earnings of the bank, dividends paid, compensation received by participants, option prices, market value of shares, outstanding shares or percentages thereof outstanding from time to time, or similar factors; (ii) with respect to the participation of officers who are not directors (a) by the board of directors of the bank or a committee of three or more directors; or (b) by, or only in accordance with the recommendations of, a committee of three or more persons having full authority to act in the matter, all of the members of which committee are disinterested persons. For the purposes of this subparagraph (2), a director or committee member shall be deemed to be a disinterested person only if such person is not at the time such discretion is exercised eligible and has not at any time within one year prior thereto been eligible for selection as a person to whom stock may be allocated (or to whom restricted stock options may be granted) pursuant to the plan or any other plan of the bank or any of its affiliates entitling the participants therein to acquire stock or restricted stock options of the bank or any of its affiliates.

(3) As to each participant or as to all participants the plan effectively limits the aggregate dollar amount or the aggregate number of shares of stock that may be allocated (or may be subject to restricted stock options granted) pursuant to the plan. The limitations may be established on an annual basis, or for the duration of the plan, whether or not the plan has a fixed termination date. Such limitations may be determined either by fixed or maximum dollar amounts, fixed or maximum numbers of shares, formulas based upon earnings of the bank, dividends paid, compensation received by participants, option prices, market value of shares, outstanding shares or percentages thereof outstanding from time to time, or similar factors that will result in an effective and determinable limitation. Such limitations may be subject to any provisions for adjustment of the plan or of stock allocable (or options outstanding thereunder) to prevent dilution or enlargement of rights.

(k) *Exemption from section 16(b) of long-term profits incident to sales within six months of the exercise of an option.* (1) To the extent specified in subparagraph (2) of this paragraph, any transaction of purchase and sale, or sale and purchase, of any equity security of a registrant bank shall be exempt from the operation of section 16(b) of the Act, as not comprehended within the purpose of that section, if such purchase is pursuant to the exercise of an option, warrant, or right either (i) acquired more than six months before its exercise, or (ii) acquired pursuant to the terms of an employment contract entered into more than six months before its exercise.

(2) With respect to transactions specified in subparagraph (1) of this paragraph the profits inuring to the bank pursuant to section 16(b) shall not exceed the difference between the proceeds of sale and the lowest market price of any security of the same class within six months before or after the date of sale. Nothing in this paragraph (k) shall be deemed to enlarge the amount of profit that would inure to the bank in the absence of this paragraph.

(3) The disposition of any equity security of a registrant bank shall also be exempt from the operation of section 16(b) of the Act, as not comprehended within the purpose of that section, if purchased in a transaction specified in subparagraph (1) of this paragraph pursuant to a plan or agreement for merger or consolidation, or reclassification of the bank's securities, or for the exchange of its securities for the securities of another person that has acquired its assets, where the terms of such plan or agreement are binding upon all stockholders of the bank except to the extent that dissenting stockholders may be entitled, under statutory provisions or provisions contained in the bank's charter, to receive the appraised or fair value of their holdings.

(4) The exemptions provided by this paragraph shall not apply to any transaction made unlawful by section 16(c) of the Act or by any regulations thereunder.

(5) The burden of establishing market price of a security for the purpose of this paragraph (k) shall rest upon the person claiming the exemption.

(l) *Exemption of certain securities from section 16(c).* Any equity security of a registrant bank shall be exempt from the operation of section 16(c) of the Act to the extent necessary to render lawful under such section the execution by a broker of an order for an account in which he has no direct or indirect interest.

(m) *Exemption from section 16(c) of certain transactions effected in connection with a distribution.* Any equity security of a registrant bank shall be exempt from the operation of section 16(c) of the Act to the extent necessary to render lawful under such section any sale made by or on behalf of a dealer in connection with a distribution of a substantial block of the bank's securities, upon the following conditions:

(1) The sale is made with respect to an over-allotment in which the dealer is participating as a member of an underwriting group, or the dealer of a person acting on his behalf intends in good faith to offset such sale with a security to be acquired by or on behalf of the dealer as a participant in an underwriting, selling, or soliciting-dealer group of which the dealer is a member at the time of the sale, whether or not the security to be so acquired is subject to a prior offering to existing security holders or some other class of persons; and

(2) Other persons not within the purview of section 16(c) of the Act are participating in the distribution of such block of securities on terms at least as favorable as those on which such dealer is participating and to an extent at least

equal to the aggregate participation of all persons exempted from the provisions of section 16(c) of the Act by this paragraph (m). The performance of the functions of manager of a distributing group and the receipt of a bona fide payment for performing such functions shall not, however, preclude an exemption that would otherwise be available under this paragraph.

(n) *Exemption of sales of securities to be acquired.* (1) Whenever any person is entitled, as an incident to his ownership of an issued equity security of a registrant bank and without the payment of consideration, to receive another security of the bank "when issued" or "when distributed", the security to be acquired shall be exempt from the operation of section 16(c) of the Act if (i) the sale is made subject to the same conditions as those attaching to the right of acquisition, and (ii) such person exercises reasonable diligence to deliver such security to the purchaser promptly after his right of acquisition matures, and (iii) such person reports the sale on the appropriate form for reporting transactions by persons subject to section 16(a) of the Act.

(2) This paragraph (n) shall not be construed as exempting transactions involving both a sale of a security "when issued" or "when distributed" and a sale of the security by virtue of which the seller expects to receive the "when-issued" or "when-distributed" security, if the two transactions combined result in a sale of more units than the aggregate of those owned by the seller plus those to be received by him pursuant to his right of acquisition.

(o) *Arbitrage transactions under section 16.* It shall be unlawful for any director or officer of a registrant bank to effect any foreign or domestic arbitrage transaction in any equity security of the bank unless he shall include such transaction in the statements required by section 16(a) of the Act and paragraph (a) and shall account to such bank for the profits arising from such transaction, as provided in section 16(b) of the Act. The provisions of section 16(c) of the Act shall not apply to such arbitrage transactions. The provisions of paragraph (a) and of section 16 of the Act shall not apply to any bona fide foreign or domestic arbitrage transaction insofar as it is effected by any person other than such director or officer of the bank issuing such security.

§ 206.7 Form and content of financial statements.

(a) *Qualifications of accountants.*

(1) The Board will not recognize any person as a certified public accountant who is not duly registered and in good standing as such under the laws of the place of his residence or principal office. The Board will not recognize any person as a public accountant who is not in good standing and entitled to practice as such under the laws of the place of his residence or principal office.

(2) The Board will not recognize any certified public accountant or public accountant as independent who is not in fact independent. For example, an accountant will be considered not inde-

pendent with respect to any person or any of its affiliates in which he has, or had during the period of report, any direct financial interest or material indirect financial interest; or with whom he is, or was during such period, connected as a promoter, underwriter, voting trustee, director, officer, or employee.

(3) In determining whether an accountant may in fact be not independent with respect to a particular person, the Board will give appropriate consideration to all relevant circumstances, including evidence bearing on all relationships between the accountant and that person or any affiliate thereof, and will not confine itself to the relationships existing in connection with the filing of reports with the Board.

(b) *Accountants' certificates — (1) Technical requirements.* The accountant's certificate shall be dated, shall be signed manually, and shall identify without detailed enumeration the financial statements covered by the certificate.

(2) *Representations as to the audit.* The accountant's certificate (i) shall state whether the audit was made in accordance with generally accepted auditing standards; and (ii) shall designate any auditing procedures generally recognized as normal (or deemed necessary by the accountant under the circumstances of the particular case) that have been omitted, and the reasons for their omission, but no procedure that independent accountants ordinarily employ in the course of an audit made for the purpose of expressing the opinions required by subparagraph (3) of this paragraph shall be omitted.

(3) *Opinions to be expressed.* The accountant's certificate shall state clearly: (i) The opinion of the accountant with respect to the financial statements covered by the certificate and the accounting principles and practices reflected therein; (ii) the opinion of the accountant as to any material changes in accounting principles or practices or method of applying the accounting principles or practices, or adjustments of the accounts, required to be set forth by paragraph (d)(7); and (iii) the nature of, and the opinion of the accountant as to, any material differences between the accounting principles and practices reflected in the financial statements and those reflected in the accounts after the entry of adjustments for the period under review.

(4) *Exceptions.* Any matters to which the accountant takes exception shall be clearly identified, the exception thereto stated specifically and clearly, and, to the extent practicable, the effect of each such matter on the related financial statements given.

(5) *Certification of financial statements by more than one accountant.* If, with respect to the certification of the financial statements of any bank, the principal accountant relies on an examination made by another independent public accountant of certain of the accounts of such bank or its affiliates, the certificate of such other accountant shall be filed (and the provisions of paragraph (a) and this paragraph (b) of this section shall be applicable thereto); however, the certificate of such other

accountant need not be filed (i) if no reference is made directly or indirectly to such other accountant's examination in the principal accountant's certificate, or (ii) if, having referred to such other accountant's examination, the principal accountant states in his certificate that he assumes responsibility for such other accountant's examination in the same manner as if it had been made by him.

(c) *Principles of financial reporting.* The following principles of financial reporting shall be used with respect to all financial statements filed with the Board pursuant to this part. Deviations will be permitted only where the financial statement would not be materially affected thereby.

(1) *Going concern concept.* This concept is based upon the premise that the bank will have an indefinite life and therefore costs incurred for the benefit of future accounting periods will be charged against the income of those periods.

(2) *Matching of income and expenses.* This principle relates to the determination of net income for a period; income and related expenses should be reported in the same period. If income received in one period is properly deferred to another period, any expenses relating to such income likewise should be deferred. The income tax effect of income and expense items should be recorded in the period in which these items are recognized in the accounts rather than the period in which reported for tax purposes.

(3) *Accrual basis.* As a general rule, accounting should be on the accrual basis to present fairly the financial position of a "going concern". This basis recognizes income and expenses when earned or incurred, regardless of the time of receipt or payment. The accrual concept includes the establishment of reserves by charges to current income when the realization of an asset (conversion to cash) may be in doubt. Financial statements prepared on a cash basis are a fair presentation of financial position and results of operations only in those instances where the results are not substantially different from those derived on the accrual basis.

(4) *Cost concept.* Assets or economic resources of an enterprise are its rights in tangible and intangible property that generally are acquired for a consideration expressed in money. The consideration, therefore, determines cost, and this should be based upon objective evidence. When an asset is purchased, the evidence is the cash outlay or the fair market value of any noncash consideration. When an asset has utility for a limited period, its cost should be systematically charged to expense. The portion of cost to be reported in a balance sheet is the amount assignable to future periods.

(5) *Consistency.* While alternative methods of accounting may be in accordance with accepted principles, a method should be consistently applied during an accounting period and in succeeding accounting periods to avoid distortion of the results. Where subsequent circumstances make a change

desirable, disclosure as outlined in subparagraph (6) of this paragraph should be made.

(6) *Comparability.* Investors should have access to financial reports that are useful and meaningful as to the nature and trends of current changes affecting the enterprise. Generally, an inconsistent application of an accounting principle destroys proper comparability of financial statements. Any change in practice that affects comparability should be disclosed.

(7) *Determining the results of operations.* The results of operations for an accounting period should be designated clearly and should be determined in accordance with a presumption that all items of profit and loss recognized during the period are to be used in determining the figure reported as net income. The only exception to such presumption relates to items that in the aggregate are material in relation to net income and are clearly not identifiable with or do not result from the usual or typical business operations of the period.

(d) *Rules of general application—(1) Form, order, and terminology.* Financial statements may be filed in such form and order, and may use such generally accepted terminology, as will best indicate their significance and character in the light of the provisions applicable thereto. All money amounts required to be shown in financial statements may be expressed in even dollars or thousands of dollars. If even thousands of dollars are used, however, an indication to that effect must be inserted immediately beneath the caption of the statement or schedule, or at the top of each money column. The individual amounts shown need not be adjusted to the nearest dollar or thousand if the failure of the items to add to the totals shown is stated in a note as due to the dropping of amounts of less than \$1.00 or \$1,000, as appropriate.

(2) *Items not material.* If the amount that would otherwise be required to be shown with respect to any item is not material, it need not be separately set forth in the manner prescribed.

(3) *Inapplicable captions and omission of unrequired or inapplicable financial statements.* No caption need be shown in any financial statement as to which the items and conditions are not present. Financial statements not required or inapplicable because the required matter is not present need not be filed, but the statements omitted and the reasons for their omission shall be indicated in the list of financial statements required by the applicable form.

(4) *Omission of substantially identical notes.* If a note covering substantially the same subject matter is required with respect to two or more financial statements, the required information may be shown in a note to only one of such statements if a specific reference thereto is made in each of the others.

(5) *Omission of names of certain subsidiaries.* Notwithstanding the requirements as to particular statements, subsidiaries, the names of which are permitted to be omitted from the list of affiliates required by the applicable form,

need not be named in any financial statement. Reasonable grouping of such subsidiaries may be made, with an explanatory group caption that shall state the number of subsidiaries included in the group.

(6) *Additional information.* The information required with respect to any statement shall be furnished as a minimum requirement to which shall be added such further material information as is necessary to make the required statements, in the light of the circumstances under which they are made, not misleading.

(7) *Changes in accounting principles and practices and retroactive adjustments of accounts.* Any change in accounting principle or practice, or in the method of applying any accounting principle or practice, made during any period for which financial statements are filed that affects comparability of such financial statements with those of prior or future periods, and the effect thereof upon the net income for each period for which financial statements are filed, shall be disclosed in a note to the appropriate financial statement. Any material retroactive adjustment made during any period for which financial statements are filed, and the effect thereof upon net income of prior periods, shall be disclosed in a note to the appropriate financial statement.

(8) *Summary of accounting principles and practices.* Information required in notes as to accounting principles and practices reflected in the financial statements may be presented in the form of a single statement. In such case specific references shall be made in the appropriate financial statements to the applicable portion of such single statement.

(9) *Conversion of items in foreign currencies.* The basis of conversion of all items in foreign currencies shall be stated, and the amount and disposition of the resulting unrealized profit or loss shown.

(10) *Opening balances.* Instructions that permit the balance of an account at the beginning of the period for which financial statements are being filed to be "as per the accounts" shall not be applicable with respect to banks that have previously filed with the Board financial statements under the Securities Exchange Act of 1934. As to such banks, however, balances as per accounts may be taken as of the close of the most recent period for which certified financial statements are on file.

(11) *Valuation and qualifying reserves.* Valuation and qualifying reserves shall be shown separately in the financial statements as deductions from the specific assets to which they apply.

(12) *Basis of determining amounts—book value.* If an instruction requires a statement as to "the basis of determining the amount", the basis shall be stated specifically. The term "book value" will not be sufficiently explanatory unless, in a particular instruction, it is stated to be acceptable with respect to a particular item.

(13) *Reacquired evidences of indebtedness.* Reacquired evidences of indebtedness shall be shown separately as

a deduction, under the appropriate liability caption. Reacquired evidences of indebtedness held for pension and other special funds not related to the particular issue may, however, be shown as assets of such funds if there is stated parenthetically the amount of such evidences of indebtedness, the cost thereof, and the amount at which carried.

(14) *Reacquired shares.* Reacquired shares shall be shown separately as a deduction from capital shares, or from the total of capital shares and surplus,¹ or from surplus, at either par or stated value, or cost, as circumstances require.

(15) *Discount on capital shares.* Discount on capital shares, or any unamortized balance thereof, shall be shown separately as a deduction from capital shares or from surplus, as circumstances require.

(16) *Commitments.* If material in amount, the pertinent facts relative to firm commitments for the acquisition of permanent investments and fixed assets and for the purchase, repurchase, construction, or rental of assets under long-term leases shall be stated briefly in the balance sheet or in footnotes referred to therein. Where the rentals or obligations under long-term leases are material there shall be shown the amounts of annual rentals under such leases with some indication of the periods for which they are payable, together with any important obligation assumed or guarantee made in connection therewith. If the rentals are conditional, the minimum annual amounts shall be stated, unless inappropriate in the circumstances.

(17) *General notes to balance sheets.* If present with respect to the person for which the statement is filed, the following shall be set forth in the balance sheet or in notes thereto:

(i) *Assets subject to lien.* The amounts of assets mortgaged, pledged, or otherwise subject to lien shall be designated and the obligations secured thereby, if any, shall be identified briefly.

(ii) *Intercompany profits and losses.* The effect upon any balance sheet item of profits or losses resulting from transactions with affiliated companies shall be stated. If impracticable of accurate determination without unreasonable effort or expense, an estimate or explanation shall be given.

(iii) *Defaults.* The facts and amounts concerning any default in principal, interest, sinking fund, or redemption provisions with respect to any issue of securities or credit agreements, or any breach of covenant of a related indenture or agreement, shall be stated. Notation of such default or breach of covenant shall be made in the balance sheet.

(iv) *Preferred shares.* (a) If callable, the date or dates and the amount per share at which such shares are callable shall be stated; (b) Arrears in cumulative dividends per share and in total for each class of shares shall be stated; (c) Preferences on involuntary liquidation, if other than the par or stated value, shall be shown. When the excess in-

¹ As used in this paragraph (d), the term "surplus" includes both "surplus" and "undivided profits" as those terms are used in the banking industry.

involved is material, there shall be shown the difference between the aggregate preference on involuntary liquidation and the aggregate par or stated value, a statement that this difference (plus any arrears in dividends) exceeds the sum of the par or stated value of the junior capital shares and the surplus if such is the case, and a statement as to the existence (or absence) of any restrictions upon surplus growing out of the fact that upon involuntary liquidation the preference of the preferred stock exceeds its par or stated value.

(v) *Pension and retirement plans.* (a) A brief description of the essential provisions of any employee pension or retirement plan shall be given; (b) The estimated annual cost of the plan shall be stated; (c) If a plan has not been funded or otherwise provided for, the estimated amount that would be necessary to fund or otherwise provide for the past-service cost of the plan shall be disclosed.

(vi) *Restrictions that limit the availability of surplus for dividend purposes.* Any such restriction, other than as reported in subdivision (iv) of this subparagraph (17) shall be described, indicating briefly its source, its pertinent provisions, and, where appropriate and determinable, the amount of the surplus so restricted.

(vii) *Contingent liabilities.* A brief statement as to contingent liabilities not reflected in the balance sheet shall be made. In the case of guarantees of securities of other issuers, a reference to the appropriate schedule shall be included.

(18) *General notes to profit and loss statements.* If present with respect to the person for which the statement is filed, the following shall be set forth in the profit and loss statement or in notes thereto:

(i) *Intercompany profits and losses.* The amount of any profits or losses resulting from transactions between affiliated companies shall be stated. If impracticable of determination without unreasonable effort and expense, an estimate or explanation shall be given.

(ii) *Depreciation, obsolescence, and amortization.* For the period for which profit and loss statements are filed, there shall be stated the policy followed with respect to: (a) The provisions for depreciation and obsolescence of physical properties or reserves created in lieu thereof, including the methods and, if practicable, the rates used in computing the annual amounts; (b) The provision for depreciation and amortization of intangibles, or reserves created in lieu thereof, including the methods and, if practicable, the rates used in computing the annual amounts; (c) The accounting treatment for maintenance, repairs, renewals, and betterments; and (d) The adjustment of the accumulated reserves for depreciation, obsolescence, amortization, or reserves in lieu thereof, at the time the properties are retired or otherwise disposed of, including the disposition made of any profit or loss on sale of such properties.

(iii) *Capital stock optioned to officers and employees.* (a) A brief description

of the terms of each option arrangement shall be given, including the title and amount of securities subject to the option, the year or years during which the options were granted, and the year or years during which the optionees became, or will become, entitled to exercise the options; (b) There shall be stated the number of shares under option at the balance sheet date, and the option price and the fair value thereof (per share and in total) at the dates the options were granted; the number of shares with respect to which options became exercisable during the period, and the option price and the fair value thereof (per share and in total) at the dates the option became exercisable; and the number of shares with respect to which options were exercised during the period, and the option price and the fair value thereof (per share and in total) at the dates the options were exercised. The required information may be summarized as appropriate with respect to each of the categories referred to in this (b); (c) The basis of accounting for such option arrangements and the amount of charges, if any, reflected in income with respect thereto shall be stated.

(19) *Current assets and current liabilities.* The categories "current assets" and "current liabilities", where used, shall contain items that are realizable, or due and payable, within one year.

(e) *Consolidated and combined statements—(1) Consolidated statements of the bank and its subsidiaries.* Banks that file consolidated statements shall follow principles of inclusion or exclusion that will exhibit clearly the financial condition and results of operations of the bank and its subsidiaries, except that (i) The bank shall not consolidate any subsidiary that is not a majority-owned subsidiary; (ii) If the statements of a subsidiary are as of a date or for periods different from those of the bank, such subsidiary may be consolidated only if all the following conditions exist: Such difference is not more than 93 days; the closing date of the subsidiary is specified; the necessity for the use of different closing dates is explained briefly; and any changes in the respective fiscal periods of the bank and the subsidiary made during the period of report are indicated clearly, together with the manner of treatment; and (iii) Due consideration shall be given to the propriety of consolidating with domestic corporations foreign subsidiaries whose operations are effected in terms of restricted foreign currencies. If consolidated, disclosure should be made as to the effect, insofar as this can be reasonably determined, of foreign exchange restrictions upon the consolidated financial position and operating results of the bank and its subsidiaries.

(2) *Group statements of subsidiaries not consolidated.* For majority-owned subsidiaries not consolidated with the bank there may be filed statements in which such subsidiaries are consolidated or combined in one or more groups pursuant to principles of inclusion or exclusion that will exhibit clearly the financial condition and results of operations of the

group or groups. If essential to a properly summarized presentation of the facts, such consolidated or combined statement shall be filed.

(3) *Statement as to principle of consolidation or combination followed.* The principle adopted in determining the inclusion and exclusion of subsidiaries in each consolidated balance sheet and in each group balance sheet of unconsolidated subsidiaries shall be stated in a note to the respective balance sheet. As to each consolidated statement and as to each group statement of unconsolidated subsidiaries, a statement shall be made as to whether there have been included or excluded any persons not similarly treated in the corresponding statement for the preceding fiscal period filed with the Board, and, if there are such persons, their names shall be given.

(4) *Reconciliation of investment of parent in subsidiaries and fifty-percent owned persons and equity of parent in their net assets—(i) Consolidated subsidiaries.* There shall be set forth in a note to each consolidated balance sheet filed a statement of any difference between the investment in subsidiaries consolidated, as shown by the parent's books, and the parent's equity in the net assets of such subsidiaries as shown by the books of the latter. If any such difference exists, there shall be set forth the amount of the difference and the disposition made thereof in preparing the consolidated statements, naming the balance sheet captions and stating the amount included in each.

(ii) *Subsidiaries not consolidated.* A statement shall be made of the amount of any difference between (a) the investment of the parent and its consolidated subsidiaries, as shown by their books, in the unconsolidated subsidiaries and fifty-percent owned persons for which statements are filed and (b) the equity of such persons in the net assets of such unconsolidated subsidiaries and fifty-percent owned persons, as shown by the books of the latter.

(5) *Reconciliation of dividends received from, and earnings of unconsolidated subsidiaries.* The proportion of the sum of, or difference between, current earnings or losses and dividends declared or paid by the unconsolidated subsidiaries that is applicable to the parent and its consolidated subsidiaries shall be set forth in a note to each consolidated profit and loss statement.

(6) *Minority interests.* Minority interests in the net assets of subsidiaries consolidated shall be shown in each consolidated balance sheet. The minority interest in the capital and in the surplus shall be stated separately. The aggregate amount of profit or loss accruing to minority interests shall be stated separately in each consolidated profit and loss statement.

(7) *Intercompany items and transactions.* In general, intercompany items and transactions shall be eliminated. If not eliminated, a statement of the reasons and the methods of treatment shall be made.

[F.R. Doc. 64-9322; Filed, Sept. 14, 1964; 8:47 a.m.]

Notices

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

[Amdt. 1]

SALES OF CERTAIN COMMODITIES August Sales List

Pursuant to the policy of the Commodity Credit Corporation issued October 12, 1954 (19 F.R. 6669) and subject to the conditions stated therein, the CCC Monthly Sales List for August 1964, is amended as set forth below:

The following is added under "Peanuts" immediately after "Domestic for Crushing or Export:":

DOMESTIC FOR UNRESTRICTED USE— (1962-Crop)—SHELLED

Competitive bids Peanut Announcement 3 revised. Minimum sales prices reflect not less than 105 percent of the current support price plus reasonable carrying charges.

Minimum prices per pound f.o.b. Suffolk and Courtland, Virginia, or Severn, North Carolina:

U.S. Extra Large.....	26.33
U.S. Medium.....	23.92

The following is added under Dry Edible Beans immediately below "Class", on "Unrestricted Use" sales.

Large Limas.....	\$10.99	California
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(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply Sec. 407, 63 Stat. 1066; Sec. 105(c), 63 Stat. 1051, as amended by 76 Stat. 612; Secs. 303, 306, and 307, 76 Stat. 614-617; 7 U.S.C. 1427; and 1441 (note).)

Signed at Washington, D.C., on September 8, 1964.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 64-9250; Filed, Sept. 11, 1964;
8:46 a.m.]

SALES OF CERTAIN COMMODITIES September Sales List

Notice to buyers. Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954, (19 F.R. 6669) and subject to the conditions stated therein as well as herein, the commodities listed below are available for sale and, where noted, for redemption of payment-in-kind certificates on the price basis set forth.

The prices at which Commodity Credit Corporation commodity holdings are available for sale during September 1964 were announced today by the U.S. Department of Agriculture. The following commodities are available: Butter, cheddar cheese, nonfat dry milk, dry beans, cotton (upland and extra long staple), cottonseed oil, wheat, corn, oats, barley, rye, rice, grain sorghum, peanuts, flax, and soybeans.

There are no major changes in the CCC Monthly Sales List for September, except that export prices for dark red kidney and pea beans are being withdrawn.

The CCC Monthly Sales List, which varies from month to month as additional commodities become available or commodities formerly available are dropped, is designed to aid in moving CCC's inventories into domestic or export use through regular commercial channels.

If it becomes necessary during the month to amend this list in any material way—such as by the removal or addition of a commodity in which there is general interest or by a significant change in price or method of sale—an announcement of the change will be sent to all persons currently receiving the list by mail from Washington. To be put on this mailing list, address: Director, Procurement and Sales Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C., 20250.

Interest rates per annum under the CCC Export Credit Sales Program for September 1964 are 4 percent for periods up to and including 12 months, and 4½ percent for periods from over 12 months up to a maximum of 36 months. All commodities currently offered for sale by CCC, plus tobacco from CCC loan stocks, are available for export sale under the CCC Export Credit Sales Program.

The following commodities are available for programming under Title IV, P.L. 480, private trade agreements: wheat, corn, rye, rice, grain sorghum, upland and extra long staple cotton, tobacco from CCC loan stocks, butter, cheese, and nonfat dry milk. In addition, other surplus agricultural commodities are also eligible for Title IV programming. A list of all commodities available under this program, and current information on interest rates and other phases of the program are being sent separately to recipients of the CCC Monthly Sales List.

The following commodities are currently available for barter: Cotton, tobacco, wheat, corn, and grain sorghum. (In addition, free market stocks of cottonseed and soybean oils are eligible for barter programming.) This list is subject to change from time to time.

The CCC will entertain offers from responsible buyers for the purchase of any commodity on the current list. Offers accepted by CCC will be subject to the terms and conditions prescribed by the Corporation. These terms include payment by cash or irrevocable letter of credit before delivery of the commodity, and the conditions require removal of the commodity from CCC stocks within a reasonable period of time. Where conditions of sale for export differ from those for domestic sale, proof of exporta-

tion is also required, and the buyer is responsible for obtaining any required U.S. Government export permit or license. Purchases from CCC shall not constitute any assurance that any such permit or license will be granted by the issuing authority.

Applicable announcements containing all terms and conditions of sale will be furnished upon request. For easy reference a number of these announcements are identified by code number in the following list. Interested persons are invited to communicate with the Agricultural Stabilization and Conservation Service, USDA, Washington, D.C., 20250, with respect to all commodities or—for specified commodities—with the designated ASCS Commodity Office.

Commodity Credit Corporation reserves the right to amend, from time to time, any of its announcements. Such amendments shall be applicable to and be made a part of the sale contracts thereafter entered into.

CCC reserves the right to reject any or all offers placed with it for the purchase of commodities pursuant to such announcements.

CCC reserves the right to refuse to consider an offer, if CCC does not have adequate information of financial responsibility of the offerer to meet contract obligations of the type contemplated in this announcement. If a prospective offerer is in doubt as to whether CCC has adequate information with respect to his financial responsibility, he should either submit a financial statement to the office named in the invitation prior to making an offer, or communicate with such office to determine whether such a statement is desired in his case. When satisfactory financial responsibility has not been established, CCC reserves the right to consider an offer only upon submission by offerer of a certified or cashier's check, a bid bond, or other security, acceptable to CCC, assuring that if the offer is accepted, the offerer will comply with any provisions of the contract with respect to payment for the commodity and the furnishing of performance bond or other security acceptable to CCC.

Disposals and other handling of inventory items often result in small quantities at given locations or in qualities not up to specifications. These lots are offered by the appropriate ASCS office promptly upon appearance and therefore, generally, they do not appear in the monthly Sales List.

On sales for which the buyer is required to submit proof to CCC of exportation the buyer shall be regularly engaged in the business of buying or selling commodities and for this purpose shall maintain a bona fide business office in the United States, its territories or possessions and have a person, principal, or resident agent upon whom service of judicial process may be had.

Prospective buyers for export should note that generally, sales to United States Government agencies, with only minor exceptions will constitute domestic unrestricted use of the commodity.

Commodity Credit Corporation reserves the right, before making any sales, to define or limit export areas.

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 re-exportation 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 acknowledgment of his understanding of (1) U.S. Commerce Department prohibitions (Comprehensive Export Schedule, §§ 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 acknowledgment 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 acknowledgment from the foreign purchaser.

For all exportations, one of the destination control statements specified in Commerce Department Regulations (Comprehensive Export Schedule, § 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.

Commodity		Sales price or method of sale			
Barley, bulk.....		Domestic and export, unrestricted use: Storable: Market price but not less than the Agricultural Act of 1949 formula minimum price for such sales which is 105 percent ² of the applicable 1964 price support rate (published price support loan rate plus 12 cents per bu.) for the class, grade, and quality of the barley plus the amount shown below applicable to the type of carrier involved. If delivery is outside the area of production, applicable freight will be added. Examples of these formula minimum prices are shown below. Nonstorable: At not less than market price as determined by CCC. Markups and Agricultural Act of 1949 formula price examples (per bushel).			
		Markup in cents received by		Examples of in-store ² formula minimum prices for No. 2 or better barley (ex-rail or barge in dollars)	
Truck	Rail or barge	Terminal		General sales price	
Cents 8	Cents 3	Minneapolis, Minn.....		\$1.24	
		Kansas City, Mo.....		1.26	
Availability information: For information on CCC barley sales from bin sites, contact ASCS State or county offices. For information on the disposition of barley from other locations, contact the Evanston, Kansas City, Minneapolis, or Portland ASCS grain office listed at end of table. Export announcement sales: (1) Under Announcement GR-368 (Revised Aug. 31, 1959), as amended, for feed grain export payment-in-kind program. (2) Under Announcement GR-212 (Revision 2, Jan. 9, 1961), for application to approved CCC credit sales. CCC reserves the right to determine the class, grade, quality, and quantity to be made available for the sales under these announcements. The statutory minimum price referred to in the price adjustment provisions of these export sales announcements is 105 percent of the applicable price support rate plus the adjustment referred to in table above. Sale is made at the applicable export market price as determined by CCC; export payment-in-kind rates are deducted in arriving at credit sales prices. Available: Evanston and Kansas City ASCS offices. Stocks at West Coast seaboard terminals and stocks at Duluth or Minneapolis will be available through the Portland and Minneapolis ASCS grain offices, respectively.					
Corn, bulk.....		Domestic and export—unrestricted use: A. Redemption of domestic payment-in-kind certificates: Such CCC dispositions of corn, as CCC may designate, will be in redemption of certificates or rights represented by pooled certificates under a feed grain program. The minimum price at which corn shall be valued for such dispositions shall be market price, but not less than the payment-in-kind formula price for such redemptions. Such formula price shall be the applicable 1963 price support loan rate for the class, grade, and quality of the corn, plus the amount shown in C below applicable for the storage point involved. B. General sales: 1. Storable: Such CCC dispositions of storable corn, as CCC may designate as general sales, will be made during the month at market price, but not less than the Agricultural Act of 1949 formula minimum price for such sales which is 105 percent ² of the applicable 1963 price support rate (published price support loan rate plus 18 cents per bushel) for the class, grade, and quality of the corn, plus the amount shown in C below, applicable to the storage point involved. Examples of these formula minimum prices are shown in C below. For corn in store at other than the point of production the freight from point of production to the present point of storage will also be added. CCC will normally make general sales of corn when dispositions of such corn are not being made against domestic payment-in-kind certificates. 2. Nonstorable: Such dispositions of nonstorable corn as CCC may designate as general sales will be made at not less than market price, as determined by CCC. C. Markups and Agricultural Act of 1949 formula price examples (per bushel).			
		Markup in cents in-store at		Example of in-store ² formula minimum prices for No. 2 yellow corn (14 percent Mt. and 2 percent F.M.) (ex-rail or barge in dollars)	
Production point	Other points	Terminal		General sales price	
Cents 9	Cents 10½	Minneapolis, Minn. ¹		\$1.43¾	
		Chicago, Ill. ²		1.62½	
D. Availability information: For information on CCC corn sales and payments-in-kind from bin sites, contact ASCS State or county offices. For information on the disposition of corn from other locations, contact the Evanston, Kansas City, Minneapolis or Portland ASCS grain office listed at end of table. Export announcement sales: (1) Under Announcement GR-212 (Revision 2, Jan. 9, 1961) for application to arrangements for barter, approved CCC credit and other designated sales. (2) Under Announcement GR-368 (Revised Aug. 31, 1959), as amended, for feed grain export payment-in-kind program. CCC reserves the right to determine the class, grade, quality, and quantity to be made available for sale under the above announcements. CCC stocks of corn at West Coast seaboard terminals are available for sale under these export announcements, except such corn shall not be eligible for Title I, P. L. 480 purchase authorization or for barter. The statutory minimum price referred to in the price adjustment provisions of these export sales announcements is 105 percent of the applicable price support rate plus the adjustments referred to in subparagraph C above. Sale is made at the applicable export market price, as determined by CCC; export payment-in-kind rates are deducted in arriving at credit and barter sales prices. Available: Evanston, Kansas City, Minneapolis, and Portland ASCS grain offices.					

See footnotes at end of table.

Commodity	Sales price or method of sale																		
Dry edible beans (bagged).....	<p>Unrestricted use: Domestic market price but not less than the following minimum price per hundredweight for U.S. No. 1 f.o.b. indicated points of production. Amount of paid-in-freight to be added as applicable. For other grades and locations adjust by applicable 1964 price support differentials.</p> <table border="1"> <thead> <tr> <th>Class</th> <th>Price per cwt.</th> <th>Area of production</th> </tr> </thead> <tbody> <tr> <td>Large Lima.....</td> <td>\$10.81</td> <td>California.</td> </tr> <tr> <td>Dark Red Kidney.....</td> <td>9.08</td> <td>Michigan.</td> </tr> <tr> <td>Pea.....</td> <td>7.99</td> <td>Michigan.</td> </tr> <tr> <td>Great Northern.....</td> <td>7.47</td> <td>Denver rate basis.</td> </tr> <tr> <td>Pinto.....</td> <td>6.70</td> <td>Denver rate basis.</td> </tr> </tbody> </table>	Class	Price per cwt.	Area of production	Large Lima.....	\$10.81	California.	Dark Red Kidney.....	9.08	Michigan.	Pea.....	7.99	Michigan.	Great Northern.....	7.47	Denver rate basis.	Pinto.....	6.70	Denver rate basis.
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Pea.....	7.99	Michigan.																	
Great Northern.....	7.47	Denver rate basis.																	
Pinto.....	6.70	Denver rate basis.																	
Flaxseed, bulk.....	<p>Domestic, unrestricted use: Storable: Market price basis in-store,¹ but not less than the applicable 1964 support price for the class, grade, and quality of the flaxseed plus 14 1/2 cents per bushel, and plus the respective amount shown below applicable to the type of carrier involved. If delivery is outside the area of production applicable freight will be added to the above.</p>																		
<table border="1"> <thead> <tr> <th rowspan="2">Unit</th> <th colspan="3">Received by</th> <th rowspan="2">Examples of minimum prices (extra- or barge)</th> </tr> <tr> <th>Truck</th> <th>Rail or barge</th> <th>Terminal</th> </tr> </thead> <tbody> <tr> <td>Bushel.....</td> <td>Cents 11</td> <td>Cents 3</td> <td>Minneapolis.....</td> <td>No. 1.....</td> </tr> </tbody> </table>	Unit	Received by			Examples of minimum prices (extra- or barge)	Truck	Rail or barge	Terminal	Bushel.....	Cents 11	Cents 3	Minneapolis.....	No. 1.....	<p>Nonstorable (as available): At not less than market price as determined by CCC through the Minneapolis Grain Merchandising ASCS office. Available: Through the Minneapolis Grain Merchandising ASCS office. Export, restricted use: Competitive bid basis under Announcement Nos. EV-20 issued by the Evanston office under which flaxseed equal in grade and quantity to the flaxseed sold, or linseed oil equivalent computed on the basis of 19 pounds per bushel of flaxseed sold must be exported within 120 days after the date of sale. Domestic and export, unrestricted use: A. Redemption of domestic payment-in-kind certificates: Such CCC dispositions of grain sorghum, as CCC may designate, will be in redemption of certificates or rights represented by pooled certificates under a feed grain program. The minimum price at which grain sorghum shall be valued for such dispositions shall be market price, but not less than the payment-in-kind formula price for such redemption. Such formula price shall be the applicable 1964 price support loan rate for the class, grade and quality of the grain sorghum, plus the amount shown in C below applicable to the type of carrier involved. B. General sales: 1. Storable: Such CCC dispositions of storable grain sorghum, as CCC may designate as general sales, will be made during the month at market price, but not less than the Agricultural Act of 1949 formula minimum price for such sales which is 105 percent of the applicable 1964 price support rate (published price support loan rate plus 23 cents per hundredweight) for the class, grade and quality of the grain sorghum, plus the amount shown in C below applicable to the type of carrier involved. If delivery is outside the area of production, applicable freight will be added. Examples of these formula minimum prices are shown in C below. CCC will normally make general sales of grain sorghum when dispositions of such grain sorghum are not being made against domestic payment-in-kind certificates. 2. Nonstorable: Such dispositions of nonstorable grain sorghum as CCC may designate as general sales will be made at not less than market price, as determined by CCC.</p>					
Unit		Received by				Examples of minimum prices (extra- or barge)													
	Truck	Rail or barge	Terminal																
Bushel.....	Cents 11	Cents 3	Minneapolis.....	No. 1.....															

Commodity	Sales price or method of sale
Cotton, upland.....	<p>Domestic or export, unrestricted use: Competitive bid under the terms and conditions of Announcement NO-C-16, as amended (Sale of Upland Cotton for Unrestricted Use). Under this announcement, upland cotton acquired under price support programs will be sold at the highest price offered but in no event at less than the higher of (a) 105 percent of the current loan rate for such cotton, plus reasonable carrying charges, or (b) the market price for such cotton, as determined by CCC. Domestic export—Domestic market price; Competitive offers under the terms and conditions of Announcement PS-CN-1 (Regulations Governing Redemption of Cotton Payment-in-Kind Certificates Earned under Agricultural Act of 1964 and Liquidation of Certificate Pools) and under Announcement Number NO-C-26 (Disposition of Upland Cotton). Upland cotton may be acquired at its domestic market price which shall be the highest price offered but not less than the minimum price determined by CCC. Domestic or export, unrestricted use: Competitive bid under the terms and conditions of Announcements NO-C-6 (Revised July 22, 1960), as amended, and NO-C-10, as amended. Under these announcements extra long staple cotton (domestically grown) will be sold at the highest price offered but in no event at less than the higher of (a) 115 percent of the current support price for such cotton plus reasonable carrying charges, or (b) the domestic market price as determined by CCC. Export, CCC Sales for Export: Competitive bid under the terms and conditions of Announcements CN-EX-20 (Foreign-Grown Extra Long Staple Cotton Export Program) and NO-C-23 (Sale of Foreign-Grown Extra Long Staple Cotton); or competitive bid under terms and conditions of Announcements CN-EX-22 (Extra Long Staple Cotton Export Program) and NO-C-27 (Sale of Extra Long Staple Cotton). Sale of cotton will be made by the New Orleans ASCS Commodity Office and catalogs for upland cotton and extra long staple cotton showing quantities, qualities, and locations may be obtained for a nominal fee from the office. Domestic, unrestricted use: Cottonseed oil will be sold under terms and conditions of Announcement NO-CS-4, as amended, at the higher of 105 percent of the average investment cost to CCC, calculated monthly or the market price as determined by CCC. CCC reserves the right to withdraw this offer at any time. Available: For locations and prices contact New Orleans ASCS Commodity Office.</p>
Cotton, extra long staple.....	<p>Sales are in carlots only in-store at storage location of products. Submission of offers: Submit offers to the Minneapolis ASCS Commodity Office. Domestic, unrestricted use: Announced prices, under LD-29, as amended: 62.0 cents per pound—New York, Pennsylvania, New Jersey, New England, and other States bordering the Atlantic Ocean and Gulf of Mexico. 64.25 cents per pound—Washington, Oregon, and California. All other States 61.0 cents per pound. Export: Payment-in-kind under SM-7, as amended. Competitive bid under LD-33, as amended, pursuant to invitations to bid to be issued by Minneapolis ASCS Commodity Office. Invitations to bid issued pursuant to LD-33 offered but not sold under the invitation to bid issued pursuant to LD-33 will be offered for sale through the following Tuesday at prices announced by press release on Wednesday each Tuesday. Domestic, unrestricted use: Announced prices under LD-29, as amended: 40.75 cents per pound—New York, Pennsylvania, New England, New Jersey, and other States bordering the Atlantic Ocean and Pacific Ocean and the Gulf of Mexico. All other States 39.25 cents per pound. Export: Competitive bid under LD-33, as amended, pursuant to invitation to bid to be issued by Minneapolis ASCS Commodity Office. Announced prices under LD-35: Any cheeses offered but not sold under the invitation to bid issued pursuant to LD-33 will be offered for sale through the following Tuesday at prices announced by press release in Washington each Tuesday. Domestic, unrestricted use: Announced prices, under LD-29, as amended: Spray process, U.S. Extra Grade, 16.40 cents per pound. Export: Payment-in-kind under SM-8, as amended. Competitive bid, under LD-33, as amended, pursuant to invitation to bid to be issued by Minneapolis ASCS Commodity Office.</p>
Available:	
Cottonseed oil.....	
Dairy products.....	
Butter.....	
Cheddar cheese (standard moisture basis).	
Nonfat dry milk.....	

See footnotes at end of table.

Commodity	Sales price or method of sale
Peanuts, shelled or unshelled (farmers' stock as available).	Domestic for crushing or export; Competitive bid under CCC Peanut Announcement 1 (Revised Jan. 4, 1962), as amended and supplemented March 8, 1964. Domestic for unrestricted use 1962-crop shelled; Competitive bids Peanut Announcement 3 revised. Minimum prices reflect not less than 105 percent of the current support price plus reasonable carrying charges. Minimum prices per pound (L.O.B., Suffolk and Courtland, Virginia or Severn, North Carolina: U.S. Extra Large..... 28.55 U.S. Medium..... 24.13 Domestic, unrestricted use: Market price but not less than 1964 loan rate plus 9 percent, plus 10 cents per hundredweight, basis in store. Export: As sold or brown under Announcement GR-389, Revision II, 1964; or as sold or brown under Announcement GR-389, Revision I, for approved credit sales. Prices, quantities, and varieties of rough rice available from Kansas City ASCS Commodity Office. Domestic and export, unrestricted use: Storage; Market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula price which is 105 percent ³ of the applicable 1964 price support rate for the class, grade, and quality of the grain plus the respective amount shown below applicable to the type of carrier involved. If delivery is outside the area of production applicable freight will be added to the above.
Rice, rough.	Domestic and export, unrestricted use: Storage; Market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula price which is 105 percent ³ of the applicable 1964 price support rate for the class, grade, and quality of the grain plus the respective amount shown below applicable to the type of carrier involved. If delivery is outside the area of production applicable freight will be added to the above.
Available.....	Domestic and export, unrestricted use: Storage; Market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula price which is 105 percent ³ of the applicable 1964 price support rate for the class, grade, and quality of the grain plus the respective amount shown below applicable to the type of carrier involved. If delivery is outside the area of production applicable freight will be added to the above.
Rye, bulk.....	Domestic and export, unrestricted use: Storage; Market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula price which is 105 percent ³ of the applicable 1964 price support rate for the class, grade, and quality of the grain plus the respective amount shown below applicable to the type of carrier involved. If delivery is outside the area of production applicable freight will be added to the above.

Examples of per bushel formula minimum price (ex-rail or barge)

Truck	Rail or barge	Terminal	Class and grade	Price
Cents 9	Cents 3	Minneapolis, Minn.....	No. 2 or better (or No. 3 on T W only).	\$1.39

Available: At bin sites through ASCS county offices. At other locations through the Evanston, Kansas City, Minneapolis, or Portland ASCS grain offices. Nonstorable (as available): At not less than market price as determined by Export-C through the ASCS grain offices listed at end of table.

(1) Under Announcement GR-368 (Revised Aug. 31, 1959) as amended, for feed grain export payment-in-kind program. (2) Under Announcement GR-522 (Revision 2, Jan. 9, 1961) for application to arrangements for approved CCC credit and other designated sales. CCC export payment-in-kind rates are deducted in arriving at credit sales prices. ASCS offices: also Minneapolis; ASCS grain office for rye stored in terminals in Minneapolis. Domestic or export: Market price, but not less than the 1963 basic loan rate for No. 2 grade, basis point of production plus 19 cents per bushel. Market discounts for quality factors will be applied to the basic price to determine the actual minimum sales prices. If delivery is outside the area of production, applicable freight and out-elevation charges at country loading point and in-elevation charges at subterminal or terminal storage point will be added to the above price.

Available: At bin sites through ASCS county offices. At other locations through the Evanston, Kansas City and Minneapolis ASCS offices.

Commodity	Sales price or method of sale
Grain sorghum, bulk (continued)	Domestic and export, unrestricted use—Continued C. Markups and Agricultural Act of 1949 formula price examples (per hundredweight).
Markup in cents received by	Examples of in-store ² formula minimum prices for No. 2 or better grain sorghum (ex-rail or barge in dollars)
Truck	Terminal
Rail or barge	General sales price
Cents 16	Cents 5
Cents 5	Kansas City, Mo.....
	\$2.53

D. Availability information: For information on CCC grain sorghum sales and payment-in-kind from bin sites, contact ASCS State or county offices. For information on the disposition of grain sorghum from other locations, contact the Kansas City, Evanston, Portland or Minneapolis ASCS grain office listed at end of table.

Export announcement sales:

(1) Under Announcement GR-212 (Revision 2, Jan. 9, 1961), for application to arrangements for barter, approved CCC credit and other designated sales. (2) Under Announcement GR-368 (Revised Aug. 31, 1959) as amended, for feed grain export payment-in-kind program. CCC stocks of grain sorghum in California export terminals are the only stocks stored in California. The California export terminals are the only stocks stored that such sorghum shall be eligible for export announcements, except purchase authorizations or for credit. CCC reserves the right to determine the class, grade, quality, and quantity to be made available for sale under the announcements. The statutory minimum price reference in the price adjustment provision of these export sales announcements is 105 percent of the applicable price support rate plus the adjustments referred to in paragraph C above. Sale is made at the applicable export market price, as determined by CCC; export payment-in-kind rates are deducted in arriving at credit and barter sales prices.

Available: Evanston, Kansas City, Minneapolis, and Portland ASCS grain offices.

Domestic and export: 1 Storage; Market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula price which is 105 percent³ of the applicable 1964 price support rate for the class, grade, and quality of the oats plus the amount shown below applicable to the storage point involved. For oats in-store at other than the point of production, the freight from point of production to the present point of storage will also be added.

Examples of per bushel formula minimum prices basis in-store

Production point	Other points	Terminal	Grade and class	Price
Cents 3	Cents 4½	Chicago, Ill.....	No. 2 (or better)	\$0.86
		Minneapolis, Minn.....		.75%

Available: At bin sites through ASCS county offices. At other locations through the Evanston, Kansas City, Minneapolis, or Portland ASCS grain offices. Nonstorable (as available): At not less than the market price as determined by CCC. At bin sites through ASCS county offices. At other locations through the ASCS grain offices listed at end of table.

Export announcement sales:

(1) Under Announcement GR-368 (Rev. Aug. 31, 1959) as amended for feed grain export payment-in-kind programs. (2) Under Announcement GR-212 (Revision 2, Jan. 9, 1961) for application to approved CCC credit and other designated sales. Oats will not be sold for application to Title I, or Title IV, P.L. 480 purchase authorizations or for barter. Sale is at the applicable export market price, as determined by CCC; export payment-in-kind rates are deducted in arriving at credit sales prices.

Available: Evanston, Kansas City, Minneapolis, and Portland ASCS grain offices.

Commodity		Sales price or method of sale			
Wheat, bulk.....		<p>Domestic and export, unrestricted use:</p> <p>A. Storable: The minimum price at which such wheat shall be the highest of (a) market price as determined by CCC, (b) a minimum price for such wheat determined by CCC, or, (c) the Agricultural Act of 1949 formula price which is 105 percent of the applicable 1964 price support loan rate for the class, grade, and quality of the wheat plus the amount shown in C below applicable to the type of carrier involved. If delivery is outside the area of production applicable freight will be added to such formula price.</p> <p>B. Nonstorable: Such dispositions of nonstorable wheat as CCC may designate will be made at not less than market price, as determined by CCC</p> <p>C. Markups and formula minimum price examples.</p>			
Per bushel markup received by		Examples of per bushel formula minimum price basis in-store ² ex-rail or barge			
Truck	Rail or barge	Terminal	Class and grade	Price	
Cents	Cents				
9	3	Chicago.....	No. 1 RW.....	\$1.68	
		Minneapolis.....	No. 1 DNW.....	1.75	
		Kansas City.....	No. 1 HW.....	1.64	
		Portland.....	No. 1 SW.....	1.58	
<p>D. Availability information: For information on CCC wheat sales from bin sites, contact ASCS State or county offices. For information on the disposition of wheat from other locations, contact the Evanston, Kansas City, Minneapolis, or Portland ASCS grain office listed at end of table.</p> <p>Export announcement sales:</p> <p>(1) Under Announcement GR-345 (Revised July 13, 1962) as amended for export under the wheat export payment-in-kind program except that (a) durum wheat will not be eligible for P.L. 480, Title I sales, and (b) hard winter wheat exports through west coast ports will not be eligible for Title I, P.L. 480 sales, (2) under Announcement GR-261 (Rev. 2, Jan. 9, 1961 as amended) for export as wheat and under Announcement GR-262 (Rev. 2, Jan. 9, 1961) for export as flour for application under arrangements for barter and approved CCC credit sales only at prices determined daily. Hard winter wheat will not be sold through west coast ports under Announcements GR-261 or GR-262.</p> <p>Available: Evanston, Kansas City, Minneapolis and Portland ASCS grain offices. (See above for limited availability of hard winter wheat through west coast ports.)</p>					

¹ Such dispositions shall be for domestic unrestricted use or for export.

² The delivery basis for these examples is "in-store", and market prices will be on the same basis. The formula price delivery basis for bin site sales will be f.o.b.

³ To compute, multiply applicable support price by 1.05, round product up to nearest whole cent and add amount shown above and any applicable freight.

⁴ On sales made on a protein basis, the loan rate shall be increased by the applicable market or loan bulletin protein premium for the protein content of the wheat, whichever is higher. On sales made on a sedimentation basis, the loan rate shall be increased by the applicable loan bulletin sedimentation premium for the sedimentation value of the wheat. On sales made on a combined sedimentation and protein basis, the loan rate shall be adjusted by the applicable loan bulletin sedimentation and protein premiums and discounts for the respective sedimentation value and protein contents of the wheat.

⁵ Woodford County, Ill., origin.

⁶ Redwood County, Minn., origin.

USDA AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE OFFICES

GRAIN OFFICES

Evanston ASCS Commodity Office, 2201 Howard Street, Evanston, Ill., 60202. Telephone: Long distance—University 9-0600 (Evanston Exchange). Local—Rogers Park 1-5000 (Chicago, Ill.).

Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, Vermont, and West Virginia.

Branch Office—Minneapolis ASCS Branch Office, 310 Grain Exchange Building, Minneapolis, Minn., 55415. Telephone: 334-2051.

Minnesota, Montana, North Dakota, South Dakota, and Wisconsin.

Kansas City ASCS Commodity Office, 8930 Ward Parkway (P.O. Box 205), Kansas City, Mo., 64141. Telephone: Emerson 1-0860.

Alabama, Arkansas, Colorado, Kansas, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, Oklahoma, Texas, and Wyoming.

Branch Office—Portland ASCS Branch Office, 1218 Southwest Washington Street, Portland, Ore., 97205. Telephone: 226-3411.

Alaska, Hawaii, Idaho, Nevada, Oregon, Utah, and Washington (Domestic and Export Sales), Arizona and California (Export sales only).

Branch Office—Berkeley ASCS Branch Office, 2020 Milvia Street, Berkeley, Calif., 94704. Telephone: Thornwall 1-5121. Arizona and California (Domestic sales only).

PROCESSED COMMODITIES OFFICE—(ALL STATES)

Minneapolis ASCS Commodity Office, 6400 France Avenue, South Minneapolis, Minn., 55410. Telephone: 334-3200.

COTTON OFFICES—(ALL STATES)

New Orleans ASCS Commodity Office, Wirth Building, 120 Marais Street, New Orleans, La., 70112. Telephone: 529-2411.

Representative of General Sales Manager, New York Area: Joseph Reidinger, 80 Lafayette Street, New York, N.Y., 10013. Telephone: Rector 2-8000.

Representative of General Sales Manager, West Coast Area: Callan B. Duffy, Appraiser's Building, Room 802, 630 Sansome Street, San Francisco, Calif., 94111. Telephone: 556-6185.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply Sec. 407, 63 Stat. 1066; Sec. 105(c), 63 Stat. 1051, as amended by 76 Stat. 612; Secs. 303, 306, and 307, 76 Stat. 614-617; 7 U.S.C. 1427; and 1441 (note))

Signed at Washington, D.C., on September 8, 1964.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 64-9251; Filed, Sept. 11, 1964; 8:46 a.m.]

DEPARTMENT OF THE TREASURY

Coast Guard

[CGFR 64-54]

JAMES RIVER

Closed to Navigation During Movement of America (CVA66)

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order 120 dated July 31, 1950 (15 F.R. 6521) and Executive Order 10173, as amended, by Executive Orders 10277 and 10352, I hereby affirm for publication in the FEDERAL REGISTER the order of G. R. Evans, Captain, United States Coast Guard, Acting Commander, Fifth Coast Guard District, who has exercised authority as District Commander, such order reading as follows:

SPECIAL NOTICE JAMES RIVER

Under the authority of Title II of the Espionage Act of June 15, 1917 (40 STAT 220), as amended and Executive Order 10173, as amended, I declare that from 9:00 a.m. e.s.t. to 10:30 a.m. e.s.t. on Saturday the 12th day of September 1964 and 8:00 a.m. e.s.t. to 9:30 a.m. e.s.t., on Saturday the 19th day of September 1964 the following area is a prohibited area and I order that it be closed to any person or vessel due to the movement of the America (CVA66).

The water of the James River, Norfolk-Newport News Harbor, Virginia, within the coordinates of Latitude 36 degrees 59 minutes 34 seconds North, Longitude 76 degrees 26 minutes 53 seconds West at the shoreline of Newport News at the foot of 52d Street, Newport News, to a point 500 yards offshore at Latitude 36 degrees 59 minutes 27 seconds North, Longitude 76 degrees 27 minutes 10 seconds West, thence southeasterly to a point Latitude 36 degrees 58 minutes 43 seconds North, Longitude 76 degrees 26 minutes 41 seconds West, 500 yards off the shoreline of Newport News at the foot of 32d Street, Newport News, and thence to a point at Latitude 36 degrees 58 minutes 48 seconds North, Longitude 76 degrees 26 minutes 27 seconds West at Newport News Shipbuilding Pier 8 Light (1964 Light List 2786.5).

This prohibited area is shown on the enclosed chart section.¹

No person or vessel may remain in or enter this prohibited area.

The Captain of the Port, Norfolk-Newport News Area, Virginia shall enforce this order.

The Captain of the Port may be assisted by employees and facilities of any state or political subdivision thereof or any Federal Agency.

For violation of this order Title II of the Espionage Act of June 15, 1917 (40 STAT 220), as amended, provides:

"If any owner, agent, master, officer, or person in charge, or any member of the crew of any such vessel fails to comply with any regulation or rule issued or order given under

¹ Filed as part of the original document.

the provisions of this title, or obstructs or interferes with the exercise of any power conferred by this title, the vessel, together with her tackle, apparel, furniture, and equipment, shall be subject to seizure and forfeiture to the United States in the same manner as merchandise is forfeited for violation of the customs revenue laws; and the person guilty of such failure, obstruction, or interference shall be fined not more than \$10,000 or imprisoned not more than two years, or both."

"If any other person knowingly fails to comply with any regulation or rule issued or order given under the provisions of this title, or knowingly obstructs or interferes with the exercise of any power conferred by this title, he shall be punished by imprisonment for not more than ten years and may, at the discretion of the court, be fined not more than \$10,000."

Dated: September 9, 1964.

[SEAL] W. D. SHIELDS,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 64-9325; Filed, Sept. 14, 1964;
8:48 a.m.]

Foreign Assets Control

HAIR OF CERTAIN ANIMALS, COTTON AND SILK WASTE AND CARPET WOOL; IMPORTATION FROM COUNTRIES NOT IN THE AUTHORIZED TRADE TERRITORY

Applications for Licenses

Reference is made to the February 28, 1964 notice regarding hair of certain animals, cotton and silk waste and carpet wool from certain countries not in the authorized trade territory. Particular reference is made to the penultimate paragraph of that notice. Following is a list of balances of commodities still available for licensing:

	Pounds
Badger hair	200
Carpet wool	1,338,364
Cotton waste	4,153,301
Goat hair	610,000
Horse mane hair	548,800
Horse tail hair	70,000
Silk waste	435,000
Yak hair	524,000

Licenses under the Foreign Assets Control Regulations (31 CFR §§ 500.101 to 500.808) for the importation of these commodities produced in the U.S.S.R. or Outer Mongolia will be issued under the conditions outlined hereunder:

(1) Applications must be filed before December 31, 1964 and must be accompanied by a copy of a firm contract with the seller subject only to the obtaining of the necessary license. The contract must provide for shipment from the U.S.S.R. on or before January 31, 1965.

(2) Licenses will be non-transferable and imports may be made only in the name of and for the account of the licensee.

(3) If the contract is with a seller in a third country any license issued will require that the goods be shipped directly from the U.S.S.R. to the United States or, if not, that they remain in continuous carriers' custody during the entire period of transshipment.

Licenses will be valid until the date of shipment specified in the contract and will be extended to permit Customs entry

and transactions under the letter of credit with respect to goods shipped pursuant to the contract.

Applications for licenses must be filed in duplicate on Form TFAC-1 with the Federal Reserve Bank of New York, 33 Liberty Street, New York, New York, 10045. Applications will be considered in the order in which they are received. Persons applying for a license to import more than one commodity should file a separate application for each such commodity.

Additional information and license application forms may be obtained from the Federal Reserve Bank of New York or from the Office of Foreign Assets Control, Treasury Department, Washington, D.C., 20220.

[SEAL] MARGARET W. SCHWARTZ,
Director, Office of
Foreign Assets Control.

[F.R. Doc. 64-9402; Filed, Sept. 14, 1964;
8:50 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[Report 40]

LIST OF FREE WORLD AND POLISH FLAG VESSELS ARRIVING IN CUBA SINCE JANUARY 1, 1963

SECTION 1. The Maritime Administration is making available to the appropriate Departments the following list of vessels which have arrived in Cuba since January 1, 1963, based on information received through September 4, 1964, exclusive of those vessels that called at Cuba on United States Government-approved noncommercial voyages and those listed in section 2. Pursuant to established United States Government policy, the listed vessels are ineligible to carry United States Government-financed cargoes from the United States.

FLAG OF REGISTRY

Name of Ship	Gross tonnage
Total all flags (246 ships) --	1,800,741
British (88 ships) -----	703,810

Amalla	7,189
Amazon River	7,234
Ardenode	7,036
Ardgem	6,981
Ardmore	4,664
Ardpatrick	7,054
Ardrowan	7,300
Ardstrod	7,025
**Arlington Court (now Southgate—British flag)	
Athelcrown (Tanker)	11,149
Athelduke (Tanker)	9,089
Athelmere (Tanker)	7,524
Athelmonarch (Tanker)	11,182
Athelsultan (Tanker)	9,149
Avisfaith	7,868
Baxtergate	8,813
Canuk Trader	7,151
Cedar Hill	7,156
Chipbee	7,271
**Cosmo Trader (trip to Cuba under ex-name, Ivy Fair—British flag)	

*Added to Report No. 39, appearing in the FEDERAL REGISTER, issue of September 3, 1964.

**Ships appearing on the list that have been scrapped or have had changes in name and/or flag of registry.

FLAG OF REGISTRY, NAME OF SHIP—Continued

	Gross tonnage
British—Continued	
Dalren	4,939
Denmark Hill	7,150
East Breeze	8,708
Eastfortune	8,789
Eirini	7,402
Free Enterprise	6,807
Free Merchant	5,237
Garthdale	7,542
Grosvenor Mariner	7,026
Hazelmoor	7,907
Hemisphere	8,718
Ho Fung	7,121
Inchstaffa	5,255
**Ivy Fair (now Cosmo Trader—British flag)	7,201
Kinross	5,388
**Kirleemoor (now Jhelum—Pakistani flag)	5,923
La Hortensia	9,486
Linkmoor	8,236
London Endurance (Tanker)	10,081
London Glory (Tanker)	10,081
London Majesty (Tanker)	12,132
London Pride (Tanker)	10,776
London Spirit (Tanker)	10,176
London Splendour (Tanker)	16,195
London Valour (Tanker)	16,268
Maple Hill	7,139
Maratha Enterprise	7,166
Muswell Hill	7,131
Nancy Dee	6,597
Newdene	7,181
Newforest	7,185
Newgate	6,743
*Newglade	7,368
Newgrove	7,172
Newheath	5,891
Newhill	7,855
Newlane	7,043
Newmeadow	5,654
Oak Hill	7,139
Oceanramp	6,185
Oceantravel	10,477
Overseas Explorer (Tanker)	16,267
Overseas Pioneer (Tanker)	16,267
Peony	9,087
Redbrook	7,388
Ruthy Ann	7,361
Sandsend	7,236
Santa Granda	7,229
Sea Coral	10,421
Sea Empress	10,074
Shienfoon	7,127
Shun Fung	7,148
Soclyve	7,291
**Southgate (previous trips to Cuba under ex-name, Arlington Court—British flag)	9,662
Stanwear	8,108
Streatham Hill	7,130
Sudbury Hill	7,140
Suva Breeze	4,970
Swift River	7,251
Sycamore Hill	7,124
Thames Breeze	7,878
**Timios Stavros (previous trips to Cuba under Greek flag)	5,269
Venice	8,611
Vercharmian	7,265
Vermont	7,381
West Breeze	8,718
*Woldingham Hill	7,113
Yungfutary	5,388
Yunglutaton	5,414
Zela M	7,237
Lebanese (56 ships) -----	
Agia Sophia	3,106
Aiolos II	7,256
Ais Giannis	6,997
Akamas	7,285
Al Amin	7,186
Alaska	6,983
Anthas	7,044
Antonis	6,259
Ares	4,557
Areti	7,176
Aristefs	6,995

FLAG OF REGISTRY, NAME OF SHIP—Continued

	Gross tonnage
Lebanese—Continued	
Astir	5,324
Athamas	4,729
Carnation	4,884
**Christos (trip to Cuba under ex-name, Pamit—Greek flag).	
Claire	5,411
Cris	6,082
Dimos	7,187
Free Trader	7,067
Giorgos Tsakiroglou	7,240
Granikos	7,282
Ilena	5,925
Ioannis Asplotis	7,297
Kalliope D. Lemos	5,103
Kapetanissa	7,281
Katerina	9,357
Leftrio	7,176
Malou	7,145
Mantric	7,255
Marichristina	7,124
Marymark	4,383
Mersinidi	6,782
Mimosa	7,314
Mousse	6,984
Nictrio	7,296
Noelle	7,251
Noemi	7,070
Olga	7,199
Panagos	7,133
Parmarina	6,721
**Razani (broken up)	
Rio	7,194
St. Anthony	5,349
St. Nicolas	7,165
San George	7,267
San John	5,172
San Spyridon	7,260
Stevo	7,066
Tertrio	7,045
Theodoros Lemos	7,198
Theologos	6,529
Toula	4,561
Troyan	7,243
Vassiliki	7,192
Vastric	6,453
Vergolivada	6,339
Yanxilas	10,051

Greek (43 ships)-----342,576

Agios Therapon	5,617
Akastos	7,331
Aldebaran (Tanker)	12,897
Alice	7,189
**Ambassade (sold Hong Kong shipbreakers)	
Americana	7,104
Anacreon	7,359
Anatoli	7,178
**Andromachi (previous trips to Cuba under ex-name, Penelope—Greek flag)	
Antonia	5,171
Apollon	9,744
Armathia	7,091
Athanassios K.	7,216
Barbarino	7,084
Calliope Michalos	7,249
Capetan Petros	7,291
**Embassy (broken up)	
Everest	7,031
Flora M.	7,244
Gallni	7,266
**Gloria (now Helen—Greek flag)	
Irena	7,232
Istros II	7,275
Kapepan Kostis	5,032
Kyra Hariklia	6,888
Maria Theresa	7,245
Marigo	7,147
Maroudio	7,369

**Ships appearing on the list that have been scrapped or have had changes in name and/or flag of registry.

FLAG OF REGISTRY, NAME OF SHIP—Continued

	Gross tonnage
Greek—Continued	
Mastro-Stelios II	7,282
**Nicolao F. (previous trip to Cuba under ex-name, Nicolaos Frangistas—Greek flag).	
**Nicolao Frangistas (now Nicolaos F.—Greek flag)	
**Pamit (now Christos—Lebanese flag)	
Pantanassa	7,131
Paxoi	7,144
**Penelope (now Andromachi—Greek flag).	
Perseus (Tanker)	15,852
**Plate Trader (trip to Cuba under ex-name, Stylianos N. Vlassopoulos—Greek flag).	
**Presvia (broken up)	
Propontis	7,128
Proteus (Tanker)	16,718
Redestos	5,911
**Seirios (sold Japanese shipbreakers)	
Sirlus (Tanker)	16,241
**Stylianos N. Vlassopoulos (now Plate Trader—Greek flag)	
**Timios Stavros (now British flag).	
Tina	7,362
Western Trader	9,268

Polish (13 ships)-----87,426

Baltyk	6,963
Bialystok	7,173
Bytom	5,967
Chopin	6,987
Chorzow	7,237
Huta Florian	7,258
Huta Labedy	7,221
Huta Ostrowiec	7,175
Huta Zgoda	6,840
Kopalnia Miechowice	7,223
Kopalnia Siemianowice	7,165
Kopalnia Wujek	7,033
Plast	3,184

Italian (12 ships)-----102,013

Achille	6,950
Agostino Bertani	8,380
Andrea Costa (Tanker)	10,440
Aspromonte	7,154
Giuseppe Giulietti (Tanker)	17,519
Montiron	1,595
Nazareno	7,173
Nino Bixio	8,427
San Francesco	9,284
San Nicola (Tanker)	12,461
Santa Lucia	9,278
Somalia	3,352

Yugoslav (7 ships)-----49,926

Bar	7,233
Cavtat	7,266
Cetinje	7,200
Dugi Otok	6,997
Mojkovac	7,125
Promina	6,960
**Trebnjica (wrecked)	

Spanish (5 ships)-----6,193

Escorpion	999
Sierra Andia	1,596
Sierra Aranzazu	1,600
Sierra Madre	999
Sierra Maria	999

French (5 ships)-----12,652

Circe	2,874
Enee	1,232
Mungo	4,820
Nelee	2,874
Neve	852

FLAG OF REGISTRY, NAME OF SHIP—Continued

	Gross tonnage
Moroccan (5 ships)-----35,828	
Atlas	10,392
Banora	3,082
Marrakech	3,214
Mauritanie	10,392
Toubkal	8,748
Norwegian (4 ships)-----34,503	
Lovdal (Tanker)	12,764
Ole Bratt	5,252
Polyclipper (Tanker)	11,737
**Tine (now Jezreel—Panamanian flag)	
Swedish (3 ships)-----17,123	
Amfred	2,828
**Atlantic Friend—(now Atlantic Venture—Liberian flag)	
Dagmar	6,490
Finnish (3 ships)-----26,026	
Augusta Paulin	7,096
*Susan Paulin	7,239
Valny (Tanker)	11,691
Kuwaiti (1 ship):	
Maha	1,392
Cypriot (1 ship):	
Adelphos Petrakis	7,134

Liberian:
*Atlantic Venture (trip to Cuba under ex-name, Atlantic Friend—Swedish flag).
Panamanian:
**Jezreel (trip to Cuba under ex-name, Tine—Norwegian flag).

FLAG OF REGISTRY AND NAME OF SHIP

Pakistani:
*Jhelum (trip to Cuba under ex-name, Kirriemoor—British flag).

SEC. 2. In accordance with approved procedures, the vessels listed below which called at Cuba after January 1, 1963, have reacquired eligibility to carry United States Government-financed cargoes from the United States by virtue of the persons who control the vessels having given satisfactory certification and assurance:

(a) That such vessels will not, thenceforth, be employed in the Cuba trade so long as it remains the policy of the United States Government to discourage such trade; and

(b) That no other vessels under their control will thenceforth be employed in the Cuba trade, except as provided in paragraph (c); and

(c) That vessels under their control which are covered by contractual obligations, including charters, entered into prior to December 16, 1963, requiring their employment in the Cuba trade shall be withdrawn from such trade at the earliest opportunity consistent with such contractual obligations.

FLAG OF REGISTRY AND NAME OF SHIP

a. Since last report: Gross tonnage
British (1 ship):
Elm Hill-----7,125
b. Previous reports:

Flag of registry:	Number of ships	Flag of registry:	Number of ships
British	14	Norwegian	2
Danish	1	Spanish	1
French	1	SEC. 3. The ships listed in sections 1 and 2 have made the following number of trips to Cuba since January 1, 1963, based on information received through September 4, 1964:	
German (West)	1		
Greek	16		
Italian	5		
Japanese	1		

This material supersedes the material appearing at 29 F.R. 10619 of July 30, 1964.

E. G. PLOWMAN,
Director, Office of
Emergency Transportation.

[F.R. Doc. 64-9308; Filed, Sept. 14, 1964;
8:46 a.m.]

Flag of registry	Number of trips									
	1963	1964								Total
		Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	
British	133	15	7	21	20	18	19	18	13	264
Lebanese	64	6	4	13	8	8	10	8	7	128
Greek	99	1	5	3		6	1	1	3	119
Italian	16	1		1	3	1	4	2	1	29
Norwegian	14	2			1	2	1		1	22
Spanish	8		3		3		2	2	2	20
Yugoslav	12	1	1	1	1			3		19
Moroccan	9		2			2	1	3	1	18
French	8				1			2	2	13
Swedish	3						2			5
Finnish	1						1		1	3
Cypriot								1		1
Danish	1									1
German (West)	1									1
Japanese	1									1
Kuwaiti								1		1
Subtotal	370	26	23	39	37	37	41	41	31	645
Polish	18	1	3	1	2		2	1		28
Grand total	388	27	26	40	39	37	43	42	31	673

NOTE: Trip totals in this section exceed ship totals in Sections 1 and 2 because some of the ships made more than one trip to Cuba.

Dated: September 10, 1964.

GEORGE R. GRIFFITHS,
Acting Deputy Maritime Administrator.

[F.R. Doc. 64-9326; Filed, Sept. 14, 1964; 8:48 a.m.]

DELTA STEAMSHIP LINES, INC.

Notice of Application

Notice is hereby given that Delta Steamship Lines, Inc., has filed an application for a waiver under the provisions of Section 804 of the Merchant Marine Act, 1936, as amended, to permit its wholly-owned subsidiary, Delta Line, Inc., to perform agency services in Brazil for the Mexican-flag vessel, "El Mexicano", for its delivery voyage only, beginning on or about September 21, 1964, for Pacific ports in South Central America, United States and Canada and Mexican ports in the Gulf of Mexico. The proposed services consist of husbanding including necessary documentation but with no solicitation of cargo and passengers and would be performed at the Brazilian loading ports of the "El Mexicano."

Any person, firm or corporation having an interest in such application who desires to offer views and comments thereon for consideration by the Maritime Administrator, should submit same in writing, in triplicate, to the Secretary, Maritime Administration, Washington 25, D.C., by close of business on September 17, 1964. The Maritime Administrator will consider these views and take such action with respect thereto as may be deemed appropriate.

By order of the Maritime Administrator.

Dated: September 11, 1964.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 64-9403; Filed, Sept. 14, 1964;
10:28 a.m.]

Office of Emergency Transportation

[No. WASP-1]

CIVIL AIRCRAFT

Allocation Order

Pursuant to authority under the Defense Production Act of 1950, as amended, enabling Executive Orders 10480 and 10999, and Department of Commerce Order 128 (Revised), I hereby allocate to the Civil Aeronautics Board, for use in the War Air Service Program (WASP), the following air carrier aircraft:

All aircraft operated by air carriers holding certificates of public convenience and necessity issued under section 401 of the Federal Aviation Act of 1958, as amended, or interim certificates or interim authority to engage in supplemental air transportation granted by the Board pursuant to section 7 of Public Law 87-528, with the exception of those aircraft allocated or reallocated from time to time to the Department of Defense for use in the Civil Reserve Air Fleet (CRAF) Program.

Office of the Secretary

RICHARD V. FORD

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 as reported in the FEDERAL REGISTER during the past six months:

- A. Deletions: no change.
- B. Additions: no change.

This statement is made as of August 24, 1964.

Dated: August 24, 1964.

RICHARD V. FORD.

[F.R. Doc. 64-9320; Filed, Sept. 14, 1964;
8:47 a.m.]

[Dept. Order 89 (Revised)]

PATENT OFFICE

Organization and Function

This material supersedes the material appearing at 27 F.R. 11470-11471 of November 21, 1962, Patent Office.

SECTION 1. Purpose. .01 The Purpose of this Organization and Function Supplement is to prescribe the organization structure and to assign functions within the Patent Office.

SEC. 2. Organization. .01 The Patent Office shall consist of the following organization units:

- a. Office of the Commissioner of Patents;
 - Commissioner of Patents.
 - First Assistant Commissioner.
 - Assistant Commissioner.
 - Assistant Commissioner for Research.
- Offices reporting to the Commissioner:
 - b. Office of the Solicitor.
 - c. Office of Planning and Program Evaluation.
 - d. Office of Administration;
 - Budget and Finance Division.
 - General Services Division.
 - Management and Organization Division.
 - Personnel Division.
 - Offices reporting to the First Assistant Commissioner:
 - e. Board of Appeals.
 - f. Board of Patent Interferences.
 - g. Patent Examining Corps;
 - Office of Examining Control.
 - Electrical Examining Operation.
 - Chemical Examining Operation.

Mechanical Engineering Examining Operation.

General Engineering and Industrial Arts Examining Operation.

h. Trademark Examining Operation.

i. Trademark Trial and Appeal Board. Offices reporting to the Assistant Commissioner:

j. Office of Information Services.

k. Office of Legislative Planning.

l. Office of International Patent and Trademark Affairs.

Offices reporting to the Assistant Commissioner for Research:

m. Scientific Library.

n. Office of Patent Classification.

o. Office of Research and Development.

SEC. 3. Functions of the office of the Commissioner. .01 The Commissioner determines the policies and directs the programs of the Patent Office and is responsible for the conduct of all activities of the Patent Office.

.02 The Assistant Commissioners shall perform the duties pertaining to the Office of the Commissioner assigned to them by the Commissioner under his prior and continuing authority. Principal functions assigned to the Assistant Commissioners are:

a. The First Assistant Commissioner provides administrative and policy direction to the Board of Appeals, the Board of Patent Interferences, the Patent Examining Corps, the Trademark Examining Operation, and the Trademark Trial and Appeal Board.

b. The Assistant Commissioner provides administrative and policy direction to the Office of Information Services, the Office of Legislative Planning, and the Office of International Patent and Trademark Affairs.

c. The Assistant Commissioner for Research provides administrative and policy direction to the Scientific Library, the Office of Patent Classification, and the Office of Research and Development.

SEC. 4. Functions of offices reporting to the Commissioner. .01 The Office of the Solicitor comprises the Solicitor, who is the chief legal officer for the Patent Office and his professional associates. This office handles all litigation to which the Commissioner is a party and provides all other required legal services including advice and assistance on legislative matters.

.02 Office of Planning and Program Evaluation generates and develops overall Patent Office plans and evaluates the effectiveness of various segments of the Patent Office in their implementation of these plans.

.03 The Office of Administration is responsible for overall Patent Office administrative functions. These functions are carried out, as indicated, in the following divisions which constitute the Office of Administration:

a. Budget and Finance Division provides staff assistance in the development, application, and execution of budgetary and fiscal policies and programs; conducts accounting operations for revenue, trust funds, and the Patent Office appropriation; and administers payroll and related employee accounts.

b. General Services Division reviews incoming applications for compliance as to form, assigns applications to appropriate examining units, issues patent grants, records instruments transferring property rights in patents and trademarks, provides drafting services, furnishes copies of patents and office records, opens and routes mail for the office, answers correspondence of a general nature, maintains a search room for public use in searching and examining patents, furnishes the supply and service needs of the office, and provides data processing services.

c. Management and Organization Division provides staff assistance in planning and implementing changes and innovations for improvements in systems, methods, organization, equipment use, and management practices; conducts forms, records, reports, directives, and data processing systems management programs; and, assists in planning and procuring printing and publications.

d. Personnel Division administers activities relating to recruitment, placement, employee relations, training and employee development, incentive awards, performance rating, and position classification and wage administration.

SEC. 5. Functions of Offices reporting to the First Assistant Commissioner.

.01 The Board of Appeals conducts hearings and renders decisions on appeals from adverse decisions of examiners as to the patentability of inventions claimed in patent applications.

.02 The Board of Patent Interferences conducts patent interference proceedings and makes final determination in the Patent Office as to priority of invention.

.03 The Patent Examining Corps is responsible for the examination of patent applications. The Corps comprises five major components, namely: Office of Examining Control, Electrical Examining Operation, Chemical Examining Operation, Mechanical Engineering Examining Operation, and General Engineering and Industrial Arts Examining Operation.

a. The Office of Examining Control develops procedures and quality and quantity standards relating to the conduct of the examination function; evaluates examiner compliance with such standards; trains new examiners in patent practice and procedures; and issues instructions regarding all procedures.

b. Each of the four Examining Operations examines patent applications falling in its generic category (Chemical, Electrical, Mechanical Engineering, or General Engineering, and Industrial Arts, respectively). An Examining Operation comprises a number of groups. Each group represents a broad field of invention within a generic category and has jurisdiction over several examining divisions.

.04 The Trademark Examining Operation is responsible for the classification and examination of applications for the registration of trademarks and service

marks and the maintenance of the principal and supplemental registers of trademarks.

.05 The Trademark Trial and Appeal Board is responsible for hearing and deciding adversary proceedings involving interfering applications, oppositions to registration, cancellation petitions, and concurrent use proceedings, and for hearing and deciding appeals from final refusals of the trademark examiners to allow the registration of trademarks.

SEC. 6. Functions of the offices reporting to the Assistant Commissioner. .01 The Office of Information Services advises and represents the Commissioner on public information matters, and subject to the policy direction and guidance of the Department's Office of Public Information, conducts information programs fostering public knowledge of and benefit from the American patent system and the functions and services of the Patent Office.

.02 The Office of Legislative Planning makes studies and advises the Commissioner on matters which may require legislative action and, with advice and assistance of Solicitor, prepares necessary legislation and supporting reports.

.03 The Office of International Patent and Trademark Affairs makes studies and advises on policy and action concerning international patent and trademark matters.

SEC. 7. Functions of offices reporting to the Assistant Commissioner for Research. .01 The Scientific Library is responsible for obtaining and bringing pertinent technical and scientific information to the attention of patent and trademark examiners and to interested segments of the public.

.02 The Office of Patent Classification is responsible for developing a system for the classification of patents in the various useful arts and insuring the effective use of this system in the classification of issued patents.

.03 The Office of Research and Development conducts research on the organization of information for novelty searching and develops retrieval systems, including computer assisted systems, for the use of information by Patent Office examiners and the scientific community.

Effective date: September 2, 1964.

HERBERT W. KLOTZ,
Assistant Secretary,
for Administration.

[F.R. Doc. 64-9321; Filed, Sept. 14, 1964; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration
CARLISLE CHEMICAL WORKS, INC.
Notice of Filing of Petition Regarding
Food Additives Cellophane and
Paper and Paperboard

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 4B1399) has been filed by Carlisle Chemical Works, Inc., West Street, Reading, Ohio, 54215, proposing that paragraph (c) of § 121.2507 *Cellophane* and paragraph (b) of § 121.2571 *Components of paper and paperboard in contact with dry food* be amended by inserting therein the following new item:

N,N'-Dioleylethylenediamine, *N,N'*-dilinoleylethylenediamine, and *N*-oleoyl-*N'*-linoleylethylenediamine mixtures produced when tall oil fatty acids are made to react with ethylenediamine.

Dated: September 9, 1964.

MALCOLM R. STEPHENS,
Assistant Commissioner
for Regulations.

[F.R. Doc. 64-9329; Filed, Sept. 14, 1964;
8:48 a.m.]

**Vocational Rehabilitation
Administration**

STATE ALLOTMENT PERCENTAGES

Promulgation

Pursuant to section 11(h) of the Vocational Rehabilitation Act (68 Stat. 661, 29 U.S.C. 41(h)), as amended, and it having been found that the three most recent consecutive years for which satisfactory data are available from the Department of Commerce as to the per capita income of the States and of the United States are the years, 1961, 1962, and 1963, the following allotment percentages for the several States, the District of Columbia, the Virgin Islands, Puerto Rico, and Guam, as determined pursuant to said Act and on the basis of said income data, are hereby promulgated, to be conclusive, for each of the two fiscal years beginning July 1, 1965 and July 1, 1966.

Alabama	66.85	Nevada	33.57
Alaska	41.85	New Hampshire	52.62
Arizona	55.33	New Jersey	39.97
Arkansas	67.78	New Mexico	60.27
California	38.99	New York	38.10
Colorado	48.77	North Carolina	63.44
Connecticut	34.97	North Dakota	59.00
Delaware	33 1/2	Ohio	49.07
District of Columbia	33 1/2	Oklahoma	59.46
Florida	56.65	Oregon	49.24
Georgia	62.91	Pennsylvania	49.85
Hawaii	49.09	Rhode Island	50.15
Idaho	60.10	South Carolina	67.85
Illinois	39.80	South Dakota	59.53
Indiana	50.06	Tennessee	64.03
Iowa	53.58	Texas	57.24
Kansas	53.34	Utah	56.52
Kentucky	63.74	Vermont	56.82
Louisiana	64.06	Virginia	58.23
Maine	58.83	Washington	48.45
Maryland	43.86	West Virginia	61.85
Massachusetts	41.79	Wisconsin	51.29
Michigan	49.15	Wyoming	49.24
Minnesota	52.65	Guam	75.00
Mississippi	72.38	Puerto Rico	75.00
Missouri	49.20	Virgin Islands	75.00
Montana	55.14		
Nebraska	52.24		

Dated: September 8, 1964.

[SEAL] ANTHONY J. CELEBREZZE,
Secretary.

[F.R. Doc. 64-9330; Filed, Sept. 14, 1964;
8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-77]

CATHOLIC UNIVERSITY OF AMERICA

Issuance of Amendment to Facility License

Please take notice that the Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 4, set forth below, to Facility License No. R-31. The license authorizes The Catholic University of America (the licensee) to operate its Model AGN-201, Serial 101, nuclear reactor located on its campus in Washington, D.C. The amendment, in accordance with the application dated July 8, 1964, and supplement thereto dated July 24, 1964 (the application), authorizes the licensee (1) to modify the organization for administration and control of the reactor in accordance with the application, and (2) to modify the operating procedures for the reactor as described in the application.

The Commission has found that:

1. The application for amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

2. Prior public notice of proposed issuance of this amendment is not required since the amendment does not involve significant hazards considerations different from those previously evaluated;

3. The issuance of this 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 licensee may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. A request for a hearing and petitions 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, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) the application for license amendment, and (2) a related hazards analysis prepared by the Research & 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 4th day of September 1964.

For the Atomic Energy Commission.

ROGER S. BOYD,
Chief, Research and Power Reactor Safety Branch, Division of Reactor Licensing.

[License No. R-31 Amdt. No. 4]

In addition to the activities previously authorized by the Commission under Facility License No. R-31, as amended, The Catholic University of America is hereby authorized (1) to modify the organization for administration and control of operation of its Model AGN-201, Serial 101, nuclear reactor, in accordance with the application for license amendment dated July 8, 1964, and supplement thereto dated July 24, 1964, and (2) to modify the operating procedures for the reactor as described in the application dated July 8, 1964, and supplement thereto dated July 24, 1964.

This amendment is effective as of the date of issuance.

Date of issuance: September 4, 1964.

For the Atomic Energy Commission.

ROGER S. BOYD,
Chief, Research and Power Reactor Safety Branch, Division of Reactor Licensing.

[F.R. Doc. 64-9293; Filed, Sept. 14, 1964;
8:45 a.m.]

[Docket No. 50-147]

NORTH AMERICAN AVIATION, INC.

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 4, set forth below, to Facility License No. CX-17. The license authorizes North American Aviation, Inc. (the licensee) to operate its separable-half critical experiments facility located at its site in Ventura, County, California. The amendment, in accordance with the application dated April 1, 1964, and supplement thereto dated June 5, 1964, authorizes the licensee to receive, possess, and use additional quantities of source and special nuclear material to be used in the conduct of "Doppler Effect" experiments.

The Commission has found that:

1. The application for amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

2. Prior public notice of proposed issuance of this amendment is not required since the amendment does not involve significant hazards considerations different from those previously evaluated;

3. The issuance of this 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 licensee may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. A request for a hearing and petitions 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, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) the application for license amendment and supplement thereto, and (2) a related hazards analysis prepared by the Research & 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 4th day of September 1964.

For the Atomic Energy Commission.

ROGER S. BOYD,
Chief, Research and Power Reactor
Safety Branch, Division
of Reactor Licensing.

[License No. CX-17, Amdt. No. 4]

License No. CX-17, as amended, which authorizes North American Aviation, Inc., to possess and operate its separable-half critical experiments facility located at its site in Ventura County, California, is hereby further amended as follows:

1. Subparagraph 3.B. is amended in its entirety to read: "Pursuant to the Act and Title 10, CFR, Chapter I, Part 70, 'Special Nuclear Material,' to receive, possess, and use special nuclear material as follows:

"(1) 163 kilograms of U-235 in various physical and chemical forms and uranium enrichments as required for experimental programs.

"(2) 25.6 kilograms of U-233 in various physical and chemical forms.

"(3) 3.2 kilograms of plutonium in various isotopic, physical, and chemical forms.

The special nuclear material shall be used in accordance with the procedures described in the application dated April 1, 1964, and supplement thereto dated June 5, 1964, and in accordance with the terms and conditions of License No. CX-17, as amended."

2. Subparagraph 3.C. is amended in its entirety to read: "Pursuant to the Act and Title 10, CFR, Chapter I, Part 40, 'Control of Source Material,' to receive, possess and use source material as follows:

"(1) 1,610 kilograms of natural uranium.

"(2) 4,100 kilograms of depleted uranium.

"(3) 1,510 kilograms of thorium.

The source material shall be used in accordance with the procedures described in the application dated April 1, 1964, and supplement thereto dated June 5, 1964, and in accordance with the terms and conditions of License No. CX-17, as amended."

This amendment is effective as of the date of issuance.

Date of issuance: September 4, 1964.

For the Atomic Energy Commission.

ROGER S. BOYD,
Chief, Research and Power Reactor
Safety Branch, Division of Reactor
Licensing.

[F.R. Doc. 64-9294; Filed Sept. 14, 1964;
8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 15535; Order E-21258]

CANADIAN AIR TAXI-TYPE OPERATORS

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 9th day of September 1964.

Elimination of flight reports by Canadian Air Taxi-Type Operators holding section 402 permits; Docket No. 15535.

The orders authorizing the issuance of the foreign air carrier permits to the Canadian carriers named in the Appendix below, require, among other things, that such carriers submit appropriate reports of their transborder operations on CAB Form 217 entitled "Report of United States-Canada Transborder Services." These carriers are similar to United States air taxi operators, and their permits authorize casual, occasional, and infrequent flights with small aircraft. Under this arrangement, the Civil Aeronautics Board collects statistics annually from the Canadian carriers and the Canadian Air Transport Board collects similar statistics from U.S. carriers.

Upon review, sua sponte, of this matter, the Board notes that the volume of air transportation performed by the Canadian transborder carriers is small, that few problems have been incident thereto, and that the value of the reports on CAB Form 217 does not justify the burden on the carriers of preparing and submitting the reports or the burden on the Board of reviewing them. Therefore, the Board tentatively finds that the public interest no longer requires the continuance of reports by Canadian transborder carriers on CAB Form 217. Furthermore, the Board is advised that the Canadian Air Transport Board has a like view with respect to reports filed with it by U.S. air carriers and has initiated appropriate action to relieve U.S. air carriers of similar reporting requirements to the Canadian authorities.

Accordingly, the Board tentatively concludes that the orders authorizing the issuance of the foreign air carrier permits listed in Appendix A, below, be amended to delete the requirement of reporting on CAB Form 217.

Accordingly, it is ordered: 1. That all interested persons show cause why the Board should not issue an order making final the tentative findings and conclusions reached herein and amend the orders listed in Appendix A, below, by deleting the requirement that reports of transborder operations be filed with the Board;

2. That any interested person may file a memorandum¹ in support of or in opposition to the Board's tentative findings

¹ An original and 19 copies should be filed with the Board's Docket Section.

and conclusions within twenty days of the date of service of this order;

3. That if no memorandum in opposition is filed, further procedural steps shall be deemed waived and the matter submitted to the Board for decision therein;

4. That if timely objections are filed, further consideration will be accorded the matter before additional action is taken; and

5. That copies of this order shall be served upon the Air Transport Board of Canada and all the carriers listed in Appendix A.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

LIST OF ORDERS ISSUING PERMITS TO CANADIAN TRANSBORDER OPERATORS

E-18774—Air Ambulance Service.
E-19639—B.C. Air Lines Limited.
E-19291—B.N.P. Airways Limited.
E-20473—Gordon Airways Limited.
E-18461—Hamilton Flying Club.
E-19718—Huronian Air Service Limited.
E-19024—Kent Aviation Limited.
E-18157—Kingston Flying Club.
E-19958—Lac La Croix Quetico Air Services Limited.

E-19215—Laurentian Air Services Limited.
E-19959—Laurentide Aviation Limited.
E-20473—Leavens Bros. Limited.
E-18900—Midwest Aviation Ltd.
E-20472—Millardair Limited.
E-19429—Ontario Central Airlines Limited.
E-20913—Ottawa Aero Services (1963) Limited.

E-17734—Pacific Western Airlines Limited.
E-19179—Pacific Wings Limited.
E-18135—(Pegasus) Inspiration Helicopters Limited, d/b/a Pegasus Airlifts.
E-19457—Peninsula Air Service Limited.
E-19174—Prince Edward Flying Club.
E-19216—Robert's Flying Service (Robert J. McIlwaine, d/b/a Robert's Flying Service).

E-20416—Survair Ltd.
E-20417—Thunder Bay Flying Club.
E-18845—West Coast Air Services Ltd.
E-17825—Wong Aviation Limited.

[F.R. Doc. 64-9334; Filed, Sept. 14, 1964;
8:48 a.m.]

[Docket Nos. 15111, 15282; Order E-21267]

PAN AMERICAN WORLD AIRWAYS, INC.

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 10th day of September 1964.

Petitions of Pan American World Airways, Inc. for adjustment of certain international service mail rates; Docket Nos. 15111, 15282.

On March 25, 1964, Pan American World Airways, Inc., filed a motion for

¹ The Board will not separately entertain petitions requesting reconsideration of this order. All requests for relief from, or modification of, this order shall be submitted with such objections as may be made to the issuance of an order making final the proposed findings and conclusions and deleting the reporting requirement hereinabove specified.

leave to file an unauthorized document and together therewith filed a petition in Docket 15111 for amendment of service mail rate orders to permit automatic equalization of rates. On April 16, 1964, the Postmaster General filed a motion for leave to file an unauthorized document and answer in support of the request of Pan American.

On May 28, 1964, Pan American filed a motion for leave to file an unauthorized document, the unauthorized document attached thereto being a petition in Docket 15282 for amendment of certain service mail rate orders to permit specific equalization.¹ Delta Air Lines, Inc., on June 5, 1964, and the Postmaster General, on August 5, 1964, filed motions for leave to file unauthorized documents and answers in support of this Pan American motion.²

Upon consideration of the supporting reasons advanced by Delta, Pan American, and the Postmaster General, the Board has decided to grant each of these motions for leave to file unauthorized documents.³

Pan American alleges in its petitions that the Board orders which established its international service mail rates made no provision for adjustment so as to permit Pan American to equalize with lower competitive rates. It is alleged that the Post Office Department has diverted mail from routings previously used in the interest of moving mail at the lowest possible cost. Specific instances of such practice are stated to be the Atlanta-London, New Orleans-London, Los Angeles-London, San Francisco-London, and Houston-Mexico City markets.

We will first consider the petition of Pan American in Docket 15111 to amend the present service mail rate orders⁴ to provide for automatic equalization.

Pan American cites petitions of Braniff Airways, Inc., and Delta Air Lines, Inc.,⁵ as analogous situations and requests that its petition be dismissed if the requested action cannot be accomplished without reopening the original service mail rate orders concerned.

Essentially, Pan American requests that the orders which established service

mail rates for the Alaskan, Atlantic, Latin American, and Pacific areas be amended to permit automatic equalization, similar to that authorized by the domestic multielement service mail rate orders.⁶ The amendments requested by Pan American could have a serious impact on overall mail revenues of the carriers serving these areas, the degree of which cannot be determined from any information available to the Board in this docket. Unlike the aforementioned Braniff and Delta petitions where authority to equalize was requested for specific situations, in Docket 15111 Pan American requests the Board to grant authority generally to equalize mail rates in any situation which may arise. The Latin American, transatlantic, and transpacific rates are presently open, as a result of petitions of the Postmaster General in Dockets 15176 and 15381. The equalization problems raised by Pan American herein are being considered in those proceedings. Under the foregoing circumstances, we propose to deny the petition of Pan American in Docket 15111 to amend the service mail rate orders for the Alaskan, Atlantic, Latin American, and Pacific areas.

In its petition in Docket 15282, Pan American alleges that mail which has heretofore been transferred to Pan American at Washington, on Atlanta-London and New Orleans-London flights, is now being transferred at New York. The reason stated is that there is a lower international service mail rate applicable from New York to London than from Washington to London.⁷ In these markets, Pan American requests that its international service mail rate of 98.06540 cents per pound applicable from Washington to London be adjusted to 95.58080 cents for mail enplaned at New Orleans and Atlanta. This is a proportional rate which it is asserted would place the Atlanta-London and New Orleans-London rates via Washington, D.C. at the same level as the rates now applicable to such through shipments moving via the New York City gateway. Delta and Pan American state that this adjustment will allow the shipment of mail in this market on a single-plane basis on Pan American-Delta interchange flights via Washington.⁸

Pan American also alleges that mail between Los Angeles and San Francisco on the one hand and London on the other, which has heretofore been transported directly by Pan American on its single-plane polar flights is now being moved by domestic carriers at the lower domestic rate to New York for shipment from that city to London. This is occasioned by the existing international rates applicable to polar flights which are higher than a combination of the domes-

tic multielement rate from the west coast to New York and the international rate from New York to London.⁹ Pan American requests that its San Francisco-London rate be adjusted to 134.7126 cents per pound and that its Los Angeles-London rate be adjusted to 133.0080 cents per pound, which equal the combination domestic/international rates applicable in these markets.

Finally, Pan American alleges that mail between Houston and Mexico¹⁰ has been diverted so as to move via Dallas at the domestic rate in effect for American Airlines, Inc., or via San Antonio at American's domestic rate or at the equalized rate of Braniff Airways, Inc.¹¹ The carrier requests that its Houston-Mexico City rate be adjusted to the level of American's Dallas-Mexico City rate of 17.65075 cents per pound.

Pan American states that its petition in this instance is independent of its petition in Docket 15111 where a general authorization for equalization is requested. The carrier requests, as it does in Docket 15111, that its petition be dismissed if the amendment it seeks cannot be accomplished without reopening in other respects the service mail rate orders which it requests to be amended.

The Board recently allowed Delta to adjust its international service mail rate for the New Orleans-San Juan market in a situation analogous to that of the west coast-London market in question herein.¹² We therefore propose to adjust the pertinent west coast-London service mail rates of Pan American for the same reasons stated in the Delta orders.

In the Houston-Mexico City market (746 miles) Pan American presently receives 20.55223 cents per pound for mail, whereas in the Dallas-Mexico City market (950 miles) American receives only 17.65075 cents per pound. It is alleged that the Post Office now sends mail via the longer Dallas-Mexico City route on American because of the 2.90148 cents per pound difference in rates. It appears that Pan American's request that its Houston-Mexico City rate be adjusted to equal the applicable Dallas-Mexico City "stub end" domestic rate falls within the Board's equalization policy indicated in several recent Board orders.¹³ We therefore propose to adjust Pan American's international service mail rate applicable between Houston and Mexico City as requested.

Because of the problems inherent in this area, the adjustments which we are proposing in Docket 15282 will be in the form of temporary service mail rates. The question of equalization presented in this docket presumably will be resolved in the Transatlantic and Transpacific Service Mail Rate Case (Docket

¹ The orders that Pan American seeks to amend by its petitions are Orders E-7721 (17 C.A.B. 898), E-9695 (21 C.A.B. 961), and E-11060 (24 C.A.B. 629).

² The motions for leave to file unauthorized documents were occasioned by 14 CFR 302.303(b), and 14 CFR 302.4(f)(3).

³ Technically, the unauthorized documents of Delta and the Postmaster General are not properly fileable in that they are couched in terms of answers to Pan American's motions for leave to file otherwise unauthorized documents. Such answers are specifically precluded by the rule which provides for motions for leave to file unauthorized documents (14 CFR 302.4(f)(3)). The Board will, however, consider the documents of Delta and the Postmaster General as answers to Pan American's petitions which, in substance, they are.

⁴ Pan American cites the following orders:

Areas:	Order No.
Alaska -----	E-7721 (17 C.A.B. 898)
Atlantic -----	E-9695 (21 C.A.B. 961)
Latin America ---	E-9695 (21 C.A.B. 961)
Pacific -----	E-11060 (24 C.A.B. 629)

⁵ Dockets 15054 and 14862, respectively.

⁶ Nonpriority Mail Rate Case, Order E-17255 (1961); American Air Export and Import Co., System Mail Rates, 23 C.A.B. 988 (1956); Allegheny Airlines, Inc., Service Mail Rates, 21 C.A.B. 894 (1955); Domestic Trunklines, Service Mail Rates, 21 C.A.B. 8 (1955).

⁷ See Appendix filed as part of original document.

⁸ Order E-20806, dated May 12, 1964, approved the Pan American-Delta interchange agreement.

⁹ See Appendix filed as part of original document.

¹⁰ It is assumed that the carrier refers to Mexico City, although its petition merely mentions Mexico.

¹¹ See Order E-20744, dated April 27, 1964.

¹² Orders E-20677, dated April 10, 1964; E-20792, dated May 6, 1964; E-20839, dated May 20, 1964.

¹³ Orders E-20676, E-20677, and E-20678, dated April 10, 1964.

15176) which is being processed at this time.¹⁴ We therefore also will propose to grant the request of Pan American for adjustment of its international service mail rate applicable in the Washington, D.C.-London market for mail enplaned at Atlantic and New Orleans, by establishing a temporary rate for this market.

In the document filed in Docket 15282, the Postmaster General supports the carrier's request for the Houston-Mexico City adjustment, but makes new proposals for the other markets involved in Pan American's petition. Although the Postmaster General's answer concurs in the carrier's request for the Los Angeles and San Francisco to London rate, the answer opposes the restriction of the rate to mail with a London destination and proposes that the adjustment be extended to the other points in Europe, and beyond, which Pan American serves. The Postmaster General does not support the carrier's requested rates for the Atlanta and New Orleans to London markets. The answer proposes that the mileage or rate from Washington or any other airport in the United States to airports in Europe or beyond be adjusted so that the total cost of transporting mail from a domestic point would be approximately the same whether routed through Washington or New York.

The new proposals of the Postmaster General go far beyond the specific requests of Pan American and, if accepted, might have a significant effect upon the yields and total mail revenues for international services. The Board does not believe that it would be appropriate to take action which would have such significant effects except in connection with the pending overall service mail rate proceeding in Docket 15176.

We will, therefore, propose to deny the Postmaster General's new proposals with respect to service mail rates from interior domestic points and from the west coast to all European points and beyond, except to the limited extent that we propose to grant with respect to mail enplaned at Atlanta and New Orleans.

Upon consideration of the foregoing, Pan American's motions and petitions, the motions and answers of Delta and the Postmaster General, and matters officially noticed, the Board proposes to issue an order to include the following findings and conclusions:

1. The current service mail rates of Pan American World Airways, Inc., applicable for services between Washington and London, between Los Angeles and London, between San Francisco and London and between Houston and Mexico City are, respectively, 98.06540, 147.6867, 151.1107, and 20.55223 cents per pound.

2. Since the rates stated in numbered paragraph one above are open pursuant to petitions of the Postmaster General in Dockets 15176 and 15381, and until the Board establishes final rates of compensation therein pursuant to section 406

of the Federal Aviation Act of 1958, it is necessary to establish temporary service mail rates for Pan American in the markets set out in numbered paragraph one.

3. The fair and reasonable temporary service mail rate applicable to mail between Washington and London, enplaned at Atlanta and New Orleans on Pan American-Delta interchange flights is 95.5808 cents per pound.

4. The fair and reasonable temporary service mail rates applicable to all mail carried by Pan American on its polar flights between Los Angeles and London and between San Francisco and London are, respectively, 133.00800 and 134.7126 cents per pound.

5. The fair and reasonable temporary service mail rate applicable to all mail carried by Pan American between Houston and Mexico City is 17.65075 cents per pound.

6. Such temporary service mail rates in numbered paragraphs three, four and five above to be effective commencing on the date of the final order herein, shall be paid in their entirety by the Postmaster General pursuant to section 406(c) of the Federal Aviation Act of 1958, and no part of such amounts shall be paid by the Board.

7. The petition of Pan American filed May 28, 1964, in Docket 15282 will be denied, except to the extent that the Board hereinabove proposes to grant.

8. The new proposals of the Postmaster General in Docket 15282 with respect to the equalization of rates from interior domestic points and to all points in Europe should not be granted on the basis of the information before the Board in this docketed matter and these new proposals will be denied, except to the extent that the Board hereinabove proposes to grant.

9. The amendments which Pan American requests by its filing of March 25, 1964, in Docket 15111 should not be granted and Pan American's petition in such docket will be denied.

10. The proceeding in Docket 15282 will remain open pending entry of orders in Dockets 15176 and 15381 fixing final rates, retroactive to such date as the Board may determine, which final rates may be lower or higher than or equal to the temporary rates fixed herein. Upon entry of final orders in Dockets 15176 and 15381, the proceeding in Docket 15282 will be closed.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a) and 406 thereof, and pursuant to the regulations promulgated in 14 CFR, Part 302,

It is ordered, That: A. The motions filed by Delta Air Lines, Inc., in Docket 15282, and by Pan American World Airways, Inc., and the Postmaster General in Dockets 15111 and 15282, for leave to file otherwise unauthorized documents shall be granted and the related documents filed therewith shall be considered.

B. All interested persons, and particularly Delta Air Lines, Inc., Pan American World Airways, Inc., and the Postmaster General, are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and

fix, determine, and publish the rates stated in numbered paragraphs three, four, and five of the foregoing proposed findings and conclusions as the fair and reasonable temporary rates of compensation to be paid to Pan American for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the points stated in such numbered paragraphs three, four, and five, to be effective on and after the date of the final order herein.

C. Further procedures herein shall be in accordance with 14 CFR, Part 302, and if there is any objection to the rates or to the other findings and conclusions proposed herein, notice of objection shall be filed within 8 days, and written answer and supporting documents shall be filed within 15 days, after the date of service of this order.

D. If notice of objection or answer is not filed, as specified in 14 CFR, Part 302 and this order, all persons shall be deemed to have waived further procedural steps herein before an order fixing the rates, and the Board may enter an order incorporating the findings and conclusions proposed herein and fixing and determining the temporary rates herein specified.

E. If any answer is filed presenting issues for hearing, the issues involved thereafter in determining the fair and reasonable temporary rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with 14 CFR 302.310.

F. This order shall be served upon the Postmaster General, American Airlines, Inc., Braniff Airways, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., National Airlines, Inc., Pan American World Airways, Inc., Trans World Airlines, Inc., United Air Lines, Inc., Seaboard World Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 64-9335; Filed, Sept. 14, 1964;
8:48 a.m.]

[Docket No. 14782]

AEROLINEAS CARRERAS TRANSPORTES AEREOS

Notice of Postponement of Prehearing Conference

Notice is hereby given that the prehearing conference to be held on the above-entitled application on September 17, 1964, is postponed to September 23, 1964, at 10:00 a.m., e.d.s.t., in Room 701, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D.C., September 9, 1964.

[SEAL] JOSEPH L. FITZMAURICE,
Hearing Examiner.

[F.R. Doc. 64-9336; Filed, Sept. 14, 1964;
8:48 a.m.]

¹⁴Such problems in Latin American service mail rate areas will be processed in Docket 15381.

[Docket No. 15446]

LUFTHANSA GERMAN AIRLINES
Notice of Hearing

Notice is hereby 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 29, 1964, at 10:00 a.m., e.d.s.t., in Room 701, Universal Building, 1825 Connecticut Avenue Northwest, Washington, D.C., before the undersigned.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served on August 28, 1964, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., September 9, 1964.

[SEAL] **WILLIAM J. MADDEN,**
Hearing Examiner.

[F.R. Doc. 64-9337; Filed, Sept. 14, 1964;
8:48 a.m.]

[Docket No. 15350]

CONTINENTAL AIR LINES, INC., ET AL.

Notice of Postponement of Prehearing Conference Regarding Military Discounts

Continental Air Lines, Inc., American Airlines, Inc., and Trans World Airlines, Inc., by letter dated September 9, 1964, have submitted a request for a 30-day postponement of the prehearing conference in the above-entitled proceeding and have stated their agreement, if granted, to the postponement of the effective dates of their tariffs for a period totaling 60 days beyond the 180-day suspension period which the Board has statutory power to establish. The request is based on the likelihood that a proposed resolution of the Air Traffic Conference will result in elimination of the fares under consideration. The letter indicates that the Bureau of Economic Regulation has no objection to grant of the request, and no other objection has been entered.

In the light of the foregoing, the request is granted and the prehearing conference herein is postponed from September 11, 1964, to October 8, 1964, at 10 a.m., in room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C.

Dated at Washington, D.C., September 9, 1964.

[SEAL] **RALPH L. WISER,**
Hearing Examiner.

[F.R. Doc. 64-9338; Filed, Sept. 14, 1964;
8:49 a.m.]

**FEDERAL COMMITTEE ON
PEST CONTROL**

FUNCTIONS AND PROCEDURES

This notice is published pursuant to Bureau of the Budget Circular A-63, of March 2, 1964.

A. Name. There is hereby established the Federal Committee on Pest Control. This Committee shall replace the Federal Pest Control Review Board that was established through joint action of the Secretaries of Agriculture, Interior, Defense, and Health, Education, and Welfare by endorsement of the Secretary of Agriculture letter dated June 22, 1961, and which is hereby abolished.

B. Establishment and purpose. Proper usage of pesticide chemicals to destroy unwanted pests and disease organisms as they affect man, animals, and plants has an enormous potential for the public good. There must, at the same time, be a recognition that chemicals which will kill or control pests are, in many cases, capable of causing harm. It is therefore, essential that any contemplated use of a pesticide chemical be first evaluated as to the good that its use is expected to achieve, the harm which may result, the precautions which should be taken to minimize harmful effects, and a decision made as to whether any risk that may be involved is warranted in the light of the benefits contemplated. Because of this recognition and the fact that the Federal Government both recommends and participates in pest control, regulatory, research, and information programs involving pesticide chemicals, this Committee is being established to replace the former Federal Pest Control Review Board, the functions of which were limited primarily to Federal pest control programs.

This Committee is to review plans for and maintain review of pest control programs in which there is active participation on the part of the Federal Government in planning and developing procedures and some degree of responsibility for supervision or funding. The Committee shall advise the appropriate Department of its evaluation in each instance so that suitable action may be taken. The Committee shall identify potential problems in order that such problems may be avoided or minimized. In particular, the Committee shall consider problems and public views arising from pesticide uses that involve hazards to human health, to livestock and crops, to fish or wildlife, or to the economic well-being of business, industry, or agriculture. Problems arising from use of pesticides, including those that may result from non-Federal programs or use,

may be considered by the Committee whenever they are related to the purposes of the Committee. The Committee will advise the various Departments and agencies of government concerning problems in the use of pesticides and other chemicals, especially in cases involving interdepartmental interests and responsibilities, to insure that effective, economical, and safe procedures are followed.

C. Functions. (1) The Committee shall review the various programs proposed and conducted by Federal agencies for the control of animal and plant life which adversely affect man's interests, and shall consider problems and developments in the field of chemical control, with particular reference to possible harmful effects and the adequacy of provisions for the proper use of pesticidal chemicals to insure the greatest public benefit. The Committee shall advise the heads of Federal departments or agencies concerning the administration and operation of such programs to achieve the results desired with minimum undesirable effects.

(2) In order to assure the acquisition of timely, systematic data on pesticide residues in man and his environment, the Committee shall review plans for and facilitate coordination of the various monitoring programs conducted by Federal agencies. The Committee shall promote the development and adoption of standardized collection and analytical techniques, and shall review pesticide monitoring data from all sources.

(3) The Committee shall review on a continuing basis the planned and current pest control research programs of Federal agencies with the objective of coordinating such programs for maximum efficiency, effectiveness, and balance.

(4) The Committee shall review on a continuing basis the various educational programs concerned with pest control of Federal agencies and shall make such recommendations as are deemed necessary to insure adequate public awareness of hazards associated with the use of pesticides.

(5) The recommendations of the Committee should be prepared in the light of departmental responsibilities established by law and cannot be construed as limiting any of the statutory mandates of the Departments. However, the Committee shall be alert to problems requiring new legislation for their resolution, and shall recommend to the appropriate Departments the preparation of needed legislation.

D. Procedures. (1) The member Departments of the Committee will submit as required, descriptions of their proposed and current pest control programs, and monitoring, research, and educational programs pertaining to pest control, for review and identification of

those elements of concern to more than one Department represented on the Committee.

(2) Programs and problems for review by the Committee may be received from any Federal agency.

(3) Programs and problems referred to the Committee will be screened for interdepartmental interest or responsibility.

(4) When it appears that problems can be satisfactorily resolved they will be referred to the responsible Department or Departments for direct consultation and action and the Committee shall be advised of the results of such consultations and actions.

(5) In carrying out its functions, the Committee may establish subcommittees, ad hoc work groups, or panels of specialists to assist in discharging the Committee's responsibilities.

(6) The Committee will evaluate the best technical estimates of the gains and losses to be expected with and without proposed control programs, the methods and procedures which will minimize adverse effects, the advice of other duly constituted and qualified agencies and individuals, and when indicated, will submit its recommendations to the heads of the Departments or agencies concerned.

E. Members. (1) Membership is by appointment of not more than two members and two alternates each from the Departments of Agriculture, Interior, Defense, and Health, Education, and Welfare.

(2) Members and alternates are appointed by letter to the Chairman from the Departments eligible to make the appointments.

F. Officers and Staff. (1) The officers of the Committee shall be:

- Chairman.
- Vice Chairman.
- Executive Secretary.

The Chairman and Vice Chairman shall be elected by the Committee from among its members. The Executive Secretary shall be appointed by the Chairman with the concurrence of the Committee.

(2) It shall be the duty of the Chairman to preside at all meetings and to maintain compliance with established procedures. He shall call meetings of the Committee when he deems it necessary or upon request of any member Department. The Chairman shall exercise leadership in seeking timely resolution of interagency differences on matters before the Committee. In the absence of the Chairman, the Vice Chairman will perform the functions of the Chairman. In the absence of both, the Chairman will furnish the Secretary with the names of those individuals who successively can assume these duties.

(3) All resolutions and proceedings of meetings of the Committee shall be appropriately recorded by an Executive Secretary who shall be responsible to the Chairman for preparing and disseminating the minutes to the membership. The Executive Secretary shall conduct the usual correspondence relative to the Committee, shall issue notice of meetings, and shall perform all duties per-

taining to the office of an Executive Secretary. He shall keep a register of the members of the Committee and shall act as archivist of the organization.

(4) The Committee shall be provided professional and clerical staff resources necessary to perform studies, analyses and other secretariat services as assigned. The Executive Secretary shall be responsible for the functioning of the staff, and shall carry out the duties prescribed by the Chairman under the general direction of the Committee.

G. Meetings. (1) Meetings shall be held at the call of the Chairman following coordination with members regarding time, place, and date.

(2) Decisions of the Committee shall be made normally at regular meetings where there is an opportunity for discussion, and not by correspondence or telephone calls except in rare cases of urgency.

(3) Minutes of meetings shall consist of a record of important discussions and decisions of the Committee but need not be a verbatim record. Minutes shall be distributed to members and alternates. Minutes will be amended as necessary and approved at the first meeting of the Committee following their distribution.

H. Quorum. A majority of the members of the Committee shall constitute a quorum authorized to transact any business duly presented at any meeting of the Committee.

Approved:

ANTHONY J. CELEBREZZE,
Secretary of Health, Education, and Welfare.

Dated: June 16, 1964.

ORVILLE L. FREEMAN,
Secretary of Agriculture.

Dated: July 10, 1964.

STEWART L. UDALL,
Secretary of Interior.

Dated: June 19, 1964.

ROBERT S. McNAMARA,
Secretary of Defense.

Dated: July 27, 1964.

[F.R. Doc. 64-9313; Filed, Sept. 14, 1964; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

WORKING ARRANGEMENT FOR ALLOCATION OF VHF TELEVISION BROADCAST STATIONS UNDER CANADIAN-U.S.A. TELEVISION AGREEMENT OF 1952

Amendment of Table A

SEPTEMBER 8, 1964.

Amendment of Table A of the 1961 working arrangement for allocation of VHF television broadcast stations under the Canadian-U.S.A. television agreement of 1952; Supplement No. 1.

Pursuant to an exchange of correspondence between the Department of Transport of Canada and the Federal Communications Commission, Table A, Annex 1 of the Television Working Ar-

angement under the Canadian-U.S.A. television agreement has been amended as indicated by the table below.

Further amendments to Table A will be issued as public notices in the form of numbered supplements.

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

AMENDMENTS TO TABLE A OF THE CANADIAN-U.S.A. TELEVISION WORKING ARRANGEMENT OF 1961

SUPPLEMENT NO. 1

Alberta		
City	Channel No.	
	Delete	Add
Banff		16-, 26-
Blainmore		45.
Brooks		32, 60.
Burmis		3.
Calgary	12	47.
Comrose	8	7.
Cardston		25, 50.
Coronation		12.
Coronation (last change)	12	
Drumheller		12, 41, 51.
Fort MacLeod		56.
Grand Prairie		10-
Hanna		63.
High River		52.
Lacombe		69.
Lethbridge		13+, 31, 48.
Medicine Hat		8, 21-, 33.
Olds		25+.
Peace River		7.
Picture Butte		13+.
Picture Butte (last change)	13+	
Pincher Creek		28+.
Pivot		4+ (limited 18 dbk, 600').
Provost		65.
Red Deer		8+, 14+, 20, 57.
Stettler		59.
Taber		27+, 58.
Vulcan		39.

British Columbia

Castlegar		30+.
Chilliwack		53.
Clinton		9+ (limitation to protect Channel 9 Salmon Arm, B.C.)
Courtenay		9- (limited 1 dbk, 454'), 25+, 35.
Cranbrook		10, 49.
Enderby		72.
Fernie		40.
Hope		17+, 40-.
Kamloops		25-.
Kelowna		56.
Kimberly		37+, 49+.
Merritt		29-.
Mt. Timothy		5-.
Nanaimo		27-, 78.
Nelson		9 (limited 1 dbk, 0'), 33.
Oliver		44.
Pentlton		31-, 54.
Port Alberni		29, 51.
Princeton	72	19-.
Revelstoke		18, 34.
Salmon Arm		9- (limitation to protect Station CB UAT, Channel 9, Nelson, B.C.)
Terrace		3-.
Trail		20-, 53-.
Vancouver-New Westminster		59.
Vernon		43.
Victoria		68.

Manitoba

Altona		46.
Boissevain		19+.
Brandon	9+, 11	4+, 41.
Carberry		29+.
Dauphin		25.
Flin Flon		10+.
Foxwarren		11.
Gimli		65.

AMENDMENTS TO TABLE A OF THE CANADIAN-U.S.A. TELEVISION WORKING ARRANGEMENT OF 1961—Continued

SUPPLEMENT NO. 1—continued

Manitoba—continued

City	Channel No.	
	Delete	Add
Melita		9+ (limitations to protect Channel 9—, Regina, Sask. and Channel 9+, Winnipeg, Man.), 27.
Morden/Winkler		28+, 64.
Neepawa		37.
Portage La Prairie		58.
Russel		17—.
Saskatoon		20—, 52.
Steinbach		48.
Swan River	10+	69.
The Pas		7.
Virden		23—.
Winnipeg-St. Boniface		54, 9+.

New Brunswick

Bathurst		30—, 40+.
Bon Accord		6—.
Campbellton (Harrison Brook, Que.)		7— (limited 18 dbk, 500'), 31—.
Chatham		38.
Edmunston		37.
Fredericton		47+.
Grand Falls		35.
Moncton		32, 44.
St. John	6—	39, 51.
St. Stephen		49.
Sussex		48.
Woodstock		3+ (limitation to protect Station CIBR-TV, Channel 3—, Rimouski, Que.), 45+.

Nova Scotia

Amherst		52.
Bridgewater	10	9— (limitations to protect Station CFCY-TV-1, Channel 9, Antigonish, N.S. and Channel 9+, Fredericton, N.B.).
Canning		10.
Digby		35—.
Halifax		47.
Liverpool	12+	12, 24+.
New Glasgow		40.
Sheet Harbor		11+ (limitation to protect Station CBAFT, Channel 11, Moncton, N.B.).
Shelburne		33—.
Springhill		61.
Treure		50.
Yarmouth		30+.

Ontario

Atikokan		7—, 25—, 34.
Barrie		42.
Belleville		6— (limitation to protect Station CBLT, Channel 6±, Toronto, Ont.), 60.
Blind River		35—, 41—.
Chapleau		19—.
Chatham		74±, 80.
Cobourg		63±.
Collingwood		52±.
Cornwall		56, 68.
Dryden		9— (limited 20 dbk, 1000'), 21±, 27—.
Deep River		29—.
Elk Lake	2	
Elliot Lake		18, 38.
Espanola		29.
Fort Erie		70±.
Fort Frances		29—.
Fort Williams-Port Arthur		36, 42, 48.
Geraldton		16—.
Goderich		83.
Hamilton	51	

AMENDMENTS TO TABLE A OF THE CANADIAN-U.S.A. TELEVISION WORKING ARRANGEMENT OF 1961—Continued

SUPPLEMENT NO. 1—continued

Ontario—continued

City	Channel No.	
	Delete	Add
Huntsville		8± (limitation to protect Station CKNX-TV, Channel 8—, Wingham, Ont.).
Jamestown-Michipicoten		27—.
Kapuskasing		12.
Kenora		28—, 40.
Kingston	44	37—, 48.
Kirkland Lake	9	2, 11.
Kitchener		73.
Leamington		82.
London		69, 75.
Marathon		15, 24.
MacKenzie-Red Lake		69.
Nipigon		18—.
North Bay		21—.
Orillia	30±	30.
Ottawa-Hull		13± (limited 25 dbk, 1000'), 52±, 58, 64, 80.
Owen Sound		65.
Parray Sound		16—, 28±.
Pembroke	13	19±.
Peterborough		35—, 41.
Rainy River		23±.
Red Lake		10—.
Renfrew		61.
St. Thomas	24+	34+.
Sarnia		72.
Sault Ste. Marie		16, 54, 60.
Sioux Lookout		15—.
Smith's Falls	42	42—, 69.
Stratford	27	28, 71, 77.
Sturgeon Falls		7, 27.
Sudbury	7	4— (limitation to protect Channel 4, Rouyn, Que.), 13—, 33+, 39, 45—.
Thessalon		44.
Timmins		9—, 15—, 21+, 31+.
Toronto		51, 81.
Windsor	38	38.

Prince Edward Island

Charlottetown		24—, 36.
Summerside		33.

Quebec

Amos	11	5—.
Bale Comeau		26.
Cabano		43.
Chicoutimi		6, 23+.
Clermont		75.
Dorchester County		6 (limitations to protect Stations CHSJ-TV-1, Channel 6—, Bon Accord, N.B., CJPM-TV, Channel 6, Chicoutimi, Que., CBMT-TV, Channel 6+, Montreal, Que. and WCSH-TV, Channel 6—, Portland, Maine).
Estcourt		70.
Forestville		18—.
Granby	25	73.
Jonquiere		36.
La Tuque		18, 24+.
Manicougan		10.
Matane		29—.
Megantic		54+.
Mont Blanc		80.
Mont Laurier		3+, 22—.
Montreal		25, 60, 70, 76+, 82—.
Mont Tremblant		11 (limited in accordance with submitted pattern and 1779').
Perce		2+ (limitation to protect Channel 2—, Ste. Marguerite Marie, Que.), 17.

AMENDMENTS TO TABLE A OF THE CANADIAN-U.S.A. TELEVISION WORKING ARRANGEMENT OF 1961—Continued

SUPPLEMENT NO. 1—continued

Quebec—continued

City	Channel No.	
	Delete	Add
Port Alfred		9+ (limitation to protect Channel 9, Quebec, Que.).
Quebec		16, 45, 51.
Rimouski		39—.
Riviere au Renard		7 (limitation to protect Station CKCD-TV, Channel 7—, Campbellton, N.B.).
Roberval		8+.
Ste. Anne de la Pocatiere	8	
Ste. Anne des Monts	6	
St. Georges		4—, 19, 25.
Ste. Jean-Iberville		56—.
Ste. Marguerite Marie		79.
Sept. Iles		2— (limitation to protect Channel 2+, Chicoutime, Que.).
Sherbrooke		11—, 15.
Thetford Mines	42	42, 78+.
Timiskaming	31+	26+.
Trois Rivières		12— (limited to maximum radiation of 63kw with submitted directional antenna pattern and 800').
Val d'Or-Malarie		53, 99+.
		16+, 25—.

Saskatchewan

Alticane		10+ (limitation to protect Station CHCH-TV-1, Channel 10, Coronation, Alberta).
Assiniboia		35.
Biggar		15.
Broadview		20.
Carlyle		7+ (limited 20 dbk, 500').
Colgate		12.
Estevan		25+, 37—.
Eston		48.
Fort Qu'Appelle		50.
Greenwater Lake		4 (limitation to protect Station CHAB-TV, Channel 4—, Moose Jaw, Sask.).
Herbert		31+.
Indian Head		56.
Kindersley		9, 18.
Maple Creek		17—.
Melville		31—.
Moose Jaw		44.
Moosomin		20+.
North Battleford	3—	4 (limited 18 dbk, 500').
North Battleford (Last Change)	4 (L)	6+, 7.
Oxbow		36.
Prince Albert	11	13+.
Regina	12, 27	13—, 27+, 40, 46, 52.
Riverhurst		10— (limitation to protect Station CKBI-TV-1, Channel 10+, Alticane, Sask.).
Rosetown		20+.
Saskatoon	13—	12.
Saskatoon (Last Changes)	12	11, 16—, 25—, 34, 43.
Shaunavon		19—.
Stranraer		3—.
Swift Current		12—, 23+, 39.
Tugaske		10— (limitation to protect Channel 10+, Alticane, Sask.).
Tugaske (Last Change)	10— (L)	
Weyburn		19, 29—.
Wilkie		60.
Willow Bunch		6— (limitation to protect Station CKOS-TV-3, Channel 6, Wynyard, Sask.).
Wynyard		6, 12+ (limitation to protect Channel 12, Colgate, Sask.), 54.
Yorktown		10, 28—.

FEDERAL MARITIME COMMISSION CITY OF ANCHORAGE AND SEA- LAND SERVICE, INC.

Notice of Agreements Filed for Approval

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

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Sea-Land Service, Inc.,
P.O. Box 1050,
Newark 1, N.J.

Agreement No. T-1685-A between City of Anchorage (Anchorage) and Sea-Land Service, Inc. (Sea-Land), is a ten-year lease of certain property in Anchorage, Alaska for the parking or storing of tractors, trailers, chassis, etc., and as a marshalling area for cargo in connection with Sea-Land's maritime business.

By order of the Federal Maritime Commission.

Dated: September 10, 1964.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-9327; Filed, Sept. 14, 1964;
8:48 a.m.]

[Docket No. 1204]

CARL SAWYER STEAMSHIP AGENCY, INC.

Application for Freight Forwarder License

On January 17, 1962, pursuant to section 44 of the Shipping Act, 1916 (Public Law 87-254, 46 U.S.C. 841(b)), Carl Sawyer Steamship Agency, Inc. filed application for a license as an independent ocean freight forwarder. After consideration of the application, the Managing Director notified Carl Sawyer Steamship Agency, Inc. by letter dated July 7, 1964, that the Commission intended to deny its application for a license because the applicant is not financially qualified for licensing and that it does not intend to hold itself out to the public to provide ocean freight forwarding services. The applicant has now requested the opportunity to show

at a hearing that denial of the application would not be warranted.

Therefore it is ordered, Pursuant to sections 22 and 44 of the Shipping Act, 1916 (46 U.S.C. 821, 841(b)), that a proceeding is hereby instituted to determine whether the applicant qualifies for a license within the meaning of section 44 of the Shipping Act, 1916.

It is further ordered, That Carl Sawyer Steamship Agency, Inc. be made respondent in this proceeding and the matter assigned for hearing before an Examiner of the Commission's Office of Hearing Examiners at a date and place to be announced by the Chief Examiner.

It is further ordered, That notice of this order be published in the FEDERAL REGISTER and that a copy thereof and notice of hearing be served upon respondent, Carl Sawyer Steamship Agency, Inc.

It is further ordered, That any persons, other than respondent, who desire to become a party to this proceeding and to participate therein, shall file a petition to intervene with the Secretary, Federal Maritime Commission, Washington, D.C., 20573, with copy to respondent, on or before September 25, 1964, and;

It is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding, including notice of time and place of hearing or prehearing conference, shall be mailed directly to all parties of record.

By the Commission.

[SEAL]

THOMAS LISI,
Secretary.

[F.R. Doc. 64-9328; Filed, Sept. 14, 1964;
8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP65-4]

IOWA SOUTHERN UTILITIES CO.

Notice of Application

SEPTEMBER 4, 1964.

Take notice that on July 6, 1964, Iowa Southern Utilities Company, (Applicant) of Centerville, Iowa, filed in Docket No. CP65-4 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Michigan Wisconsin Gas Company (Michigan Wisconsin) to install a gas measuring station and related facilities to provide city gate delivery of natural gas to Applicant for distribution in Middletown, Iowa, all as more fully set forth in the application, on file with the Commission and open to public inspection.

Applicant proposes that it purchase natural gas from Michigan Wisconsin for distribution at retail in the community of Middletown. Michigan Wisconsin's lateral pipeline to Burlington is adjacent to the north corporate limits of Middletown and the proposed service to Applicant would be at a new delivery point in addition to the present twelve delivery points now serving Applicant by Michigan Wisconsin. Applicant would construct a new distribution system for the city, and would apply to the Iowa Commerce Commission for a franchise

for those facilities outside the corporate limits of Middletown upon approval of this application. The city has already approved a franchise for operation and construction of the distribution system within the city limits.

Applicant estimates the volumes of natural gas necessary to meet annual and maximum day requirements for the first three years of operation are as follows:

	1st year	2d year	3d year
Annual (McF).....	10,263	13,300	15,365
Maximum (McF).....	105	136	157

All gas volumes are at 14.73 psia.

The application states that construction will commence immediately upon issuance of the necessary authority by the Federal Power Commission, and it is contemplated that service will be initiated in early 1965. The estimated cost of the proposed facilities in the third year will be \$30,987 to be financed internally by Applicant.

Michigan Wisconsin filed its answer on August 6, 1964, stating that it had no objection to the granting of the order since Applicant is an existing customer and it proposes to serve the de minimis requirements of Middletown without the allocation of an additional gas supply and since Applicant is not requesting the construction of any lateral line facilities by the pipeline company.

Protests, petitions to intervene or requests for hearing in this proceeding may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 30, 1964.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 64-9302; Filed, Sept. 14, 1964;
8:45 a.m.]

[Docket No. CP65-18]

PANHANDLE EASTERN PIPE LINE CO.

Notice of Application

SEPTEMBER 8, 1964.

Take notice that on July 17, 1964, Panhandle Eastern Pipe Line Company (Applicant) filed in Docket No. CP65-18 an application for a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act requesting authority to construct, install and operate a compressor station and related facilities on its lines west of Hugoton, Kansas, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, the application requests authority to construct and operate a 2,200 horsepower compressor station in Morton County, Kansas and to construct and operate 6.6 miles of 16-inch pipeline connecting the proposed station with existing supply lines. Applicant states that the proposed compressor station is needed to maintain the deliverability of the present gas supply into the main line. Gas pressures in the Kansas-Hugoton field, which has been producing for a

number of years, have been declining and will continue to decline with each year's production. Therefore, the proposed compressor station is required to offset this decline in field pressure. This new station will permit Applicant to maintain peak day deliverability and to fully utilize yearly allowables of its gas supply from this area, both of which are essential to the maintenance of normal operations.

Applicant further states that the 6.6 miles of 16-inch pipeline are required to transport the gas from the proposed compressor station to Panhandle's existing facilities. The total cost of the proposed facilities is approximately \$900,000 and will be constructed from funds on hand with no additional financing required by Applicant. It is intended that construction will commence upon authorization from the Commission and operation to begin approximately 90 days thereafter.

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 October 1, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-9303; Filed, Sept. 14, 1964;
8:46 a.m.]

[Docket No. CP65-41]

SOUTHERN NATURAL GAS CO.

Notice of Application

SEPTEMBER 8, 1964.

Take notice that on August 10, 1964, Southern Natural Gas Company (Applicant) whose principal place of business is located in the Wyatt Building in Birmingham, Alabama, filed in Docket No. CP65-41 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon by

sale to Natco Corporation (Natco) certain pipeline facilities in Walker County, Alabama, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The application requests authority to abandon by sale to Natco approximately 600 feet of the westernmost segment of its 6½-inch Cordova Branch Line and approximately 75 feet of 4½-inch pipe leading from the western terminus of said Cordova Branch Line to Natco's plant located in section 7, Township 15 South, Range 6 West, Walker County, Alabama. The application states that the facilities proposed to be abandoned are located on property owned by Natco and lie downstream of Applicant's meter station. It is operationally undesirable for Applicant to own facilities downstream of its meter stations. Furthermore, Natco has advised Applicant that it contemplates making certain extensions to its plant in the near future which would require a rearrangement of the gas transmission facilities lying downstream of the meter station in question.

Applicant contends that the facilities sought to be abandoned were certificated in Docket No. G-296 issued October 6, 1942. It further contends that it has entered into a letter agreement with Natco dated June 12, 1964, for the sale and purchase of the instant facilities. The purchase price agreed on will be the original cost less depreciation to the date of closing.

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 October 2, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-9304; Filed, Sept. 14, 1964;
8:46 a.m.]

[Docket No. CP62-238]

UNITED FUEL GAS CO. AND KENTUCKY GAS TRANSMISSION CORP.

Notice of Application To Amend

SEPTEMBER 4, 1964.

Take notice that on July 1, 1964, Kentucky Gas Transmission Corporation (Applicant), P.O. Box 1273, Charleston, West Virginia, 25325, filed in Docket No. CP62-238 an application to amend the Commission's order issued October 10, 1962, in said docket, to authorize Applicant to construct and operate 0.2 mile of 8-inch pipeline in lieu of constructing and operating the 0.5 mile of 10-inch pipeline heretofore authorized by said order, all as more fully set forth in the application on file with the Commission and open to public inspection.

The order of October 10, 1962, issued a certificate of public convenience and necessity jointly to United Fuel Gas Company and Applicant authorizing, among other things, Applicant to construct and operate 0.5 mile of 10-inch pipeline in Menifee County, Kentucky, to provide an interconnection between Applicant's 20-inch Menifee-to-Foster transmission line and a 12-inch Eastern Kentucky Line (Line KZ). Said order also authorized Applicant to acquire and operate Line KZ.

Applicant states that when it developed plans to terminate injection of gas into and to abandon its Menifee Storage Field, the injection Line F-8" became available for use in connecting the Menifee-to-Foster Line with Line KZ. Accordingly, construction of the 0.5 mile of 10-inch line was deferred in order to avoid unnecessary duplication of facilities. The abandonment of the Menifee Storage Field was granted by Commission order, issued June 2, 1964, in Docket No. CP64-171.

Consequently, Applicant now proposes to utilize a portion of Line F-8" to accomplish the proposed connection. In order to do so Applicant will construct and operate two segments of 8-inch jumper line, totaling approximately 0.2 mile, to connect Line F-8" with Line KZ and the Menifee-to-Foster line. The 8-inch jumper lines will be in lieu of the 10-inch line originally authorized in this proceeding.

The application shows the estimated cost of the substitute facilities to be \$9,500, which cost is \$13,320 less than the estimated cost of the facilities originally authorized.

Protests, petitions to intervene or request for hearing in this proceeding may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 30, 1964.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 64-9305; Filed, Sept. 14, 1964;
8:46 a.m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

ACTING REGIONAL ADMINISTRATOR,
REGION VI (SAN FRANCISCO)

Designation

Robert B. Pitts, Deputy Regional Administrator, Region VI (San Francisco), is hereby designated to serve as Acting Regional Administrator, Region VI, during the present vacancy in the position of Regional Administrator, Region VI, with all the powers, functions, and duties delegated or assigned to the Regional Administrator, Region VI.

In the absence of Robert B. Pitts and during the present vacancy in the position of Regional Administrator, Region VI, Melvin S. Frazier, Regional Counsel, Region VI, is hereby designated to serve as Acting Regional Administrator, Region VI.

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c)

Effective as of the 12th day of September 1964.

[SEAL] ROBERT C. WEAVER,
Housing and Home
Finance Administrator.

[F.R. Doc. 64-9314; Filed, Sept. 14, 1964;
8:46 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

TWO OR THREE PIECE LADIES WOVEN OR KNIT COTTON SUITS PRODUCED OR MANUFACTURED IN PORTUGAL

Levels of Restraint Regarding En- franchise or Withdrawal From Ware- house

SEPTEMBER 9, 1964.

On March 12, 1964, the United States Government, concluded a bilateral agreement with the Government of Portugal concerning exports of cotton textiles to the United States over a three year period. Under the terms of this agreement, the entry or withdrawal from warehouse for consumption in the United States of two or three piece ladies woven or knit cotton suits from Portugal is limited to 300,000 pounds for the twelve month period January 1, 1964 through December 31, 1964.

The United States Government has received assurances from the Government of Portugal which render unnecessary the continued imposition of controls over the importation of these suits.

There is published below a letter of September 9, 1964, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, rescinding existing controls on the importation of these suits and directing that the unfilled balance under the level of restraint established for Category 52, be adjusted to offset charges

for the blouse part of suits entered through July 15, 1964.

This letter constitutes an amendment to the directive of March 25, 1964 from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, published in the FEDERAL REGISTER on March 31, 1964 (29 F.R. 4176), concerning cotton textiles from Portugal.

JAMES S. LOVE, JR.,
Chairman, Interagency Textile
Administrative Committee,
and Deputy to the Secretary
of Commerce for Textile Pro-
grams.

THE DEPUTY TO THE SECRETARY OF COMMERCE
WASHINGTON 25, D.C.
SEPTEMBER 9, 1964

PRESIDENT'S CABINET TEXTILE ADVISORY
COMMITTEE

COMMISSIONER OF CUSTOMS,
DEPARTMENT OF THE TREASURY,
Washington, D.C.

DEAR MR. COMMISSIONER: This directive further supplements and amends my previous directive to you of March 25, 1964, which designated levels of restraint effective March 30, 1964, and for the period extending through December 31, 1964, for certain cotton textiles and cotton textile products produced or manufactured in Portugal.

Under the terms of the bilateral agreement with Portugal, the twelve month level of restraint for two or three piece ladies' suits made from woven or knit cotton fabrics, was established at 300,000 pounds, in Categories 62 and 63 (T.S.U.S.A. Nos. 382.0318; 382.0695; 382.0377; and 382.3390), although these suits are classified under the Tariff Schedules of the United States in Categories 49, 52, 62 and 63. Accordingly, that portion of my directive of March 25, 1964, directing you to prohibit entries or withdrawals from warehouse for consumption of cotton textile products in T.S.U.S.A. Nos. 382.0318; 382.0695; 382.0377 and 382.3390, in excess of 300,000 pounds for the period extending through December 31, 1964, is hereby rescinded.

The Interagency Textile Administrative Committee has received satisfactory assurances from the Government of Portugal which render unnecessary the continued imposition of controls over the importation of these suits. Effective September 15, 1964, entries of two or three piece ladies suits produced or manufactured in Portugal from woven or knit cotton fabrics should not be charged against any of the levels of restraint designated in my directive of March 25, 1964, as amended, including the level of restraint for blouses in Category 52. The unfilled balance in Category 52 should be adjusted as follows, to offset charges for the blouse part of suits entered through July 15, 1964:

Category	Unfilled balance as of July 15, 1964	Blouse part of suits charged through July 15, 1964	Unfilled balance after adjustment as of July 15, 1964
52-----	Dozen 17,020	Dozen 12,448	Dozen 29,468

This level has not been adjusted to reflect entries of blouse parts of suits after July 15, 1964, if any.

A detailed description of Category 52 in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on October 1, 1963 (28 F.R. 10551), and amendments thereto on March 24, 1964 (29 F.R. 3679).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Portugal and with respect to imports of cotton textiles and cotton textile products from Portugal have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of Section 4 of the Administrative Procedure Act. This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

LUTHER H. HODGES,
Secretary of Commerce, and Chair-
man, President's Cabinet Textile
Advisory Committee.

[F.R. Doc. 64-9319; Filed, Sept. 14, 1964;
8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 24S-1965 and 24S-1912]

OREGON KING CONSOLIDATED MINES, INC.

Order Temporarily Suspending Ex- emption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

SEPTEMBER 9, 1964.

I. Oregon King Consolidated Mines, Inc. (issuer), 521 Failing Building, Portland 4, Oreg., incorporated in the State of Nevada on April 6, 1962, filed with the Commission on February 7, 1963, a notification on Form 1-A relating to a proposed offering of 100,000 shares of \$1 par value common stock at \$1 per share, aggregate amount of \$100,000, for the purpose of obtaining an exemption from the registration provisions of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder. The offering was commenced on March 22, 1963, and was reported as completed as of December 22, 1963.

The issuer filed with the Commission on August 11, 1964, a second notification on Form 1-A relating to a proposed offering of \$100,000 of 6 percent convertible debentures for the purpose of obtaining a further exemption under Regulation A for said debentures.

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with, in that:

1. In connection with its offering of common stock:

(a) The issuer has failed to disclose adequately the methods by which and the jurisdictions in which the offering of said common stock was made, as required by Item 8 of Form 1-A.

(b) The issuer has failed to disclose adequately and accurately the sale of unregistered securities by officers, directors and promoters within one year of the

date of filing the notification, as required by Item 9 of Form 1-A.

(c) An offering circular was not given to each purchaser of said common stock, as required by Rule 256.

(d) The issuer has failed to file all sales literature, as required by Rule 258.

(e) The issuer has failed to file and use a revised offering circular, as required by Rule 256.

(f) The issuer filed 2-A reports that were not accurate in all respects.

2. In connection with the proposed offering of debentures, the issuer has failed to disclose adequately and accurately the sale of unregistered securities by officers, directors and promoters within one year of the date of filing the notification, as required by Item 9 of Form 1-A.

B. The first offering has been made and the second offering would be made in violation of section 17 of the Securities Act of 1933, in that the notification, offering circular and report on Form 2-A contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to:

1. Stock holdings and disposition of personally held stock by officers, directors, promoters and insiders.

2. The identity and interests of the persons organizing and promoting Fairweather Placers, Inc., to which company Oregon King Consolidated Mines, Inc. sold its Alaska placer mining claims.

3. The collectibility of contract amounts totaling \$175,000 owed by Fairweather Placers, Inc. to the issuer.

4. The possible contingent liability of the issuer for sales of securities made in violation of both the Federal securities laws and the Oregon State securities laws.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be temporarily suspended,

It is ordered, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A of securities of Oregon King Consolidated Mines, Inc., pursuant to said notification, be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission, within thirty days after the entry of this order, a written request for hearing; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing, at a place to be designated by the Commission, for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its

entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] ORVAL L. DuBois,
Secretary.

[F.R. Doc. 64-9300; Filed, Sept. 14, 1964; 8:45 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30-II; Amdt. 1]

NEW YORK REGIONAL AREA

Delegation of Authority To Conduct Program Activities

Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Revision 9), 29 F.R. 11777, as corrected and as amended 29 F.R. 12570; Delegation of Authority No. 30-II, 29 F.R. 12488, is hereby amended by deleting Item I.A. and substituting the following in lieu thereof:

I. * * *

A. *Size determinations* (Delegated to the position as indicated below)

To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

Effective date: September 1, 1964.

CHARLES H. KRIGER,
Regional Director,
New York.

[F.R. Doc. 64-9295; Filed, Sept. 14, 1964; 8:45 a.m.]

[Delegation of Authority No. 30-VII; Amdt. 1]

CHICAGO REGIONAL AREA

Delegation of Authority To Conduct Program Activities

Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Revision 9), 29 F.R. 11777, as corrected and as amended 29 F.R. 12570; Delegation of Authority No. 30-VII, 29 F.R. 12493, is hereby amended by deleting Item I. A. and substituting the following in lieu thereof:

I. * * *

A. *Size determinations* (Delegated to the positions as indicated below)

To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

Effective date: September 1, 1964.

RICHARD E. LASSAR,
Regional Director,
Chicago.

[F.R. Doc. 64-9296; Filed, Sept. 14, 1964; 8:45 a.m.]

[Delegation of Authority No. 30-XV; Amdt. 1]

DETROIT REGIONAL AREA

Delegation of Authority To Conduct Program Activities

Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Revision 9), 29 F.R. 11777, as corrected and as amended 29 F.R. 12570; Delegation of Authority No. 30-XV, 29 F.R. 12500, is hereby amended by deleting Item I.A. and substituting the following in lieu thereof:

I. * * *

A. *Size determinations* (Delegation to the positions as indicated below)

To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

Effective date: September 1, 1964.

ROBERT F. PHILLIPS,
Regional Director,
Detroit.

[F.R. Doc. 64-9297; Filed, Sept. 14, 1964; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

SEPTEMBER 10, 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. 39253: *Liquid Caustic Soda to Enka and Pisgah Forest, N.C.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2738), for interested rail carriers. Rates on liquid caustic soda, in tank car loads, from Grasselli and Newark, N.J., to Enka and Pisgah Forest, N.C.

Grounds for relief: Market competition.

Tariff: Supplement 64 to Traffic Executive Association-Eastern Railroads, agent, tariff I.C.C. C-334.

By the Commission.

[SEAL] HAROLD D. McCoy,
Secretary.

[F.R. Doc. 64-9316; Filed, Sept. 14, 1964; 8:46 a.m.]

[Notice 1042]

**MOTOR CARRIER TRANSFER
PROCEEDINGS**

SEPTEMBER 10, 1964.

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

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its

disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 67085. By order of September 9, 1964, The Transfer Board approved the transfer to P. J. Casey & Son, Inc., 10 Stoddard Lane, Milton, Mass., of the operating rights issued by the Commission June 13, 1960, under Certificate No. MC 65668, to J. J. Casey & Son, Inc., 73 Oakland St., Watertown, Mass., authorizing the transportation, over irregular routes, of kitchen fixtures, from Boston, Mass., to points in New Hampshire, Rhode Island, and Connecticut; and household goods, between Boston, Mass., on the one hand, and, on the other, points in New Hampshire, Rhode Island, and Connecticut.

No. MC-FC 67120. By order of September 9, 1964, The Transfer Board approved the transfer to Philboro Coach Corp., Camden, N.J., of certificates in Nos. MC 3282, MC 3282 (BMC 9), and MC 3282 Sub 2, issued May 19, 1947, August 3, 1938, and May 14, 1957, respectively, to G. R. Wood, Inc., Pitman, N.J., authorizing the transportation of: Passengers and their baggage, and express and newspapers, in the same vehicles with passengers, between specified points in Pennsylvania and New Jersey. Walter S. Anderson, 130 N. Broadway, Camden, N.J., 08102, attorney for transferee.

[SEAL]

HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 64-9317; Filed, Sept. 14, 1964;
8:47 a.m.]

CUMULATIVE CODIFICATION GUIDE—SEPTEMBER

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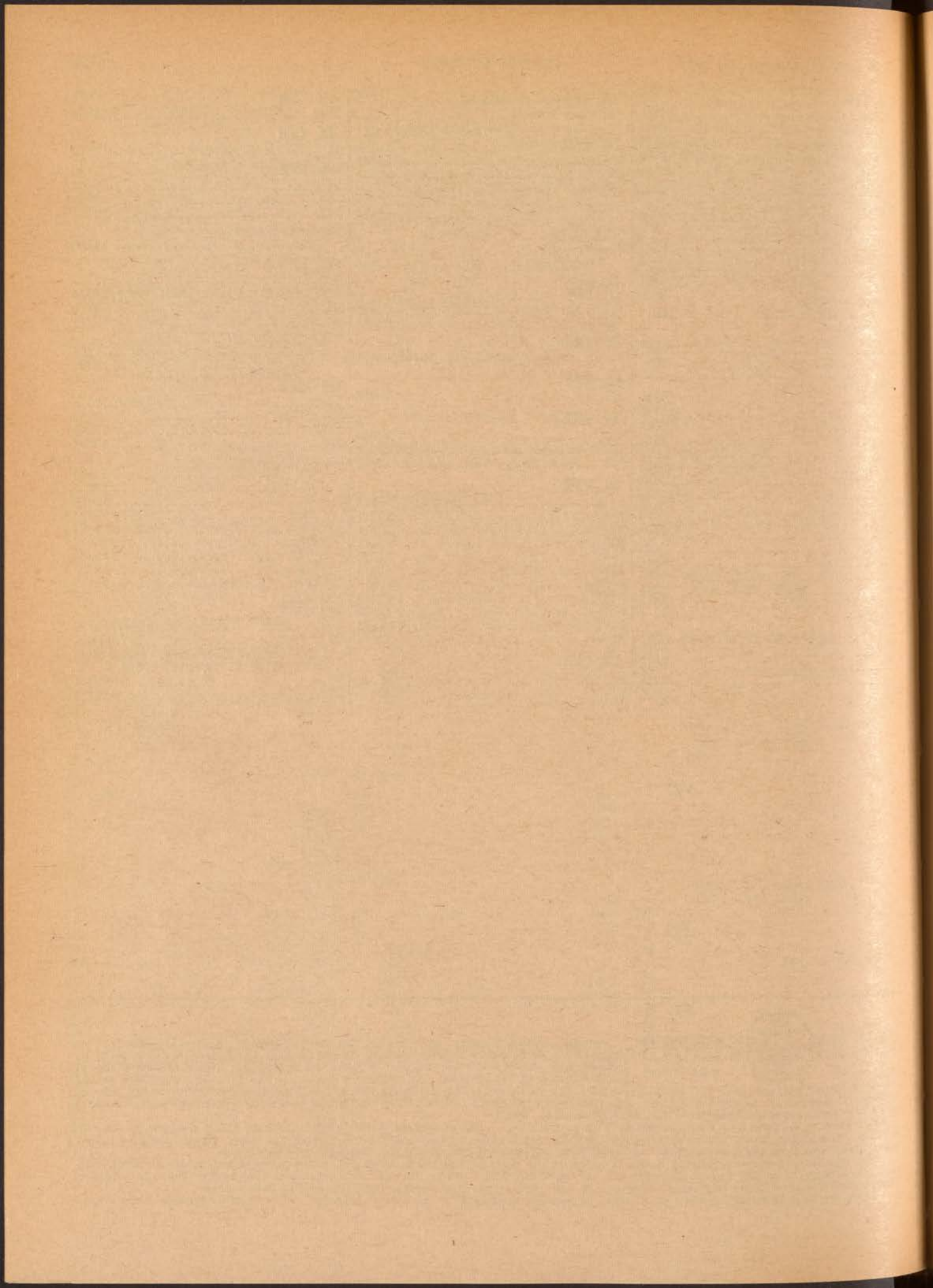
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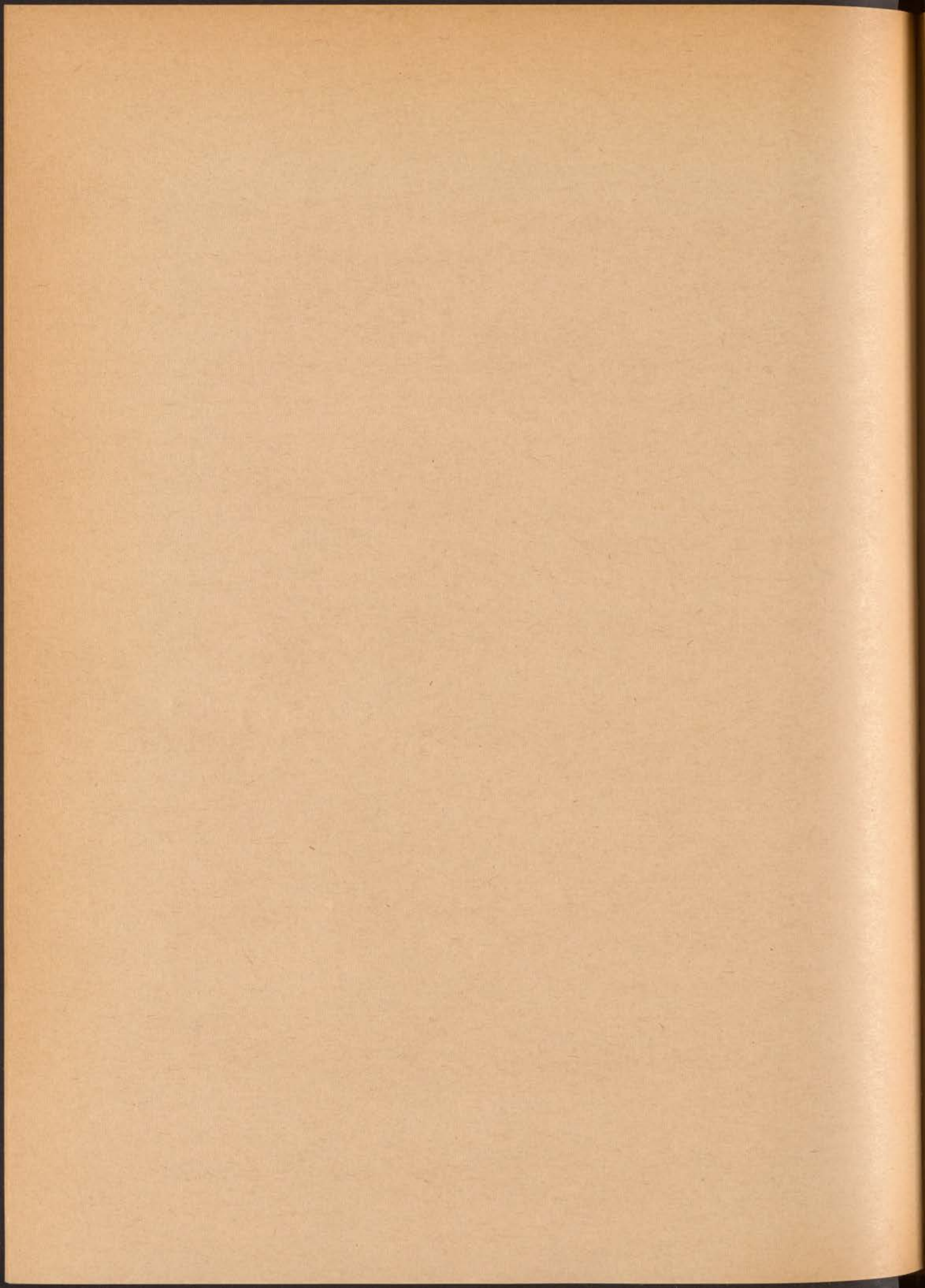


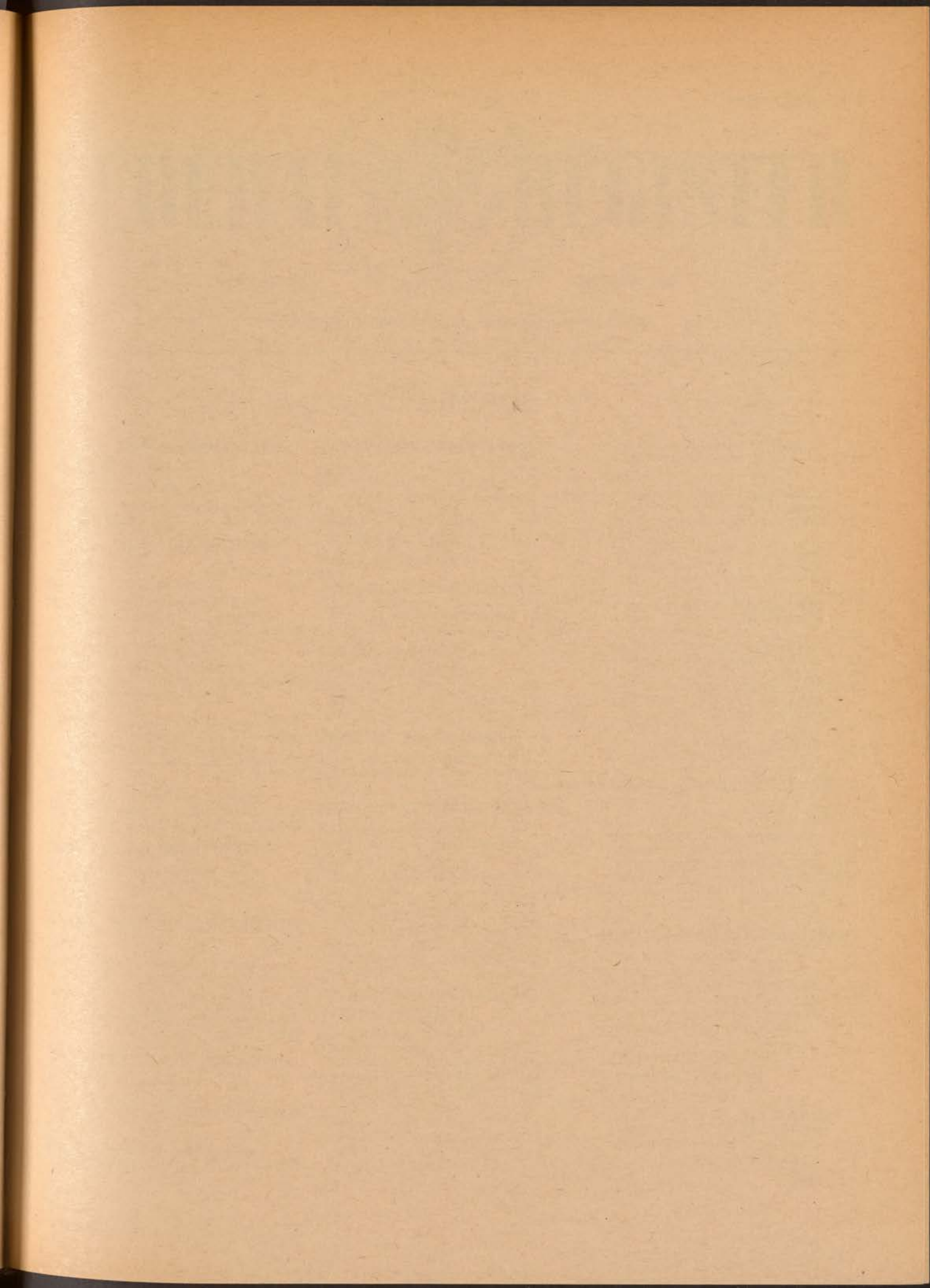
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