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Announcing first  
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# Presidential Documents

## Title 3—THE PRESIDENT

### Proclamation 3623

#### CALIFORNIA WORLD'S FAIR

By the President of the United States of America

#### A Proclamation

WHEREAS the California World's Fair, an international exposition to be held in Southern California in 1968, will be dedicated to the dignity of man, and will depict man's efforts to achieve his aspirations for greater growth, maturity, and dignity; and

WHEREAS the exposition will demonstrate the vital importance of transportation and communication in the achievement of man's aspirations, the roles of the arts, commerce, industry, and the sciences as they affect the lives of mankind, and the contributions of the cultures of the various nations of the earth to man's eternal quest for dignity as exemplified by his physical, mental, and moral attainments; and

WHEREAS the exposition will provide an excellent and effective medium for the exchange of information by which all people may evaluate the attainments of men of other nations, will encourage tourist travel to the United States, and will stimulate foreign trade; and

WHEREAS the Congress, by a joint resolution approved August 27, 1964 (Public Law 88-496), has authorized and requested the President to issue a proclamation calling upon the several States of the Union and foreign countries to take part in the exposition; and

WHEREAS the Governor of California has appointed a Commissioner General of the California World's Fair and will invite the several States of the Union to participate in the Fair:

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do hereby invite the several States of the Union and foreign countries to take part in the California World's Fair.

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

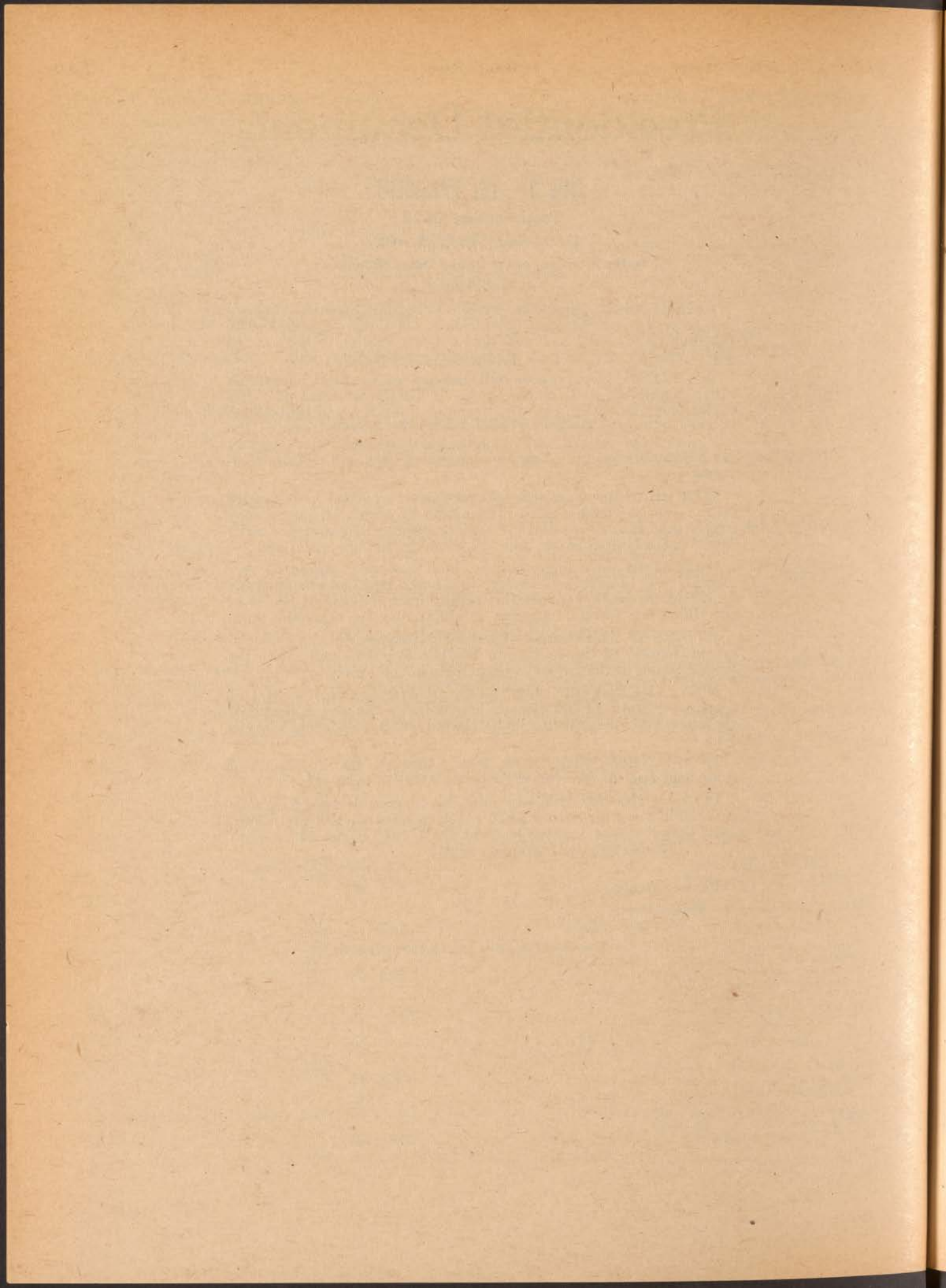
DONE at the City of Washington this nineteenth day of October in the year of our Lord nineteen hundred and sixty-four,  
[SEAL] and of the Independence of the United States of America the one hundred and eighty-ninth.

LYNDON B. JOHNSON

By the President:

DEAN RUSK,  
*Secretary of State.*

[F.R. Doc. 64-10810; Filed, Oct. 20, 1964; 2:39 p.m.]



**Proclamation 3624**  
**NATIONAL FIRST VOTERS WEEK**  
**By the President of the United States of America**  
**A Proclamation**

On the third day of November next, nearly ten million of our citizens will be eligible to cast their first votes in a Presidential election.

For these young persons, the forthcoming Presidential election will be a significant milestone. For the rest of us, this occasion will be no less important as we welcome a new group of young, vigorous, and forward-looking Americans to a full share in the privileges and responsibilities of free men.

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do hereby designate the period October 25 through October 31, 1964, as National First Voters Week.

I urge local election officials, private citizens, and citizen organizations to make a special effort during that week to assist in every possible way the millions of persons who are about to cast their first vote in a Presidential election.

I also urge our first voters to consider seriously during that week the solemn nature of the obligation they are about to assume.

In particular, I urge that our first voters

— go to the polls proudly, knowing that the duty they perform is the price of the privilege they hold

— exercise their franchise gratefully, realizing that it is essential to their future as free men and women

— make their choice carefully, understanding its importance to themselves and their fellow Americans.

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

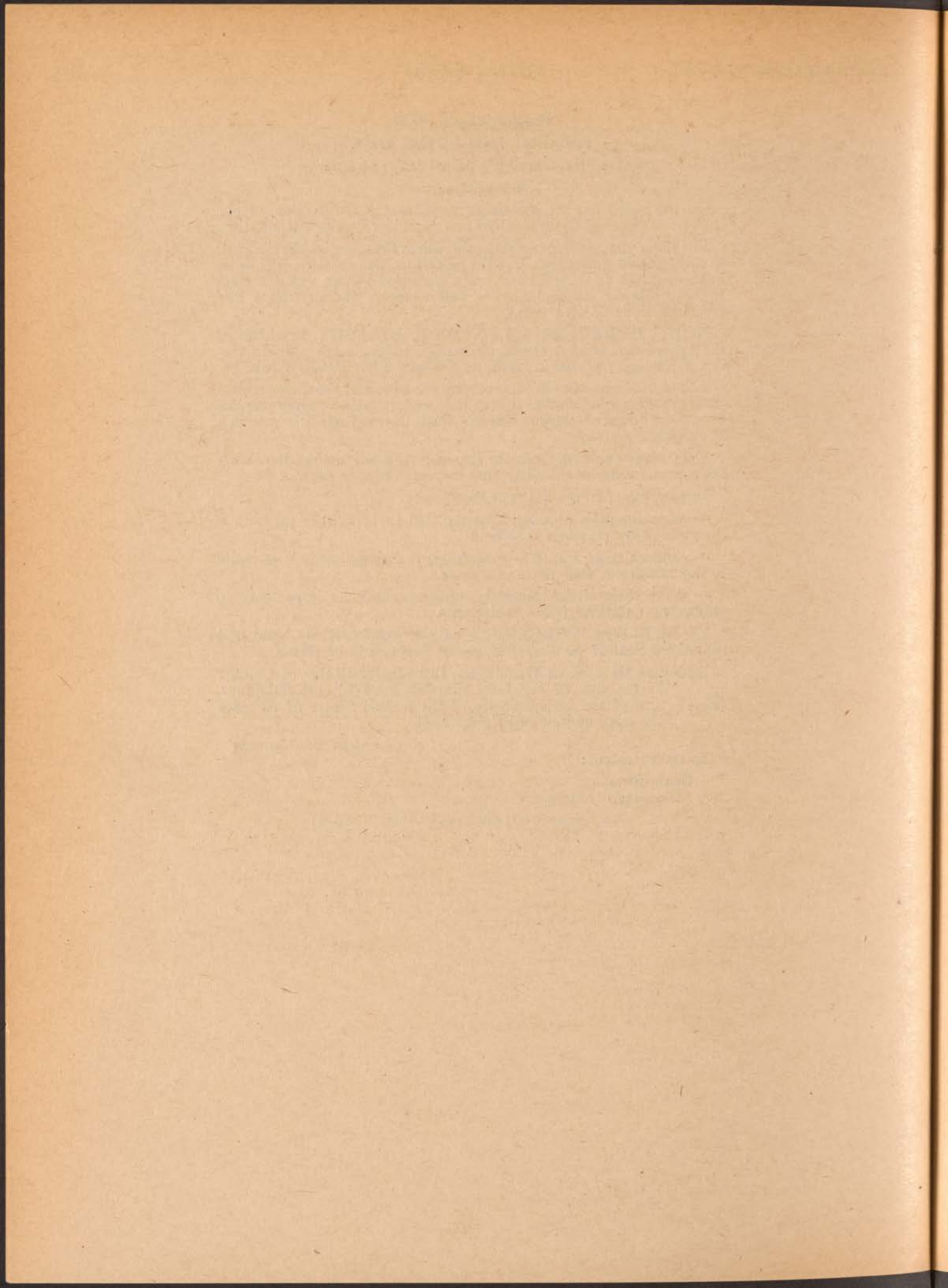
DONE at the City of Washington this nineteenth day of October in the year of our Lord nineteen hundred and sixty-four, [SEAL] and of the Independence of the United States of America the one hundred and eighty-ninth.

LYNDON B. JOHNSON

By the President:

DEAN RUSK,  
*Secretary of State.*

[F.R. Doc. 64-10811; Filed, Oct. 20, 1964; 2:39 p.m.]



**Proclamation 3625**  
**ANNOUNCING THE DEATH OF HERBERT HOOVER**  
**By the President of the United States of America**  
**A Proclamation**

TO THE PEOPLE OF THE UNITED STATES:

It becomes my sad duty to announce officially the death of Herbert Hoover, the thirty-first President of the United States, on the twentieth day of October, nineteen hundred and sixty-four, at 11:35 o'clock in the morning.

Mr. Hoover's service to our country, spanning a period of nearly a half century, was marked by a signal honesty of purpose, a devotion to fundamental principles of ethical conduct, and a deep concern for the welfare of all of his fellow men. Among the rich products of his efforts have been the advancement of the cause of peace, the strengthening of our bonds with other nations, the enrichment of the lives of millions of human beings around the world, and a vital improvement of the operation of this Government. His patriotism knew no partisanship.

A gentle and tolerant man, Mr. Hoover will be long remembered for his humanitarianism, his genuine humility coupled with a determined courage, and the strength of the faith which motivated his actions. He has earned the abiding respect and affection of the people of this Nation and of other nations throughout the world.

We in this country will be joined by his many friends abroad in mourning the death of this truly dedicated American. But we can take comfort in the inspiring legacy of ideals and example of devotion which he has bequeathed to us all.

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, in honor and tribute to the memory of this great and good man, and as an expression of the public sorrow, do hereby direct that the flag of the United States be displayed at half-staff at the White House and on all buildings, grounds, and naval vessels of the United States for a period of thirty days. I also direct that for the same length of time the representatives of the United States in foreign countries shall make similar arrangements for the display of the flag at half-staff over their embassies, legations, and other facilities abroad, including all military facilities and stations.

I hereby order that suitable honors be rendered by units of the armed forces under orders of the Secretary of Defense on the day of the funeral.

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

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

LYNDON B. JOHNSON

By the President:

DEAN RUSK,  
*Secretary of State.*

[F.R. Doc. 64-10826; Filed, Oct. 21, 1964; 10:05 a.m.]



# Rules and Regulations

## Title 46—SHIPPING

### Chapter II—Maritime Administration, Department of Commerce

#### SUBCHAPTER A—POLICY, PRACTICE, AND PROCEDURE

[General Order 41, 3d Rev.]

#### PART 201—RULES OF PRACTICE AND PROCEDURE

Notice of rule making with respect to proposed rules of practice and procedure appeared in the FEDERAL REGISTER issue of December 28, 1963 (28 F.R. 14435), in which comments were invited in accordance with the provisions of sec. 3, Administrative Procedure Act (5 U.S.C. 1002). Several comments were received from outstanding individual members of the bar and practitioners' groups. These were carefully considered and the rules contained in this part have been revised to reflect those suggestions which were found to have substantial merit. The rules as revised are set forth below following the brief explanatory note.

*Explanatory note.* The overall purpose of this revision is to provide guidelines for all formal proceedings subject to the Administrative Procedure Act and all informal proceedings held pursuant to the administrative discretion of the Maritime Administrator and the Maritime Subsidy Board, Maritime Administration.

The rules are promulgated bearing in mind that the basic purpose of administrative proceedings is the expeditious and complete development of a factually reliable record for decision making while at the same time preserving all of the rights and interests of anyone affected.

These rules of practice and procedure include details warranted necessary for the convenience and guidance of those persons unfamiliar with the requirements of the Administrative Procedure Act as well as reflecting the views of recognized authorities in the field of administrative law.

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**AUTHORITY:** The provisions of this Part 201 issued under sec. 104, 49 Stat. 1987, as amended; 46 U.S.C. 1114; Reorganization Plan No. 7 of 1961, 26 F.R. 7315; Department of Commerce Order No. 117 (Rev.).

**Subpart A—General Information (Rule 1)**

**§ 201.1 Scope of rules.**

The regulations in this part govern practice and procedure before the Maritime Administration and the Maritime Subsidy Board (as described in Department of Commerce Order No. 117, Rev.), hereinafter referred to collectively as the "Administration", under the Merchant Marine Act, 1920, as amended, Merchant Act, 1936, as amended, Merchant Ship Sales Act, 1946, Administrative Procedure Act, and related Acts, except as may be provided otherwise by the Administration. They shall be construed to secure the just, speedy, and inexpensive determination of every proceeding with full protection for the rights of all parties therein.

**§ 201.2 Mailing address; hours.**

Documents required to be filed in, and correspondence relating to, proceedings governed by the regulations in this part should be addressed to "Secretary, Maritime Administration, Washington, D.C., 20235". The principal office of the Administration, located at 441 G Street NW., Washington, D.C. 20235, is open from 8:30 a.m. to 5:00 p.m. eastern standard time or eastern daylight saving time, whichever is currently effective in Washington, Monday to Friday, inclusive, unless otherwise provided by Federal statute or executive order.

**§ 201.3 Authentication of rules, orders, determinations and decisions of the Administration.**

All rules, orders, determinations or decisions issued in any proceeding covered by the regulations in this part shall, unless otherwise specifically provided by the Administration, be signed and au-

thenticated by seal by the Secretary of the Administration in the name of the Administration.

**§ 201.4 Inspection of records.**

The files and records of the Administration except those held by the Administration for good cause to be confidential, shall be open for inspection and copying as follows:

(a) All pleadings, motions, depositions, correspondence, exhibits, transcripts of testimony, exceptions, briefs, and decisions in any formal proceeding before the Administration may be inspected and copied in the Docket Section of the Office of Hearing Examiners.

(b) Subject to the provisions of law restricting public disclosure of information, all other files and records may be inspected and copied in the discretion of the Administration upon written request to the Secretary describing in detail the documents of which inspection is desired and setting forth the reasons therefor.

(c) Orders, rules, rulings, opinions, determinations, and decisions (initial, recommended, tentative, and final), may be inspected at the Washington Office of the Administration.

(d) Copies of documents which may be inspected subject to the provisions of this section will be prepared and certified by the Secretary under the seal of the Administration if written request is made specifying the exact documents, the number of copies desired, and the date on which the same will be required. Such request shall permit a reasonable time for the preparation of copies. The cost of preparing copies shall be paid by the person making the request. Volumes of Maritime Administration reports may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D.C., 20402. Copies of individual decisions may be secured from the Secretary, Maritime Administration upon request, or may be examined in the regional offices of the Maritime Administration.

**§ 201.5 Searching, copying, and certification of records; fees therefor.**

(a) Upon written request directed to and within the discretion of the Administration, there are available, with respect to documents subject to inspection as provided in § 201.4 services as follows.

(1) Searching files and records;  
(2) Copying records and documents; and

(3) Certifying of copies of documents.  
(b) Fees for services set forth in paragraph (a) of this section are as follows:

(1) Certifications and validations of documents with Maritime Subsidy Board or Maritime Administration seal, 50 cents; without either seal, 25 cents.

(2) Searching files and records, except as provided in subparagraph (5) of this paragraph, \$1.00 per half hour or fraction thereof.

(3) Copying records and documents, except as provided in subparagraph (5) of this paragraph:

	First copy of each page (one side)	Additional copies of same page
Typewritten.....	\$3.00	(1)
Photocopy, 18" x 24" or smaller.....	1.00	\$1.00
Photographic negatives:		
14" x 17" or smaller.....	2.50	
Larger sizes, 30" x 40" maximum.....	6.50	
Contact prints (single weight paper) 8" x 10" or smaller.....	.50	.50
Ozolid (per square foot or fraction thereof).....	.10	.10
Xerox (8½" x 14" maximum size).....	.10	.10

<sup>1</sup> No charge for carbon copies.

(4) General: (i) If copy is to be transmitted by registered, air, or special delivery mail, postal fees therefor will be added to fees provided in subparagraph (3) of this paragraph (or the order must include postage stamps or stamped return envelopes).

(ii) If special handling or packaging is required, the cost thereof will be added to the fees provided in subparagraph (3) of this paragraph.

(iii) Minimum charge, 50 cents.

(5) Medical records of merchant seamen, including packaging and postage:

Searching ..... \$5  
Abstracting ..... 3

**§ 201.6 Documents in foreign languages.**

Every document, exhibit, or other paper written in a language other than English and filed with the Administration or offered in evidence in any proceeding before the Administration under the regulations in this part or in response to any rule or order of the Administration pursuant to the regulations in this part, shall be filed or offered in the language in which it is written and shall be accompanied by an English translation thereof duly subscribed.

**§ 201.7 Information; special instructions.**

Information as to procedure under the regulations in this part, and instructions supplementing the regulations in this part in special instances, will be furnished upon application to the Secretary of the Administration.

**§ 201.8 Use of gender and number.**

Words importing the singular number may extend and be applied to several persons or things; words importing the plural number may include the singular; and words importing the masculine gender may be applied to females.

**§ 201.9 Suspension, amendment, etc., of rules.**

The regulations in this part may, from time to time, be suspended, amended, or revoked, in whole or in part. Notice of any such action will be published in the FEDERAL REGISTER. Also, any regulation in this part may be waived by the Administration or the Presiding Officer to prevent undue hardship in any particular case.

## Subpart B—Appearance and Practice Before the Administration (Rule 2)

### § 201.15 Appearance in person or by representative.

A party may appear in person or by an officer, partner, or regular employee of the party, or by or with counsel or other duly qualified representative, in any proceeding under the regulations in this part. A party may offer testimony, produce and examine witnesses, and be heard upon brief and at oral argument if oral argument is granted. Any person compelled to appear in a proceeding pursuant to subpoena may be accompanied, represented, and advised by counsel and may purchase a transcript of his testimony.

### § 201.16 Authority for representation.

Any individual acting in a representative capacity in any proceeding before the Administration may be required by the Administration or the Presiding Officer to show his authority to act in such capacity.

### § 201.17 Written appearance.

Persons who appear at any hearing shall deliver a written notation of appearance to the reporter, stating for whom the appearance is made. The written appearance shall be made a part of the record.

### § 201.18 Practice before the Administration defined.

Practice before the Administration shall be deemed to comprehend all matters connected with any presentation to the Administration or its staff.

### § 201.19 Presiding officers.

Hearings on any matter before the Administration will be held by a duly designated Member or Members thereof, or a Hearing Examiner qualified under section 11 of the Administrative Procedure Act, assigned by the Chief Hearing Examiner, who shall be designated as the Presiding Officers. Where appropriate the Administration may designate other members of the staff to serve as Presiding Officers in hearings not required by statute, as provided in § 201.86.

### § 201.20 Attorneys at law.

Attorneys at law who are admitted to practice before the Federal courts or before the courts of any State or territory of the United States may practice before the Administration. An attorney's own representation that he is such in good standing before any of the courts herein referred to will be sufficient proof thereof.

### § 201.21 Persons not attorneys at law.

Any person who is not an attorney at law may be admitted to practice before the Administration if he is a citizen of the United States and files proof to the satisfaction of the Administration that he possesses the necessary legal, technical, or other qualifications to enable him to render valuable service before the Administration and is otherwise competent to advise and assist in the presenta-

tion of matters before the Administration. Applications by persons not attorneys at law for admission to practice before the Administration shall be made on the forms prescribed therefor, which may be obtained from the Secretary of the Administration, Washington, D.C., 20235. No person who is not an attorney at law and whose application has not been approved shall be permitted to practice before the Administration. However, this provision and the provisions of §§ 201.22, 201.23, and 201.24 shall not apply to any person who appears before the Administration on his own behalf or on behalf of any corporation, partnership, or association of which he is a partner, officer, or regular employee.

### § 201.22 Firms and corporations.

Except as regards law firms, practice before the Administration by firms or corporations on behalf of others shall not be permitted.

### § 201.23 Hearings.

The Administration in its discretion may call upon a nonattorney applicant for a full statement of the nature and extent of his qualifications. If the Administration is not satisfied as to the sufficiency of the applicant's qualifications it will so notify him by registered mail, whereupon he may request a hearing for the purpose of showing his qualifications. If he presents to the Administration no request for such hearing within 20 days after receiving the notification above referred to, his application shall be acted upon without further notice.

### § 201.24 Suspension or disbarment.

The Administration may, in its discretion, deny admission to, suspend, or disbar any person from practice before the Administration who it finds does not possess the requisite qualifications to represent others or is lacking in character, integrity, or to have engaged in unethical or improper professional conduct. Disrespectful, disorderly, or contemptuous language or contemptuous conduct at any hearing before the Administration or a presiding officer shall constitute grounds for immediate exclusion from said hearing by the Presiding Officer. Any person who has been admitted to practice before the Administration may be disbarred from such practice only after he has been afforded an opportunity to be heard.

### § 201.25 Statement of interest.

The Administration, in its discretion, may call upon any practitioner for a full statement of the nature and extent of his interest in the subject matter presented by him before the Administration. Attorneys retained on a contingent fee basis shall file with the Administration a copy of the contract of employment. Practitioners subject to section 807 of the Merchant Marine Act of 1936, as amended, shall comply fully with the requirements of 46 CFR § 222.1 (22 F.R. 1087).

### § 201.26 Former employees.

(a) No former officer or employee of the Administration shall practice, appear, or represent anyone directly or indirectly, other than the United States before the Administration in any matter within a period of one year subsequent to the termination of his or her employment with the Administration.

(b) No person shall practice, appear, or represent anyone other than the United States before the Administration, directly or indirectly, in any matter in which he participated personally and substantially as an officer or employee of the Administration or the predecessor agencies or of the United States through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, while so employed; and

(c) No person shall practice, appear, or represent anyone directly or indirectly, other than the United States before the Administration in any matter which was under his official responsibility as an officer or employee of the Administration or of the United States at any time within a period of two years prior to the termination of such responsibility.

(d) Any person in doubt as to the applicability of this § 201.26 to a particular case may address to the Administration an application for consent to appear, stating his former connection with the Administration or predecessor agency, identifying the matter in which he desires to appear, and describing in detail his participation in or responsibility for such matter if any, while an officer or employee of the Administration or its predecessor agency or of the United States.

(e) No one entitled to practice before this Administration shall in connection with any matter before the Administration knowingly give assistance to, accept assistance from, or share fees with any person not entitled under this § 201.26 to appear before the Administration in connection with such matter.

## Subpart C—Parties (Rule 3)

### § 201.30 Parties; how designated.

The term "party", whenever used in these Rules, shall include any natural person, corporation, association, firm, partnership, trustee, receiver, agency, public or private organization, or governmental agency. A party requesting official action subject to these Rules shall be designated as "applicant". A party whose petition for leave to intervene is granted pursuant to § 201.78 shall be designated as "intervenor". Only a party as designated in this section may introduce evidence or examine witnesses at hearings.

### § 201.31 Public counsel.

The Assistant General Counsel, Chief, Division of Operating Subsidy Contracts, shall be a party to all proceedings involving operating-differential subsidy contracts. The Assistant General Counsel and his representatives shall be designated as Public Counsel and shall be served with copies of all papers, pleadings, and documents in such proceed-

ings. In addition the General Counsel may designate any member of his staff to serve as Staff Counsel in contract appeal cases or any other proceeding governed by the regulations in this part. Public Counsel or Staff Counsel shall participate in any proceeding to which he is a party, to the extent he deems required in the public interest, subject to the separation of functions required by section 5(c) of the Administrative Procedure Act.

#### § 201.32 Substitution of parties.

Upon petition and for good cause shown, the Administration may order a substitution of parties; except that in case of death of a party substitution may be ordered upon suggestion and without the filing of a petition.

### Subpart D—Form, Execution and Service of Documents (Rule 4)

#### § 201.41 Form and appearance of documents filed with the Administration.

All papers to be filed under the regulations in this part may be reproduced by printing or by any other process, provided the copies are clear and legible; shall be dated, the original signed in ink, and shall show the docket description and title of the proceeding, and the title, if any, and address of the signatory. If typewritten, the impression shall be on only one side of the paper and shall be double spaced, except that quotations shall be single spaced and indented. Documents not printed, except correspondence and exhibits, should be on strong, durable paper and shall not be more than 8½ inches wide and 12 inches long, with a left margin 1½ inches wide. Printed documents shall be printed in clear type (never smaller than pica or 11-point type) adequately leaded, and the paper shall be opaque and unglazed. Briefs, if printed, shall be printed on paper not less than 6⅞ inches wide and 9¼ inches long, with inside margin not less than 1 inch wide. All briefs over 15 pages shall contain a subject index with page references and a list of authorities cited.

#### § 201.42 Subscription, authentication of documents.

(a) Documents filed shall be subscribed: (1) By the person or persons filing same, (2) by an officer thereof if it be a corporation, (3) by an officer or employee if it be a government instrumentality, or (4) by an attorney or other person having authority with respect thereto.

(b) Documents submitted pursuant to stipulation of counsel where no sponsoring witness will be used must be verified.

#### § 201.43 Service by parties.

All documents, when tendered for filing should show that service has been made upon all parties to the proceeding.

Such service shall be made by delivering one copy to each party in person or by mailing by first-class mail properly addressed with postage prepaid. When a party has appeared by attorney or other representative, service upon

such attorney or other representative will be deemed service upon the party. All documents served by mail preferably should be mailed in sufficient time to reach the parties on the date on which the original is due to be filed and should be air mailed if addressee is more than 300 miles distant.

#### § 201.44 Date of service.

The date of service of documents shall be the day when the matter served is deposited in the United States mail, shown by the postmark thereon, or is delivered in person, as the case may be.

#### § 201.45 Certificate of service.

The original of every document filed with the Administration and required to be served upon all parties to a proceeding shall be accompanied by a certificate of service signed by the party making service, stating that such service has been made upon each party to the proceeding. Certificates of service may be in substantially the following form:

I hereby certify that I have this day served the foregoing document upon all parties of record in this proceeding by mailing, postage prepaid (or by delivering in person) a copy to each such party.

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_  
(Signature) \_\_\_\_\_  
For \_\_\_\_\_

#### § 201.46 Copies of documents for use of the Administration.

Except as otherwise provided in the regulations in this part, an original and fifteen copies of every document shall be filed for use of the Administration, except written testimony and exhibits to be made a part of a record, which shall be filed in triplicate unless otherwise directed.

### Subpart E—Time (Rule 5)

#### § 201.51 Computation.

In computing any period of time under these Rules, the time begins with the day following the act, event, or default, and includes the last day of the period, unless it is a Saturday, Sunday, or national legal holiday. When the period of time prescribed or allowed is less than seven (7) days, intermediate Saturdays, Sundays, and holidays shall be excluded from the computation.

#### § 201.52 Additional time after service by mail.

Whenever service of a document has been made by mail in accordance with § 201.43 three (3) days shall be added to the prescribed period for answer.

#### § 201.53 Extension of time to file documents.

Applications for extension of time for the filing of any document shall set forth the reasons for the application and may be granted upon a showing of good cause on the part of applicant. Answers to such applications are permitted.

#### § 201.54 Reduction of time to file documents.

Except as prohibited by law, for good cause the Administration, or the Pre-

siding Officer with respect to matters pending before him, may reduce any time limit prescribed in the regulations in this part.

#### § 201.55 Postponement of hearing.

Applications for postponement of any hearing date may be granted upon a showing of good cause on the part of the applicant. Answers to such applications are permitted.

### Subpart F—Rule Making (Rule 6)

#### § 201.61 Petition for issuance, amendment, or repeal of rule or regulation.

Any interested person may file with the Administration a petition for the issuance, amendment, or repeal of a rule designed to implement, interpret, or prescribe law, policy, organization, procedure, or practice requirements of the Administration. The petition shall set forth the interest of petitioner and the nature of the relief desired, shall include any facts, views, arguments, and data deemed relevant by petitioner, and shall be subscribed to. If such petition is for the amendment or repeal of a rule, it shall be accompanied by proof of service on all persons, if any, specifically named in such rule, and shall conform in all other aspects to Subpart D of this part. Answers to such petition shall conform to the requirements of Subpart D of this part.

#### § 201.62 Notice of proposed rule making.

After receipt of petitions and any answers thereto described in § 201.61, or upon its own initiative, the Administration may, in its discretion, direct that notice thereof be published in the FEDERAL REGISTER unless all persons subject thereto are named and either are personally served or otherwise have actual notice thereof in accordance with law. Except where publication of notice of proposed rule making and public hearing is required by statute, this section shall not apply to interpretative rules, general statements of policy, organization rules, rules of procedure, or practice of the Administration, or amendments thereto, or any situation in which the Administration for good cause finds that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.

#### § 201.63 Participation in rule making.

Interested persons will be afforded an opportunity to participate in rule making through submission of written data, views, or arguments, with or without opportunity to present the same orally in any manner: *Provided*, That where the proposed rules are such as are required by statute to be made on the record after opportunity for a hearing, or where a hearing is ordered by the Administration upon petition of any party or upon its own initiative, such hearing shall be conducted pursuant to sections 7 and 8 of the Administrative Procedure Act.

**§ 201.64 Contents of rules.**

The Administration will incorporate in any rules to be adopted a concise general statement of their basis and purpose.

**§ 201.65 Effective date of rules.**

The publication or service of any substantive rule shall be made not less than 30 days prior to its effective date except (a) as otherwise provided by the Administration for good cause found and published in the FEDERAL REGISTER or (b) in the case of rules granting or recognizing exemption or relieving restriction, interpretative rules, and statements of policy.

**Subpart G—Formal Proceedings, Notice, Pleadings, Replies (Rule 7)****§ 201.71 Commencement of proceedings.**

Formal proceedings may be commenced with respect to any phase of an application for Government aid or other relief, the processing of which by statute requires a public hearing. The Administration may, in its discretion, also direct the holding of a hearing not required by statute for any purpose authorized in the statutes it administers.

**§ 201.72 Notice.**

Notice of any matter which may result in or involve the institution of a formal proceeding will be given by publication in the FEDERAL REGISTER in sufficient detail and in sufficient time to apprise interested persons of the nature of the issues to be heard and to allow for an opportunity to file petitions for leave to intervene.

**§ 201.73 Joinder of proceedings.**

(a) Two or more matters which have been set for hearing by the Administration, and which involve similar issues, may be consolidated for the purpose of hearing. Such consolidation may, at the discretion of the Administration, or Presiding Officer after hearing has been ordered, be ordered upon petition of any party to said hearing or upon the initiative of the Administration.

(b) A petition to consolidate shall be filed not later than the first prehearing conference in the proceeding with which consolidation is requested, and shall relate only to then pending applications. If made at such conference, the petition may be oral. A petition which is not timely filed shall be dismissed unless the petitioner shall clearly show good cause for the failure to file said petition on time. A petition which does not relate to an application pending at the time of or before a prehearing conference in a proceeding with which consolidation is requested, shall likewise be dismissed unless the petitioner shall clearly show good cause for a failure to file the application within the prescribed period.

**§ 201.74 Declaratory orders.**

The Administration may issue a declaratory order to terminate a proceeding or to remove uncertainty. Petitions for the issuance thereof shall state clearly and concisely the nature of the controversy or uncertainty, shall cite the statu-

tory authority involved, shall include a complete statement of the facts and grounds supporting the petition, together with a full disclosure of petitioner's interest.

**§ 201.75 Petitions—general.**

All petitions shall be written and shall state the Petitioner's grounds of interest in the subject matter, the facts relied upon, and the relief sought, and shall cite the authority upon which the petition rests. The petition shall be served upon all parties named therein or affected thereby. Answers to petitions may be filed.

**§ 201.76 Applications for Government aid.**

Applications for operating-differential subsidies, charter of Government-owned vessels, and other types of Government aid shall conform to the requirements set forth in the various general orders and other regulations of the Administration specifically provided therefor.

**§ 201.77 Amendments or supplements to pleadings.**

Amendments or supplements to any pleading will be allowed or refused in the discretion of the Administration if the case has not been assigned for hearing, otherwise in the discretion of the Presiding Officer designated to conduct the hearing; *Provided*, That after a prehearing conference has been held no amendment shall be allowed which would substantially broaden the issues, unless an opportunity is afforded all parties to answer such amended pleadings and to prepare for hearing upon the broadened issues. The Presiding Officer may direct a party to state its case more fully and in more detail by way of amendment. If a response to an amended pleading is necessary, it may be filed and served. Amendments or supplements allowed prior to hearing will be served in the same manner as the original pleading. Whenever by the regulations in this part a pleading is required to be subscribed, the amendment or supplement shall also be subscribed.

**§ 201.78 Petition for leave to intervene.**

A petition for leave to intervene may be filed in any proceeding before the Administration. The petition will be granted by the presiding officer if the proposed intervenor establishes that it has a substantial interest in the proceeding and will not unduly broaden the issues therein or unduly delay the proceeding. All such petitions shall be filed prior to the opening of the prehearing conference, or if none is held, before the commencement of hearing, unless petitioner shows good cause for allowing the petition at a later time. Intervention petitions shall be served in the same manner as other petitions, and shall be subject to answer. Intervention petitions will be granted where necessary to protect substantial interests of the petitioner and where intervention will not materially broaden the issues. A person granted permission to intervene becomes a party to the proceeding.

**§ 201.79 Motions.**

All motions and requests for rulings shall state the relief sought, the authority relied upon, and the facts alleged. If made before or after the hearing, such motions shall be in writing. If made at the hearing, they may be stated orally: *Provided, however*, That the presiding officer may require that such motion be reduced to writing and filed and served in the same manner as a formal motion. Answers to formal motions shall comply with the requirements of § 201.80. Motions and answers thereto shall be addressed to the presiding officer if the case is pending before such officer. Oral argument upon a written motion in which an answer has been filed may be granted within the discretion of the Administration or the presiding officer, as the case may be. A repetitious motion will not be entertained.

**§ 201.80 Answers to applications, petitions, or motions.**

A pleading filed in response to an application, petition, or motion is called an answer. An answer may be filed to any application, petition, motion or pleading which is required to be served on the answering party or noticed in the FEDERAL REGISTER. An answer to a written application, petition, or motion shall be in writing and shall be filed within ten days after service of the pleading which it answers. Any new matter raised in an answer shall be deemed to be controverted. A response to an answer is called a reply. A short reply restricted to such new matters may be filed within five days of service of the answer.

**Subpart H—Responsibilities and Duties of Presiding Officer (Rule 8)****§ 201.85 Commencement of functions of Office of Hearing Examiners.**

In proceedings handled by the Office of Hearing Examiners, its functions shall attach upon notice of the institution of a formal proceeding involving a prehearing conference and/or a hearing by the Administration.

**§ 201.86 Presiding officer.**

A Hearing Examiner of the Office of Hearing Examiners of the Administration will be designated by the Chief Hearing Examiner to preside at hearings required by statute, or directed to be held under the Administration's discretionary authority, in rotation so far as practicable, unless the Administration shall designate one or more Members thereof to serve as presiding officers or members of the staff in proceedings not required by statute.

**§ 201.87 Authority of presiding officer.**

The officer designated to hear a case shall have authority to arrange and issue notice of the date, time and place of hearings; under appropriate circumstances consolidate dockets for joint hearing; sign and issue subpoenas authorized by law; take or cause depositions to be taken; rule upon proposed amendments or supplements to pleadings; hold conferences for the settlement

or simplification of matters embraced in the proceedings; regulate the course of the hearing; prescribe the order in which evidence shall be presented; dispose of procedural requests or similar matters; hear and initially rule upon all motions and petitions before him; administer oaths and affirmations; examine witnesses, direct witnesses to testify or produce available evidence and to submit reports, studies and analyses of data available to them which may be generally relevant and material to the determination of any questions of fact in issue; rule upon offers of proof and receive competent, relevant, material, reliable, and probative evidence; exclude irrelevant, immaterial, unreliable, repetitious or cumulative evidence; exclude cross-examination which is primarily intended to elicit self-serving declarations in favor of the witness; and limit cross-examination to interrogatories which are required for a full and true disclosure of the facts in issue; act upon petitions to intervene; act upon submission of facts, or argument; initially consider offers of settlement or other proposals of adjustment upon which recommendations to the Administration may be made; hear oral argument at the close of testimony; fix the time for filing briefs, motions and other documents to be filed in connection with hearings and replies thereto; and issue the initial or recommended decisions and dispose of any other pertinent matter that normally and properly arises in the course of proceedings. When the presiding officer is unavailable for any reason, and the exercise of any of his powers and functions, as described herein, is due, timely, and necessary, the Chief Hearing Examiner may exercise such powers and functions until the presiding officer becomes available or until his successor is designated.

**§ 201.88 Postponement or change of place by presiding officer.**

If, in the judgment of the presiding officer, convenience or necessity so requires he may postpone the time or change the place of hearing.

**§ 201.89 Disqualification of presiding officer.**

Any presiding officer may at any time withdraw if he deems himself disqualified, in which case another presiding officer will be designated. If a party to a proceeding, or his representative, files in good faith a timely and sufficient affidavit of personal bias or disqualification of a presiding officer, the Administration will determine the matter as a part of the record and decision in the case.

**Subpart I—Summary Disposition (Rule 9)**

**§ 201.91 Filing of motions, answers.**

Any party or (if a petition to intervene shall have been filed but not have been acted upon) any prospective party may at or before the first prehearing conference in any proceeding, or at such later time as might be allowed by the presiding officer, move with supporting affidavits for a summary disposition in his favor of all or any part of the pro-

ceeding. Any adverse party may within 20 days serve opposing affidavits or may countermove for summary disposition. Oral argument thereon may be granted in the discretion of the presiding officer.

**§ 201.92 Ruling on motion.**

The presiding officer may grant such motion if the application, motion, or other pleadings, affidavits or depositions, if any, and matters of official notice show that there is no genuine issue as to any material facts, that there is no necessity that further facts be developed in the record, and that such party is entitled to a decision as a matter of law.

**§ 201.93 Review of ruling, appeal.**

The order of the presiding officer denying a motion for summary disposition shall be subject to interlocutory appeal under the provisions of § 201.123. An order granting a motion for summary disposition is automatically reviewable by the Administration in accordance with the provisions of § 201.133 and shall not be final until acted upon by the Administration.

**Subpart J—Prehearing Conference; Settlements; Procedural Agreements (Rule 10)**

**§ 201.101 Prehearing conference.**

Prior to any hearing a prehearing conference may be held before the presiding officer. Written notice of a prehearing conference shall be transmitted by the Secretary of the Administration or the Chief Hearing Examiner to all parties of record including persons whose petitions for leave to intervene in the proceeding have not theretofore been granted, and where practicable, by general release to the public press.

(a) At the prehearing conference the following matters, among others, shall be considered: (1) Petitions for leave to intervene; (2) motions for consolidation or severance of dockets for joint or separate hearing to the extent that the Administration has not theretofore taken specific action; (3) simplification and delineation of the issues to be heard; (4) designation of matters in respect of which official notice may be taken; (5) requests for discovery and production of evidence considered to be generally relevant and material to the issues in the proceeding; (6) stipulations; (7) limitation of number of witnesses, particularly the avoidance of duplicate expert witnesses; (8) procedure applicable to the proceeding; (9) offers of settlement, as hereinafter to be more particularly discussed in § 201.103; and (10) scheduling of the dates for exchange of exhibits, written testimony both affirmative and rebuttal and establishing the date, time and place for hearing.

(b) If deemed necessary or appropriate, the presiding officer may also, on his own motion, or on motion of Public Counsel direct any party to a proceeding to prepare and submit exhibits setting forth studies, forecasts, or estimates on matters relevant and material to the issues in the proceeding to be sponsored by witnesses available for cross-examination thereon.

**§ 201.107 Prehearing rulings.**

The presiding officer will, where practicable, issue prehearing rulings, acting on petitions for leave to intervene, delineating the issues, summarizing the rulings made at the conference, specifying a schedule for the exchange of exhibits and written testimony, the date, time and place of hearing and specifying a time for the filing of exceptions to the rulings. The prehearing rulings shall be served upon all parties to the proceeding and any persons who participated in the conference. Exceptions to the prehearing rulings may be filed by any such party or person within the time specified therein. The presiding officer may serve amended rulings in the light of the exceptions presented. Such rulings and amendments, if any, shall constitute the official account of the conference and shall control the subsequent course of the proceeding, but they may be reconsidered and modified at any time to protect the public interest or to prevent injustice.

**§ 201.103 Opportunity for agreement of parties and settlement of case.**

Where time, the nature of the proceeding, and the public interest permit, all interested parties shall have the opportunity for submission to and consideration by the presiding officer of offers of settlement, or proposals of adjustment together with facts and/or arguments relevant to such offers or proposals without prejudice to the rights of the parties. The presiding officer need not be present at any negotiations of such nature. The presiding officer shall issue an initial or recommended decision thereon recommending approval or disapproval of such offer of settlement or proposal of adjustment to the Administration for final action thereon. No agreement, offer, or proposal shall be admissible in evidence over the objection of any party in any hearing on the matter. When any settlement does not dispose of the whole proceeding, the remaining issues shall be determined in accordance with sections 7 and 8 of the Administrative Procedure Act.

**Subpart K—Discovery and Depositions (Rule 11)**

**§ 201.109 Discovery and production of documents.**

Upon request of any party showing good cause therefor, at the prehearing conference or otherwise upon notice to all other parties, the Administration or presiding officer may direct any party to produce and permit the inspection and copying or photographing, by or on behalf of the moving party, of any designated documents, papers, books, accounts, letters, photographs, objects, or tangible things, not privileged which constitute or contain evidence relating to any matter, not privileged, which is relevant to the subject matter involved in the pending proceeding, and which are in his possession, custody or control. The order shall specify the time, place, and manner of making the inspection and taking the copies and photographs

and may prescribe such terms and conditions as are just. In lieu of such inspections the material may be produced in exhibit form and served upon all parties to a formal proceeding. Such exhibits may also, upon request of any party, be offered in evidence at a hearing.

**§ 201.110 Depositions: request for orders to take; time of filing.**

The Administration or presiding officer may, upon proper request of a party to a proceeding or under circumstances deemed proper, issue an order to take a deposition regarding any matter, not privileged, which is relevant to the subject matter involved in the proceedings. A motion to take a deposition shall be filed not less than fifteen (15) days before the proposed date for taking the deposition, unless a shorter period is fixed under § 201.54, and shall set forth the reason for the deposition, the place and time of taking, the officer before whom it is to be taken, the name and address of each witness to be examined, if known, and, if the name is not known, a general description sufficient to identify him or the particular class or group to which he belongs, and whether the deposition is to be based upon written interrogatories or upon oral examination. If the deposition is to be based upon oral examination, the motion shall contain a statement of the matters concerning which each witness will testify. If the deposition is to be based on written interrogatories, the motion shall be accompanied by the interrogatories to be propounded, serially numbered. Copies of all motions to take depositions, and accompanying interrogatories, if any, shall conform to the requirements of Subpart D of this part. Objection to the taking of such depositions may be made in an answer to such motion. Without prejudice to objection, the answer may also state objection to any individual interrogatory, and if the deposition is permitted, the presiding officer will rule upon such objections to interrogatories. A party served with an order to take a deposition on written interrogatories shall have ten (10) days after date of service of such order unless a shorter period is fixed under § 201.54, within which to file and serve written cross interrogatories, which shall be served pursuant to Subpart D of this part. Answers to applications for cross interrogatories may be filed in accordance with § 201.80. Upon the issuance of an order by the Administration or the presiding officer for the taking of a deposition, the Docket Clerk shall mail a copy thereof to all parties, including the party who requested the deposition. An application to take a deposition in a foreign country will be entertained when necessary or convenient, and authority to take such deposition will be granted upon such notice and other terms and directions as are lawful and appropriate.

**§ 201.55 Contents of order.**

The order issued authorizing the taking of a deposition will state the name and address of each witness or a general description sufficient to identify him or the particular class or group to which

he belongs, the matters concerning which the witness may be questioned, the place where, the time when, and the officer before whom the deposition is to be taken, any or all of which may or may not be the same as set forth in the motion filed. If the deposition is to be taken upon written interrogatories, a list of the interrogatories will accompany the order.

**§ 201.112 Record of examination; oath; objections.**

The officer before whom the deposition is to be taken shall put the witness under oath and shall personally, or by someone acting under his direction and in his presence, record the testimony of the witness. The testimony shall be taken stenographically, shall be translated to English, if necessary, and shall be transcribed unless the parties agree otherwise. All objections made at the time of the examination to the qualifications of the officer taking the deposition, or to the manner of taking it, or to the evidence presented, or to the conduct of any party, and any other objections to the proceedings, shall be noted by the officer upon the deposition. Any party served with a notice to take an oral deposition may cross-examine a witness whose testimony is taken under such deposition. In lieu of cross-examination, parties served with notice of taking a deposition may transmit written interrogatories or cross-interrogatories to the officer taking the deposition, who shall propound them to the witness and record the answers verbatim together with any objections interposed thereto by adverse parties.

**§ 201.113 Submission to witness, changes, signing.**

When the testimony is fully transcribed the deposition of each witness shall be submitted to him for examination and shall be read to or by him. Any changes in form or substance which the witness desires to make shall be entered upon the deposition by the officer with a statement of the reasons given by the witness for making them. The deposition shall then be signed by the witness, unless the parties by stipulation waive the signing or the witness is ill or cannot be found or refuses to sign. If the deposition is not signed by the witness, the officer shall sign it and state on the record the fact of the waiver or of the illness or absence of the witness or the fact of the refusal to sign, together with the reason, if any, given therefor; and the deposition may then be used as fully as though signed, unless upon objection the presiding officer holds that the reasons given for the refusal to sign require rejection of the deposition in whole or in part.

**§ 201.114 Certification and filing by officer; copies.**

The officer taking the deposition shall certify on the deposition that the witness was duly sworn by him and that the deposition is a true record of the testimony given by the witness, and that said officer is not of counsel or attorney to either of the parties and is not directly or indirectly interested in the out-

come of the proceeding or investigation. He shall then securely seal the deposition in an envelope endorsed with the title of the proceeding and marked "Deposition of (here insert name of witness)", and shall promptly send the original and two copies thereof, together with the original and two copies of all exhibits, by registered mail to the Administration. Parties shall make their own arrangements with the officer taking the deposition for copies of the testimony and exhibits.

**§ 201.115 Waiver of objections and admissibility.**

Objections to the form of question and answer shall be made before the officer taking the deposition by parties or representatives present, and if not so made, shall be deemed waived. Depositions shall, when offered at the hearing, be subject to proper legal objections.

**§ 201.116 Time of filing.**

Any depositions to be offered in evidence shall be filed with the presiding officer not later than the close of the offering party's presentation.

**§ 201.117 Inclusion in record.**

No deposition or part thereof shall constitute a part of the record in any proceeding until received in evidence.

**§ 201.118 Witness fees; expenses of taking depositions.**

Witnesses whose depositions are taken pursuant to the regulations in this part, and the officer taking such deposition, shall severally be entitled to the same fees and mileage as are paid in the courts of the United States. All expenses of taking such depositions shall be paid by the party at whose instance the deposition is taken.

**Subpart L—Subpoenas (Rule 12)**

**§ 201.121 Application for subpoena ad testificandum.**

An application for a subpoena requiring attendance of a witness at a hearing may be made without notice by any party to the presiding officer, or, in the event that a presiding officer has not been assigned to a proceeding or the presiding officer is not available, to the Chief Hearing Examiner, for action by him or by a member of the Administration. A subpoena for the attendance of a witness shall be issued on oral application at any time and shall be issued upon request of any interested party upon tender of an original and two copies of such subpoena. A record of the issuance of such a subpoena shall be entered in the docket.

**§ 201.113 Application for subpoena duces tecum.**

An application for a subpoena duces tecum for documentary or tangible evidence shall be in duplicate except that for good cause shown it may be made during the course of a hearing on the record to the presiding officer. Such application need not be served upon all parties. All such applications, whether written or oral, shall contain a statement or showing of general relevance and rea-

sonable scope of the evidence sought and shall be accompanied by an original and two copies of the subpoena sought which shall describe the documentary or tangible evidence to be subpoenaed with as much particularity as is feasible.

§ 201.114 Standards for issuance of subpoena duces tecum.

The officer considering any application for a subpoena duces tecum shall issue the subpoena requested if he is satisfied the application complies with this section and the request is not unreasonable, oppressive, excessive in scope or unduly burdensome. No attempt shall be made to determine the admissibility of evidence in passing upon an application for a subpoena duces tecum and no detailed or burdensome showing shall be required as a condition to the issuance of any subpoena.

§ 201.124 Service and quashing of subpoenas.

Subpoenas issued under this section may be served upon the person to whom directed in accordance with Subpart D of this part. Any person upon whom a subpoena is served may within seven (7) days after service or at any time prior to the return date thereof, whichever is earlier, file a motion to quash or modify the subpoena with the officer who issued the subpoena for action by him, and serve a copy of such motion to quash upon the party requesting the subpoena. If the person to whom the motion to modify or quash the subpoena has been addressed or directed has not acted upon such a motion by the return date, such date shall be stayed pending his final action thereon. The Administration may at any time review, upon its own initiative, the ruling of the officer denying a motion to quash a subpoena. In such cases, the Administration may at any time order that the return date of a subpoena which it has elected to review be stayed pending Administration action thereon.

§ 201.125 Attendance and mileage fees.

Persons attending hearings under requirement of subpoenas are entitled to the same fees and mileage as in the courts of the United States, to be paid by the party at whose instance the persons are called.

§ 201.126 Service of subpoenas.

If service of subpoena is made by a United States marshal or his deputy, such service shall be evidenced by his return thereon. If made by any other person, such person shall make affidavit thereto, describing the manner in which service is made, and return such affidavit on or with the original subpoena. In case of failure to make service, the reasons for the failure shall be stated on the original subpoena. In making service the original subpoena shall be exhibited to the person served, shall be read to him if he is unable to read, and a copy thereof shall be left with him. The original subpoena, bearing or accompanied by required return, affidavit, or statement, shall be returned without delay to the Administration, or if so directed on the subpoena, to the presiding

officer before whom the person named in the subpoena is required to appear.

§ 201.127 Subpoena of Administration employees, documents, or things.

No subpoena for the attendance of an Administration officer or employee, or for the production of Administration documents or things shall be complied with except upon written authorization of the General Counsel upon written application by the party requesting the subpoena.

Subpart M—Hearing Procedures  
(Rule 13)

§ 201.131 Presentation of evidence.

(a) *Testimony.* Where appropriate, the Presiding officer may direct that the testimony of witnesses be prepared in written exhibit form and shall be served at designated dates in advance of the hearing. Evidence as to events occurring after the exhibit-exchange dates shall be presented by a revision of exhibits. Witnesses sponsoring exhibits shall be made available for cross-examination. However, unless authorized by the presiding officer, witnesses will not be permitted to read prepared testimony into the record. The evidentiary record shall be limited to factual and expert opinion testimony. Argument will not be received in evidence but rather should be presented in opening and/or closing statements of counsel and in briefs to the presiding officer subsequently filed.

(b) *Exhibits.* All exhibits and responses to requests for evidence shall be numbered consecutively by the party submitting same and appropriately indexed as to number and title and shall be exchanged on dates prior to the hearing prescribed in the prehearing rulings. Written testimony should be identified alphabetically. Two copies shall be sent to each party and two to the presiding officer. No response to a request for evidence will be received into the record unless offered and received as an exhibit at the hearing. The exhibits, other than the written testimony, shall include appropriate footnotes or narrative material explaining the source of the information used and the methods employed in statistical compilations and estimates and shall contain a short commentary explaining the conclusions which the offeror draws from the data. Rebuttal exhibits should refer specifically to the exhibits being rebutted. Where one part of a multipage exhibit is based upon another part, appropriate cross-reference should be made. The principal title of each exhibit should state precisely what it contains and may also contain a statement of the purpose for which the exhibit is offered. However, such explanatory statement, if phrased in an argumentative fashion, will not be considered as a part of the evidentiary record. Additional exhibits pertinent to the issues may be submitted in a proceeding with the approval of the presiding officer.

(c) *Cooperation on basic data.* Parties having like interests are specifically encouraged to cooperate with each other in joint presentations particularly in such items as basic passenger, cargo, and

scheduling data compiled from official or semiofficial sources, and any other evidence susceptible to joint presentation. Duplicate presentation of the same evidence should be avoided wherever possible.

(d) *Authenticity.* The authenticity of all documents submitted as proposed exhibits in advance of the hearing shall be deemed admitted unless written objection thereto is filed prior to the hearing, except that a party will be permitted to challenge such authenticity at a later time upon a clear showing of good cause for failure to have filed such written objection.

(e) *Statement of position and trial briefs.* A written statement of position should be exchanged by all counsel with copies to all other parties prior to the beginning of the hearing: *Provided, however,* That Public Counsel or counsel for a public body which has intervened as its interests may appear, may offer his statement of position at the conclusion of the evidentiary hearing, unless such is impracticable. This statement should include a showing of the theory of the case of the party submitting the statement and will not be subject to cross-examination. Trial briefs are acceptable but will not be required.

§ 201.132 Conduct of the hearing.

(a) *Order of presentation.* Normally the order of presentation at the hearing will be alphabetical in each of the following categories:

- (1) MarAd statistical material.
- (2) Shipper interests, United States and foreign government departments.
- (3) Applicants.
- (4) Intervenors.
- (5) Public counsel.

Normally, rebuttal should be presented without any adjournment in the proceedings.

(b) *Burden of proof.* The burden of proof shall be (1) upon an applicant for any form of government aid or grant; and (2) upon a proponent for the issuance of any rule or order within the jurisdiction of the Administration. The burden of going forward with rebuttal evidence in proceedings involving matters under (1) and (2) above shall fall upon opposing intervenors. Whenever an intervenor is permitted by the presiding officer to raise or advance a new issue in the proceeding, the burden of proof as to such issue shall fall upon such intervenor. If the burden of proof is met as to such new issue, the other parties shall have the burden of going forward with rebuttal evidence in such regard.

(c) *Requirement for submission of corrected copies of exhibits.* Each party shall present three fully corrected copies of its exhibits to be offered in evidence, one for the docket and two for the presiding officer.

(d) *Offer of exhibits in evidence.* The exhibits and written testimony sponsored by each witness shall be offered in evidence at the close of his direct examination to the extent practicable. After ruling upon motions to strike they shall be received in evidence subject to cross-examination. The presiding officer, in his discretion, may defer such

ruling until after completion of cross-examination.

(e) (1) *Cross-examination.* Cross-examination shall be limited to the scope of the direct examination and, except for Public Counsel and counsel for public bodies which have intervened as their interests may appear, to witnesses whose testimony is adverse to the party desiring to cross-examine—this being intended specifically to prohibit so-called "friendly cross-examination". Cross-examination, which is not necessary to test the truth and completeness of the direct testimony and exhibits, will not be permitted.

(2) *Re-cross-examination.* Second rounds of cross-examination normally will not be permitted unless it is necessary to cover new matters raised by a subsequent examination. Cross-examination of any particular witness shall be limited to one attorney for each party and shall not include subjects which are not germane to the interest represented by the cross-examiner.

(f) *Oral motions.* Oral presentation on any motion or objection shall be limited to the party or parties making the motion or objection and the party or parties against which the motion or objection is directed and Public Counsel. Such presentation shall also be limited to one attorney for each party.

(g) *Official notice; public document items.* Whenever there is offered (in whole or in part) a public document, such as an official report, decision, opinion, or published scientific or economic statistical data issued by any of the executive departments (or their subdivisions), legislative agencies or committees, or administrative agencies of the Federal Government (including Government-owned corporations), or a similar document issued by a State or its agencies, and such document (or part thereof) has been shown by the offerer to be reasonably available to the public, such document need not be produced or marked for identification, but may be offered for official notice as a public document item by specifying the document or relevant part thereof.

(h) *Oral argument at hearings.* A request for oral argument at the close of testimony will be granted or denied by the presiding officer in his discretion.

#### § 201.133 Appeal from ruling of presiding officer.

Rulings of presiding officers may not be appealed prior to, or during the course of, the hearing except where the presiding officer has granted a Motion for Summary Disposition under Subpart I of this part, or in extraordinary circumstances where prompt decision by the Administration is necessary to prevent unusual delay, expense, or detriment to the public interest, in which instances the matter shall be referred forthwith by the presiding officer to the Administration. Any such appeal shall be filed within fifteen (15) days from the date of the ruling by the presiding officer.

#### § 201.134 Separation of functions.

The separation of functions as required by section 5(c) of the Adminis-

trative Procedure Act shall be observed in adversary proceedings involving controverted factual issues arising under the regulations in this part.

### Subpart N—Evidence (Rule 14)

#### § 201.136 Evidence admissible.

In any proceeding under the regulations in this part all evidence which is relevant, material, reliable and probative, and not unduly repetitious or cumulative shall be admissible. Irrelevant and immaterial or unduly repetitious or cumulative evidence shall be excluded.

#### § 201.137 Rights of parties as to presentation of evidence.

Every party shall have the right to present his case or defense by oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts.

#### § 201.138 Un-sponsored written material.

(a) *Material that may be deemed evidence.* Where a formal hearing is held, a party shall be afforded an opportunity to participate through submission of relevant, material, reliable and probative written evidence including official notice matters covered in § 201.132(g): *Provided,* That such evidence submitted by persons not present at the hearing will not be made a part of the record if opposed to by any party for good cause shown.

(b) *Material that may not be deemed evidence.* Letters expressing views or urging action and other un-sponsored written material in respect of matters embraced in, or related to, a formal hearing will be placed in the correspondence section of the docket of the proceeding. These data are not to be deemed part of the evidence or part of the record in the material unless sponsored at the public hearing by an authenticating and supporting witness.

#### § 201.139 Documents containing matter both material and not material.

Where written matter offered in evidence is embraced in a document containing other matter which is not intended to be offered in evidence, the party offering shall present the original document to all parties at the hearing for their inspection, and shall offer a true copy of the matter which is to be introduced unless the presiding officer determines that the matter is short enough to be read into the record. Opposing parties shall be afforded an opportunity to introduce in evidence, or by stipulations other portions of the original document which are material and relevant.

#### § 201.140 Records in other proceedings.

When any portion of the record before the Administration in any proceeding other than the one being heard is offered in evidence, a true copy of such portion shall be presented for the record in the form of an exhibit unless the parties represented at the hearing stipulate upon the record that such portion may be incorporated by reference.

#### § 201.141 Stipulations.

The parties may, by stipulation in writing filed at the prehearing conference, or by written or oral stipulation presented at the hearing or by written stipulation subsequent to the hearing, agree upon any facts involved in the proceeding and include them in the record with the consent of the presiding officer. Proposed written stipulations shall be subscribed by the sponsors and served upon all parties of record. Only upon acceptance by all parties to the proceeding may a stipulation be noted for the record or received as evidence.

#### § 201.142 Further evidence required by presiding officer during hearing.

At any time during the hearing the presiding officer may call for the production of further relevant and material evidence, reports, studies, and analyses upon any issue, and require such evidence, where available, to be presented by the party or parties concerned, either at the hearing or adjournment thereof in accordance with § 201.132(b). Such material shall be received subject to appropriate motions, cross-examination and/or rebuttal. If a witness refuses to testify or produce the evidence as requested, the presiding officer shall report such refusal to the Administration forthwith.

#### § 201.143 Exceptions to rulings of presiding officer unnecessary.

Formal exceptions to rulings of the presiding officer are unnecessary. It is sufficient that a party, at the time the ruling of the presiding officer is made or sought, makes known the action which he desires the presiding officer to take or his objection to an action taken, and his grounds therefor.

#### § 201.144 Offer of proof.

An offer of proof made in connection with an objection taken to any ruling of the presiding officer rejecting or excluding proffered oral testimony shall consist of a statement of the substance of the evidence which counsel contends would be adduced by such testimony; and, if the excluded evidence consists of evidence in documentary or written form or of reference to documents or records, a copy of such evidence shall be marked for identification and shall accompany the record as the offer of proof.

### Subpart O—The Record: Contents; Development; Perfection; Confidential Treatment (Rule 15)

#### § 201.146 Receipt of documents after hearing.

Documents to be submitted for the record after the close of the hearing will not be received in evidence except upon ruling of the presiding officer. Such documents when submitted shall be accompanied by proof that copies have been served upon all parties, who shall have an opportunity to comment thereon; and shall be received not later than ten (10) days after the close of the hearing except for good cause shown, and not less than ten (10) days prior to the date set for filing briefs. Exhibit numbers should be assigned by counsel or the party. In

computing the time within which to file such documents or other writings the five (5) additional days provided in § 201.54 shall not apply. Documents which are submitted but do not comply with the provisions of this rule will be filed in the correspondence section of the docket.

#### § 201.147 Official transcript.

The Administration will designate the official reporter for all hearings. The official transcript of testimony taken, together with any exhibits and any briefs or memoranda of law filed therewith shall be filed with the Administration. Transcripts of testimony will be available in any proceeding under the regulations in this section, and will be supplied by the official reporter to the parties and to the public except when required for good cause to be held confidential, at rates not to exceed the maximum rates fixed by the contract between the Administration and the reporter.

#### § 201.148 Corrections of transcript.

Motions made at the hearing to correct the record will be acted upon by the presiding officer. Motions made after the hearing to correct the record as to matters of substance rather than form, shall be filed with the presiding officer within ten (10) days after receipt of the transcript, unless otherwise directed by the presiding officer, and shall be served on all parties. Such motions may be in the form of a letter and shall certify the date when the transcript was received. If no objections are received within ten (10) days after date of service, the transcript will, upon approval of the presiding officer, be changed to reflect such corrections. If objections are received, the motion will be acted upon with due consideration of the stenographic record of the hearing.

#### § 201.149 Copies of data or evidence.

Every person compelled to submit data or evidence shall be entitled to retain or procure a copy of transcript thereof on payment of proper costs.

#### § 201.150 Record for decision.

The transcript of testimony and exhibits, together with all papers and requests (except the correspondence section of the docket), including rulings and any recommended or initial decisions filed in the proceeding shall constitute the exclusive record for decision. Final decisions will be predicated on the same record, including the initial decision of the presiding officer.

#### § 201.151 Objections to public disclosure of information.

Upon objection to public disclosure of any information sought to be elicited during a hearing, and a showing of cause satisfactory to the presiding officer, the witness shall disclose such information only in the presence of the presiding officer, official reporter and such attorneys or representatives of each party with demonstrated interests, as the presiding officer shall determine and after all present have been sworn to secrecy. The transcript of testimony shall be held

confidential. Within five (5) days after such testimony is given, or document received, the objecting party shall file with the presiding officer a verified written motion to withhold such information from public disclosure, setting forth sufficient identification of same and the basis upon which public disclosure should not be made. Copies of said transcript and motion need not be served upon any other parties than those sworn to secrecy unless so ordered by the presiding officer.

### Subpart P—Briefs, Requests for Findings, Decisions, Exceptions (Rule 16)

#### § 201.155 Briefs; request for findings.

The time for filing briefs to the presiding officer, and extensions thereof, shall be fixed by him. The period of time allowed shall be the same for all parties unless the presiding officer, for good cause shown, directs otherwise. Normally there shall be an opening brief by the moving parties, an answering brief by the proponents of a contrary conclusion and a short reply by the moving parties. Briefs and statements of position as authorized, shall be served upon all parties pursuant to Subpart D of this part. Briefs shall include a summary of evidence, together with references to exhibit numbers and pages of the transcript, and memoranda of law with appropriate citations of the authorities relied upon. They shall contain proposed findings of fact and conclusions in serially numbered paragraphs.

#### § 201.156 Requests for extension of time for filing briefs.

Requests for extension of time within which to file briefs shall conform to the requirements of § 201.53. Except for good cause shown, such requests shall be filed and served not later than five (5) days before the expiration of the time fixed for the filing of briefs.

#### § 201.157 Reopening of a case by presiding officer prior to decision.

At any time prior to the filing of his initial or recommended decision, the presiding officer, either upon petition or upon his own initiative may, for good cause shown and upon reasonable notice, reopen the case for the receipt of further evidence.

#### § 201.158 Decisions, authority to make and kinds.

To the presiding officer is delegated the authority to render initial or recommended decisions in all proceedings before him, including motions, petitions and other pleadings. Tentative or final decisions will be rendered by the Administration. The same officers who preside at the reception of evidence pursuant to section 7 of the Administrative Procedure Act shall render the initial or recommended decisions except where such officers become unavailable to the Administration, in which case another Presiding Officer will be designated to make such decision or certify the record to the Administration. Where the Administration requires the entire record in the case to be certified to it for initial

decision, the Presiding Officer shall first recommend a decision, except that in rule making: (a) In lieu thereof the Administration may issue a tentative decision or any of its responsible officers may recommend a decision or (b) any such procedure may be omitted in any case in which the Administration finds upon the record that due and timely execution of its functions in the public interest imperatively and unavoidably so requires.

#### § 201.159 Decisions; contents and service.

All initial, recommended, tentative, and final decisions, whether rendered orally or in writing shall include a statement of findings and conclusions, as well as the reasons or bases therefor, upon the material issues presented, as well as a statement of the appropriate rule, order, sanction, relief to be imposed, or the denial thereof. A copy of each decision when issued or when transcribed if orally rendered (and all orally presented decisions shall be stenographically recorded) shall be served on the parties to the proceeding, and furnished to interested persons upon request.

#### § 201.160 Decision based on official notice.

Official notice may be taken of such matters as might be judicially noticed by the courts, or of technical or scientific facts within the general or specialized knowledge of the Administration as an expert body or of a document required to be filed with or published by a duly constituted governmental body: *Provided*, That where a decision or part thereof rests on the official notice of a material fact not appearing in the evidence of the record, the fact of official notice shall be so stated in the decision, and any party, on timely request, shall be afforded an opportunity to show the contrary.

#### § 201.161 Exceptions to, and review by the Administration of initial or recommended decisions.

Within twenty (20) days after the service date of the initial or recommended decision, whether oral or in writing, unless a shorter period is fixed under § 201.54, any party may file exceptions to any conclusions, findings, or statements contained in such decision, and a brief in support of such exceptions. Such exceptions and brief shall constitute one document, shall indicate with particularity alleged errors, shall indicate pages of transcript and exhibit numbers when referring to the record, and shall be served on all parties pursuant to Subpart D of this part. Whenever the presiding officer renders an initial decision, in the absence of the filing of exceptions thereto, or notice of review thereof by the Administration, such decision, shall upon the issuance of an appropriate order by the Administration, become the decision of the Administration. Upon the filing of exceptions to, or notice of review of, an initial or recommended decision, such decision shall become inoperative until the Administration determines the matter. Where exceptions are filed to, or the Administration reviews, an initial or recommended decision, the Administration,

except as it may limit the issues upon notice or by rule, will have all the powers which it would have in making the initial decision. Whenever the Administration shall determine to review an initial or recommended decision on its own initiative, notice of such intention shall be served upon the parties within thirty (30) days after the date when the initial or recommended decision is orally rendered and, if in writing, served.

#### § 201.162 Replies to exceptions.

Any party may file and serve a reply to exceptions within twenty (20) days after date of service thereof, unless a shorter period is fixed pursuant to § 201.54. Such reply shall indicate pages of the transcript and exhibit numbers when referring to the record.

#### § 201.163 Request for extension of time for filing exceptions and replies thereto.

Requests for extension of time within which to file exceptions, and briefs in support thereof, or replies to exceptions shall conform to the applicable provisions of Subpart E of this part. Except for good cause shown, such requests shall be filed and served not later than five (5) days before the expiration of the time fixed for the filing of such documents.

#### § 201.164 Certification of record by presiding officer.

The presiding officer shall certify and transmit the entire record to the Administration when (a) exceptions are filed or the time therefor has expired, (b) notice is given by the Administration that the initial or recommended decision will be reviewed on its own initiative, or (c) the Administration requires the case to be certified to it for initial decision.

#### Subpart Q—Oral Argument; Submittal for Final Decision (Rule 17)

##### § 201.166 Oral argument.

If oral argument before the Administration is desired on exceptions or replies to exceptions to an initial, recommended, or tentative decision, or on a motion, petition, or application, a request therefor shall be made in writing properly addressed to the Administration. Any party may make such request irrespective of his filing exceptions or replies. If a brief on exceptions or replies thereto are filed, the request for oral argument shall be incorporated therein. Requests for oral argument on any motion, petition, or application shall be made in the motion, petition, or application or in the reply thereto. Requests for oral argument will be granted or denied in the discretion of the Administration, and, if granted, the notice of oral argument will set forth the order of presentation and the amount of time to be allotted. Those who appear before the Administration for oral argument should confine their argument to points of controlling importance and shall limit their argument to points upon which exceptions have been filed. Where the facts of a case are adequately and accurately dealt with in the

initial, recommended, or tentative decision, parties should, as far as possible, address themselves in argument to the conclusions. Effort should be made by parties taking the same position to agree in advance of the argument upon those who are to present their side of the case. The names of persons who will argue and the amount of time requested by each should be received by the Administration not later than ten (10) days before the date set for the argument. Ordinarily, consolidation of appearances at oral argument will permit the parties' interests to be presented more effectively in the time allotted.

#### § 201.167 Submission to Administration for final decision.

A proceeding will be deemed submitted to the Administration for its determination as follows: (a) If oral argument is had, on the date of completion thereof, or if memoranda on points of law are permitted to be filed after argument, the last date of such filing; (b) if oral argument is not had, the last date when exceptions or replies thereto are filed, or if exceptions are not filed, the expiration date for such exceptions or the date when all parties have stated that no exceptions will be filed; (c) in the case of an initial decision, the date of notice of the Administration to review the decision, if such notice is given.

#### Subpart R—Stay of Administration's Decision, Reopening of Proceedings (Rule 18)

##### § 201.171 Stay of Administration's decision.

The Administration's decision or order shall be stayed pending resolution by the Administration of a petition for reopening, duly filed, and for so long as such Administration's action has not been finally disposed of in accordance with the provisions of section 7 of Department of Commerce Order 117 (Revised).

##### § 201.172 Time for filing petition to reopen.

Except for good cause shown, and upon leave granted, petition to reopen under § 201.174, shall be filed with the Administration within twenty (20) days after the date of service of the Administration's decision or order in the proceeding, unless a different period is fixed under § 201.54.

##### § 201.173 Reopening by Administration and modification or setting aside of decision.

Upon petition and a showing of compelling cause, filed in accordance with § 201.174, or on its own motion, the Administration may at any time reopen any proceeding under the regulation in this part for rehearing, reargument, or reconsideration in whole or in part. After reasonable notice and opportunity for hearing or such other procedure as the Administration may direct, the Administration may alter, modify, or set aside in whole or in part its decision therein if it finds such action is required by changed conditions in fact or law or by the public interest.

##### § 201.174 Petition for reopening.

A petition for reopening for the purpose of rehearing, reargument, or reconsideration, shall be made in writing, shall state the grounds relied upon, and conform to the requirements of Subpart D of this part. If the petition is for the purpose of rehearing, said petition shall state the nature and purpose of the new evidence to be adduced and that such evidence was not available at the time of the prior hearing. If the petition be for reargument or reconsideration, the matter claimed to have been erroneously decided shall be specified and the alleged errors briefly stated. In case of exceptional circumstances, satisfactorily shown by the petitioner, a request for modification of rules or orders may be made by telegram or otherwise, upon notice to all parties or attorneys of record, but such request shall be followed by a petition filed and served in accordance with Subpart D of this part.

##### § 201.175 Answers to petition to reopen.

Answers to petitions to reopen shall conform to the requirements of Subpart D of this part.

#### Subpart S—Judicial Standards of Practice (Rule 19)

##### § 201.181 Functions of the Maritime Administration.

(a) In general, the functions of the Administration involve hearing procedures comparable to those of a court and accordingly parties to proceedings before the Administration and persons representing these parties are expected to conduct themselves with honor and dignity. For the same reasons, the members of the Administration and those of its employees who participate with the Administration in the determination of formal proceedings are expected to conduct themselves with the same fidelity to standards of propriety that characterizes a court and its staff. The standing and the effectiveness of the Administration are in direct relation to the observance by it, its staff and the parties and attorneys appearing before it of the highest of judicial and professional ethics.

(b) It is essential in cases to be determined after notice and hearing and upon a record, or in any other cases which the Administration by order may designate, that the judicial character of the Administration be recognized and protected. As a consequence, from the time of the filing of an application or a petition which can be granted by the Administration only after notice and opportunity for hearing, or in the case of other matters from the time of notice by the Administration that such matters shall be determined after notice and opportunity for hearing, no ex parte communications, as hereinafter defined, are to constitute or be considered part of the record on which the final decision is to be predicated.

##### § 201.182 Improper pressures.

It is determined to be improper that there be any effort by any person interested in a case before the Administration to attempt to sway the judgment

of the Administration by undertaking to bring pressure or influence to bear upon the Administration, its staff, or the presiding officer assigned to the proceeding. It is further determined to be improper that such interested persons or any member of the Administration's staff or the presiding officer directly or indirectly give statements to the press or radio, by paid advertisements or otherwise, designed to influence the Administration's judgment in the matter. In addition, it is further determined to be improper that any person solicit communications to the Administration or any of its members, its staff or the presiding officer in the case other than by counsel of record who shall serve copies thereof on all other parties to the proceeding.

#### § 201.183 Ex parte communications.

(a) Requests for expeditious treatment of matters pending with the Administration are deemed communications on the merits and as such are improper except when forwarded from parties to a proceeding and served upon all other parties thereto. Such communications from parties to a proceeding should be in the form of a motion and are to be dealt with as such by the Administration, the presiding officer, and the parties to the proceeding. Any such request which is not made as a motion shall be placed in the public correspondence file and will not be considered by the Administration or any of its staff members or the presiding officer in connection with the disposition of the case.

(b) Written or oral communications involving any substantive or procedural issue in a matter subject to public hearing directed to a Member of the Administration, its staff, or the presiding officer in the case, from any individual in private or public life shall be deemed a private communication in respect of the merits of the case. These communications, unless otherwise provided for by law or a published rule of the Administration are deemed ex parte communications and are not to be considered part of any record or the basis for any official action by the Administration, members of its staff or the presiding officer: *Provided, however*, That this prohibition shall not be determined to apply to informal petitions or applications filed with the Administration; the usual informal communications between counsel including discussions directed toward the development of a stipulation or settlement between parties; communications of a nature deemed proper in proceedings in U.S. Federal courts; and communications which merely inquire as to the status of a proceeding without discussing issues or expressing points of view. Any prohibited communications in writing received by a Member of the Administration, its staff or the presiding officer shall be made public by placing it in the correspondence file of the docket which is available for public inspection and will not be considered by the Administration or the presiding officer as part of the record for decision. If the ex parte communication is received orally, a memorandum setting forth the substance of the conversation shall be made and filed in the correspondence section of the appropriate public docket.

#### Subpart T—Effective Date (Rule 20)

##### § 201.185 Effective date and applicability of rules.

The regulations in this part shall become effective October 23, 1964, and shall apply only to cases which are designated for hearing on or after October 23, 1964: *Provided, however*, That the regulations in this part shall be applicable to cases designated for hearing prior to October 23, 1964, if consolidated with a case designated for hearing on or after that date. All other cases designated for hearing prior to October 23, 1964, shall be governed by the rules in effect immediately prior to such date.

By order of the Maritime Administrator and the Maritime Subsidy Board.

Dated: October 19, 1964.

JAMES S. DAWSON, Jr.,  
Secretary.

[F.R. Doc. 64-10788; Filed, Oct. 21, 1964;  
8:50 a.m.]

### Chapter IV—Federal Maritime Commission

#### SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[General Order 4; Amdt. 7; Docket No. 1184]

#### PART 510—LICENSING OF INDEPENDENT OCEAN FREIGHT FORWARDERS

##### Duties and Obligations of Licensees

On October 9, 1964, the Federal Maritime Commission published amended § 510.23(k) in the FEDERAL REGISTER (29 F.R. 13971). The last line of the amended rule was inadvertently omitted from the rule as published.

Therefore, pursuant to the authority of section 4 of the Administrative Procedure Act (5 U.S.C. 1003) and sections 43 and 44 of the Shipping Act, 1916 (46 U.S.C. 841(a) and 841(b)), paragraph (k) of § 510.23 of Title 46, is hereby further amended by the addition of the following sentence: "Such records shall be retained for a period of five years."

By the Commission.

[SEAL] THOMAS LISI,  
Secretary.

[F.R. Doc. 64-10774; Filed, Oct. 21, 1964;  
8:48 a.m.]

## Title 7—AGRICULTURE

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

#### SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 1]

#### PART 728—WHEAT

##### Subpart—Farm Wheat Certificate Program for 1964 and 1965

##### DEPLETION OF STORED EXCESS WHEAT

##### Correction

In F.R. Doc. 64-10108, appearing at page 13635 of the issue for Tuesday,

October 6, 1964, the text of § 728.108(b) preceding the first proviso should read as follows:

#### § 728.108 Depletion of stored excess wheat.

(b) *Underplanting.* Whenever the wheat acreage of the then current crop of wheat on the farm is less than the farm acreage allotment and the conditions of paragraph (d) of this section are met, the total amount of wheat from any previous crops required to be stored under § 728.107 for such farm shall be reduced by that amount which is equal to the normal production of the number of acres by which the farm acreage allotment exceeds the wheat acreage: \* \* \*

### Chapter XIV—Commodity Credit Corporation, Department of Agriculture

[C.C.C. Grain Price Support Regs., 1964-Crop Corn Supp., Amdt. 1]

#### PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

##### Subpart—1964-Crop Corn Loan and Purchase Program

##### SUPPORT RATES

The regulations issued by the Commodity Credit Corporation (29 F.R. 12004) which contain regulations with respect to price support loan and purchase operations for the 1964-crop of corn are hereby amended as follows:

1. Paragraph (b) is added to § 1421.2332 to set forth the schedule of premiums and discounts.

2. Paragraph (c) is added to § 1421.2332 to set forth the basic county support rates for loans and purchases.

##### § 1421.2332 Support rates.

(b) *Schedule of premiums and discounts.*

	Cents per bushel
(1) Premiums:	
Grade No. 2 or better.....	1
Broken corn and foreign material (percent) 2.0 or less.....	1
Moisture content (percent) 14.0 or less.....	1
(2) Discounts:	
Weevilly.....	2
Mixed.....	2
Weed control laws (see § 1421.74).....	10
Other—As established by CCC for settlement purposes	

(c) *Basic county support rates.* Basic county support rates for use in making loans and for use in settling loans and purchases for both farm-stored and warehouse-stored corn which grades No. 3 (except for moisture) or No. 4 on the factor of test weight but otherwise No. 3 or better (except for moisture) are as follows:

County	Rate per bushel
ALABAMA	
All counties.....	\$1.23
ARIZONA	
All counties.....	\$1.27
ARKANSAS	
All counties.....	\$1.18

CALIFORNIA		Rate per bushel
County		
All counties		\$1.27

COLORADO			
County	Rate per bushel	County	Rate per bushel
Adams	\$1.15	Larimer	\$1.14
Alamosa	1.19	Las Animas	1.17
Arapahoe	1.16	Lincoln	1.15
Archuleta	1.21	Logan	1.12
Baca	1.16	Mesa	1.24
Bent	1.16	Moffat	1.24
Boulder	1.15	Montezuma	1.26
Cheyenne	1.14	Montrose	1.24
Conejos	1.19	Morgan	1.13
Costilla	1.19	Otero	1.17
Crowley	1.16	Ouray	1.26
Custer	1.18	Phillips	1.12
Delta	1.24	Pitkin	1.22
Dolores	1.26	Prowers	1.15
Douglas	1.17	Pueblo	1.17
Eibert	1.16	Rio Blanco	1.24
El Paso	1.17	Rio Grande	1.22
Fremont	1.18	Routt	1.21
Garfield	1.24	Saguache	1.20
Grand	1.18	San Miguel	1.26
Huerfano	1.18	Sedgwick	1.12
Jefferson	1.17	Washington	1.13
Kiowa	1.15	Weld	1.13
Kit Carson	1.13	Yuma	1.12
La Plata	1.23		

All counties		\$1.32
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DELAWARE		Rate per bushel
All counties		\$1.26

FLORIDA		Rate per bushel
All counties		\$1.24

GEORGIA		Rate per bushel
All counties		\$1.24

IDAHO		Rate per bushel
All counties		\$1.22

ILLINOIS			
County	Rate per bushel	County	Rate per bushel
Adams	\$1.10	Kane	\$1.12
Alexander	1.14	Kankakee	1.11
Bond	1.12	Kendall	1.11
Boone	1.11	Knox	1.11
Brown	1.11	Lake	1.12
Bureau	1.11	La Salle	1.11
Calhoun	1.11	Lawrence	1.13
Carroll	1.09	Lee	1.11
Cass	1.12	Livingston	1.11
Champaign	1.10	Logan	1.12
Christian	1.12	McDonough	1.10
Clark	1.11	McHenry	1.11
Clay	1.12	McLean	1.11
Clinton	1.12	Macon	1.11
Coles	1.10	Maccoupin	1.12
Cook	1.12	Madison	1.12
Crawford	1.12	Marion	1.12
Cumberland	1.11	Marshall	1.12
De Kalb	1.11	Mason	1.12
De Witt	1.11	Massac	1.14
Douglas	1.10	Menard	1.12
Du Page	1.12	Mercer	1.09
Edgar	1.10	Monroe	1.13
Edwards	1.13	Montgomery	1.12
Efingham	1.12	Morgan	1.12
Fayette	1.12	Moultrie	1.10
Ford	1.10	Ogle	1.10
Franklin	1.13	Peoria	1.11
Fulton	1.11	Perry	1.13
Gallatin	1.14	Piatt	1.10
Greene	1.12	Pike	1.11
Grundy	1.11	Pope	1.14
Hamilton	1.13	Pulaski	1.14
Hancock	1.09	Putnam	1.12
Hardin	1.14	Randolph	1.13
Henderson	1.09	Richland	1.13
Henry	1.10	Rock Island	1.09
Iroquois	1.11	St. Clair	1.13
Jackson	1.13	Saline	1.13
Jasper	1.12	Sangamon	1.12
Jefferson	1.12	Schuyler	1.11
Jersey	1.12	Scott	1.12
Jo Daviess	1.09	Shelby	1.11
Johnson	1.13	Stark	1.11

ILLINOIS—Continued			
County	Rate per bushel	County	Rate per bushel
Stephenson	\$1.10	Wayne	\$1.12
Tazewell	1.12	White	1.13
Union	1.13	Whiteside	1.09
Vermilion	1.10	Will	1.12
Wabash	1.13	Williamson	1.13
Warren	1.10	Winnebago	1.10
Washington	1.13	Woodford	1.12

INDIANA			
County	Rate per bushel	County	Rate per bushel
Adams	\$1.11	Lawrence	\$1.13
Allen	1.11	Madison	1.11
Bartholomew	1.13	Marion	1.11
Benton	1.11	Marshall	1.11
Blackford	1.11	Martin	1.13
Boone	1.11	Miami	1.11
Brown	1.12	Monroe	1.12
Carroll	1.11	Montgomery	1.10
Cass	1.11	Morgan	1.11
Clark	1.14	Newton	1.11
Clay	1.11	Noble	1.11
Clinton	1.11	Ohio	1.14
Crawford	1.14	Orange	1.13
Daviess	1.13	Owen	1.11
Dearborn	1.14	Parke	1.10
Decatur	1.13	Perry	1.14
De Kalb	1.11	Pike	1.13
Delaware	1.11	Porter	1.11
Dubois	1.13	Posey	1.14
Elkhart	1.11	Pulaski	1.11
Fayette	1.12	Putnam	1.11
Floyd	1.14	Randolph	1.11
Fountain	1.10	Ripley	1.13
Franklin	1.13	Rush	1.12
Fulton	1.11	St. Joseph	1.11
Gibson	1.14	Scott	1.14
Grant	1.11	Shelby	1.12
Greene	1.12	Spencer	1.14
Hamilton	1.11	Starke	1.11
Hancock	1.11	Steuben	1.11
Harrison	1.14	Sullivan	1.12
Hendricks	1.11	Switzerland	1.14
Henry	1.11	Tippecanoe	1.10
Howard	1.11	Tipton	1.11
Huntington	1.11	Union	1.12
Jackson	1.13	Vanderburgh	1.14
Jasper	1.11	Vermillion	1.10
Jay	1.11	Vigo	1.11
Jefferson	1.14	Wabash	1.11
Jennings	1.13	Warren	1.10
Johnson	1.11	Warrick	1.14
Knox	1.13	Washington	1.14
Kosciusko	1.11	Wayne	1.11
Lagrange	1.11	Wells	1.11
Lake	1.11	White	1.11
La Porte	1.11	Whitley	1.11

IOWA			
County	Rate per bushel	County	Rate per bushel
Adair	\$1.05	Dubuque	\$1.07
Adams	1.06	Emmet	1.00
Allamakee	1.04	Fayette	1.05
Appanoose	1.07	Floyd	1.02
Audubon	1.04	Franklin	1.02
Benton	1.06	Fremont	1.06
Black Hawk	1.04	Greene	1.03
Boone	1.03	Grundy	1.03
Bremer	1.03	Guthrie	1.04
Buchanan	1.05	Hamilton	1.02
Buena Vista	1.01	Hancock	1.01
Butler	1.03	Hardin	1.03
Calhoun	1.02	Harrison	1.05
Carroll	1.03	Henry	1.08
Cass	1.05	Howard	1.03
Cedar	1.08	Humboldt	1.01
Cerro Gordo	1.01	Ida	1.02
Cherokee	1.02	Iowa	1.06
Chickasaw	1.03	Jackson	1.08
Clarke	1.06	Jasper	1.04
Clay	1.01	Jefferson	1.07
Clayton	1.05	Johnson	1.07
Clinton	1.08	Jones	1.07
Crawford	1.03	Keokuk	1.06
Dallas	1.04	Kossuth	1.01
Davis	1.07	Lee	1.08
Decatur	1.06	Linn	1.06
Delaware	1.06	Louisa	1.08
Des Moines	1.08	Lucas	1.06
Dickinson	1.00	Lyon	1.00

IOWA—Continued			
County	Rate per bushel	County	Rate per bushel
Madison	\$1.05	Sac	\$1.02
Mahaska	1.04	Scott	1.08
Marion	1.05	Shelby	1.04
Marshall	1.03	Sioux	1.01
Mills	1.06	Story	1.03
Mitchell	1.01	Tama	1.04
Monona	1.04	Taylor	1.06
Monroe	1.06	Union	1.06
Montgomery	1.06	Van Buren	1.07
Muscatine	1.08	Wapello	1.06
O'Brien	1.01	Warren	1.05
Osceola	1.00	Washington	1.07
Page	1.06	Wayne	1.06
Palo Alto	1.01	Webster	1.02
Plymouth	1.02	Winnebago	1.01
Pocahontas	1.01	Winneshiek	1.04
Polk	1.04	Woodbury	1.02
Pottawattamie	1.06	Worth	1.01
Poweshiek	1.04	Wright	1.01
Ringgold	1.06		

KANSAS			
County	Rate per bushel	County	Rate per bushel
Allen	\$1.13	Linn	\$1.13
Anderson	1.12	Logan	1.12
Atchison	1.10	Lyon	1.10
Barber	1.14	McPherson	1.10
Barton	1.11	Marion	1.10
Bourbon	1.13	Marshall	1.07
Brown	1.08	Meade	1.14
Butler	1.12	Miami	1.12
Chase	1.10	Mitchell	1.08
Chautauqua	1.15	Montgomery	1.15
Cherokee	1.15	Morris	1.10
Cheyenne	1.10	Morton	1.14
Clark	1.14	Nemaha	1.08
Clay	1.07	Nessho	1.14
Cloud	1.07	Neosho	1.14
Coffey	1.12	Norton	1.08
Comanche	1.14	Osage	1.10
Cowley	1.14	Osborne	1.08
Crawford	1.15	Ottawa	1.08
Decatur	1.09	Pawnee	1.12
Dickinson	1.09	Phillips	1.07
Doniphan	1.09	Pottawatomie	1.08
Douglas	1.10	Pratt	1.13
Edwards	1.12	Rawlins	1.10
Elk	1.14	Reno	1.12
Ellis	1.10	Republic	1.06
Ellsworth	1.10	Rice	1.11
Finney	1.13	Riley	1.07
Ford	1.13	Rooks	1.09
Franklin	1.11	Rush	1.11
Geary	1.09	Russell	1.09
Gove	1.12	Saline	1.09
Graham	1.09	Scott	1.13
Grant	1.13	Sedgwick	1.13
Gray	1.13	Seward	1.14
Greeley	1.13	Shawnee	1.09
Greenwood	1.12	Sheridan	1.09
Hamilton	1.13	Sherman	1.11
Harper	1.14	Smith	1.06
Harvey	1.12	Stafford	1.12
Haskell	1.13	Stanton	1.13
Hodgeman	1.13	Stevens	1.14
Jackson	1.09	Sumner	1.14
Jefferson	1.10	Thomas	1.11
Jewell	1.06	Trego	1.12
Johnson	1.11	Wabaunsee	1.09
Kearny	1.13	Wallace	1.12
Kingman	1.13	Washington	1.07
Kiowa	1.13	Wichita	1.13
Labette	1.15	Wilson	1.14
Lane	1.13	Woodson	1.13
Leavenworth	1.11	Wyandotte	1.11
Lincoln	1.09		

KENTUCKY			
County	Rate per bushel	County	Rate per bushel
Adair	\$1.20	Boyle	\$1.20
Allen	1.20	Bracken	1.18
Anderson	1.19	Breathitt	1.23
Ballard	1.16	Breckenridge	1.16
Barren	1.19	Bullitt	1.17
Bath	1.21	Butler	1.18
Bell	1.23	Caldwell	1.18
Boone	1.16	Calloway	1.17
Bourbon	1.20	Campbell	1.16
Boyd	1.20	Carlisle	1.16

RULES AND REGULATIONS

KENTUCKY—Continued

County	Rate per bushel	County	Rate per bushel
Carroll	\$1.16	Logan	\$1.19
Carter	1.20	Lyon	1.18
Casey	1.20	McCracken	1.16
Christian	1.19	McCreary	1.21
Clark	1.21	McLean	1.17
Clay	1.22	Madison	1.21
Clinton	1.21	Magoffin	1.23
Crittenden	1.16	Marion	1.19
Cumberland	1.20	Marshall	1.17
Davless	1.16	Martin	1.22
Edmonson	1.18	Mason	1.18
Elliott	1.21	Meade	1.16
Estill	1.21	Menifee	1.21
Fayette	1.20	Mercer	1.20
Fleming	1.19	Metcalfe	1.20
Floyd	1.23	Monroe	1.20
Franklin	1.18	Montgomery	1.21
Fulton	1.16	Morgan	1.22
Gallatin	1.16	Muhlenburg	1.18
Garrard	1.21	Nelson	1.18
Grant	1.17	Nicholas	1.20
Graves	1.16	Ohio	1.17
Grayson	1.17	Oldham	1.16
Green	1.20	Owen	1.17
Greenup	1.19	Owsley	1.22
Hancock	1.16	Pendleton	1.17
Hardin	1.17	Perry	1.23
Harlan	1.23	Pike	1.23
Harrison	1.19	Powell	1.21
Hart	1.19	Pulaski	1.21
Henderson	1.16	Robertson	1.19
Henry	1.17	Rockcastle	1.21
Hickman	1.16	Rowan	1.21
Hopkins	1.18	Russell	1.21
Jackson	1.22	Scott	1.19
Jefferson	1.16	Shelby	1.17
Jessamine	1.21	Simpson	1.20
Johnson	1.22	Spencer	1.17
Kenton	1.16	Taylor	1.19
Knott	1.23	Todd	1.19
Knox	1.22	Trigg	1.19
Larue	1.18	Trimble	1.16
Laurel	1.22	Union	1.16
Lawrence	1.21	Warren	1.19
Lee	1.22	Washington	1.19
Leslie	1.23	Wayne	1.21
Letcher	1.23	Webster	1.17
Lewis	1.18	Whitley	1.22
Lincoln	1.21	Wolfe	1.22
Livingston	1.16	Woodford	1.20

LOUISIANA

All counties.....\$1.21

MAINE

All counties.....\$1.32

MARYLAND

All counties.....\$1.26

MASSACHUSETTS

All counties.....\$1.32

MICHIGAN

County	Rate per bushel	County	Rate per bushel
Allegan	\$1.12	Livingston	\$1.13
Barry	1.12	Macomb	1.13
Berrien	1.11	Meosta	1.13
Branch	1.12	Midland	1.13
Calhoun	1.12	Monroe	1.13
Cass	1.11	Montcalm	1.13
Clinton	1.13	Oakland	1.13
Eaton	1.13	Saginaw	1.13
Genesee	1.13	St. Clair	1.13
Gratiot	1.13	St. Joseph	1.11
Hillsdale	1.12	Sanilac	1.13
Ingham	1.13	Shlawassee	1.13
Ionia	1.13	Tuscola	1.13
Isabella	1.13	Van Buren	1.11
Jackson	1.13	Washtenaw	1.13
Kalamazoo	1.12	Wayne	1.13
Kent	1.13	All other	
Lapeer	1.13	counties	1.14
Lenawee	1.13		

MINNESOTA

County	Rate per bushel	County	Rate per bushel
Aitkin	\$1.02	Blue Earth	\$1.01
Anoka	1.04	Brown	1.01
Becker	1.00	Carlton	1.03
Beltrami	1.00	Carver	1.03
Benton	1.02	Cass	1.01
Big Stone	.98	Chippewa	.99

MINNESOTA—Continued

County	Rate per bushel	County	Rate per bushel
Chisago	\$1.04	Murray	\$0.99
Clay	.99	Nicollet	1.02
Clearwater	1.00	Nobles	.99
Cook	1.02	Norman	.99
Cottonwood	1.00	Olmsted	1.03
Crow Wing	1.01	Otter Tail	1.00
Dakota	1.04	Pennington	.99
Dodge	1.02	Pine	1.03
Douglas	1.01	Pipestone	.99
Faribault	.99	Polk	.99
Fillmore	1.03	Pope	1.00
Freeborn	1.01	Ramsey	1.04
Goodhue	1.04	Red Lake	.99
Grant	1.00	Redwood	1.00
Hennepin	1.03	Renville	1.01
Houston	1.04	Rice	1.03
Hubbard	1.00	Rock	.99
Isanti	1.03	Roseau	.99
Itasca	1.02	St. Louis	1.02
Jackson	.99	Scott	1.03
Kanabec	1.03	Sherburne	1.02
Kandiyohi	1.01	Sibley	1.02
Kittson	.99	Stearns	1.02
Koochiching	1.02	Steele	1.01
Lac Qui Parle	.98	Stevens	.99
Lake	1.02	Swift	1.00
Lake of the		Todd	1.01
Woods	1.00	Traverse	.98
Le Sueur	1.02	Wabasha	1.04
Lincoln	.98	Wadena	1.01
Lyon	.99	Wadena	1.01
McLeod	1.02	Washington	1.05
Mahnomen	.99	Watsonwan	1.00
Marshall	.99	Wilkin	.99
Martin	.99	Winona	1.04
Meeker	1.02	Wright	1.02
Mille Lacs	1.02	Yellow Medi-	
Morrison	1.01	cine	.99
Mower	1.02		

MISSISSIPPI

All counties.....\$1.21

MISSOURI

County	Rate per bushel	County	Rate per bushel
Adair	\$1.10	Howard	\$1.12
Andrew	1.09	Howell	1.15
Atchison	1.08	Iron	1.14
Audrain	1.12	Jackson	1.12
Barry	1.15	Jasper	1.14
Barton	1.14	Jefferson	1.13
Bates	1.12	Johnson	1.12
Benton	1.12	Knox	1.10
Bollinger	1.14	Laclede	1.14
Boone	1.12	Lafayette	1.12
Buchanan	1.11	Lawrence	1.14
Butler	1.15	Lewis	1.10
Caldwell	1.12	Lincoln	1.12
Calloway	1.12	Linn	1.11
Camden	1.14	Livingston	1.11
Cape Girardeau	1.14	McDonald	1.15
Carroll	1.12	Macon	1.12
Carter	1.15	Madison	1.14
Cass	1.12	Maries	1.14
Cedar	1.13	Marion	1.10
Chariton	1.12	Mercer	1.08
Christian	1.15	Miller	1.14
Clark	1.09	Mississippi	1.15
Clay	1.12	Moniteau	1.13
Clinton	1.12	Monroe	1.12
Cole	1.13	Montgomery	1.12
Cooper	1.12	Morgan	1.13
Crawford	1.14	New Madrid	1.15
Dade	1.14	Newton	1.15
Dallas	1.14	Nodaway	1.08
Davless	1.10	Oregon	1.15
De Kalb	1.10	Osage	1.13
Dent	1.14	Ozark	1.15
Douglas	1.15	Pemiscot	1.15
Dunklin	1.15	Perry	1.14
Franklin	1.13	Pettis	1.12
Gasconade	1.13	Phelps	1.14
Gentry	1.09	Pike	1.11
Greene	1.14	Platte	1.12
Grundy	1.10	Polk	1.14
Harrison	1.08	Pulaski	1.14
Henry	1.12	Putnam	1.09
Hickory	1.13	Ralls	1.11
Holt	1.09	Randolph	1.12
		Ray	1.12

MISSOURI—Continued

County	Rate per bushel	County	Rate per bushel
Reynolds	\$1.14	Shelby	\$1.11
Ripley	1.15	Stodgard	1.15
St. Charles	1.12	Stone	1.15
St. Clair	1.13	Sullivan	1.10
St. Francis	1.14	Texas	1.14
St. Louis	1.13	Vernon	1.13
Ste. Genevieve	1.13	Warren	1.12
Saline	1.12	Washington	1.14
Schuyler	1.09	Wayne	1.14
Scotland	1.08	Webster	1.14
Scott	1.15	Worth	1.08
Shannon	1.14	Wright	1.14

MONTANA

All counties.....\$1.15

NEBRASKA

County	Rate per bushel	County	Rate per bushel
Adams	\$1.04	Jefferson	\$1.06
Antelope	1.02	Johnson	1.06
Arthur	1.08	Kearney	1.04
Banner	1.11	Keith	1.09
Blaine	1.05	Keyapaha	1.04
Boone	1.03	Kimball	1.11
Box Butte	1.10	Knox	1.02
Boyd	1.02	Lancaster	1.04
Brown	1.04	Lincoln	1.07
Buffalo	1.04	Logan	1.07
Burt	1.04	Loup	1.05
Butler	1.04	McPherson	1.07
Cass	1.05	Madison	1.03
Cedar	1.02	Merrick	1.04
Chase	1.08	Morrill	1.11
Cherry	1.06	Nance	1.04
Cheyenne	1.10	Nemaha	1.06
Clay	1.04	Nuckolls	1.05
Colfax	1.04	Otoe	1.05
Cuming	1.03	Pawnee	1.07
Custer	1.06	Perkins	1.08
Dakota	1.02	Phelps	1.05
Dawes	1.10	Pierce	1.02
Dawson	1.05	Platte	1.04
Deuel	1.10	Polk	1.05
Dixon	1.02	Red Willow	1.07
Dodge	1.04	Richardson	1.07
Douglas	1.05	Rock	1.04
Dundy	1.08	Saline	1.05
Fillmore	1.04	Sarpy	1.05
Franklin	1.04	Saunders	1.04
Frontier	1.06	Scotts Bluff	1.11
Furnas	1.06	Seward	1.04
Gage	1.06	Sheridan	1.09
Garden	1.09	Sherman	1.05
Garfield	1.05	Sioux	1.11
Gosper	1.06	Stanton	1.03
Grant	1.07	Thayer	1.05
Greeley	1.04	Thomas	1.06
Hall	1.04	Thurston	1.03
Hamilton	1.04	Valley	1.05
Harlan	1.05	Washington	1.05
Hayes	1.08	Wayne	1.02
Hitchcock	1.08	Webster	1.05
Holt	1.03	Wheeler	1.04
Hooker	1.06	York	1.04
Howard	1.04		

NEVADA

All counties.....\$1.28

NEW HAMPSHIRE

All counties.....\$1.32

NEW JERSEY

All counties.....\$1.28

NEW MEXICO

All counties.....\$1.24

NEW YORK

All counties.....\$1.27

NORTH CAROLINA

All counties.....\$1.26

NORTH DAKOTA

All counties.....\$0.99

OHIO

County	Rate per bushel	County	Rate per bushel
Adams	\$1.17	Athens	\$1.19
Allen	1.12	Auglaize	1.12
Ashland	1.16	Belmont	1.21
Ashtabula	1.22	Brown	1.17

OHIO—Continued

County	Rate per bushel	County	Rate per bushel
Butler	\$1.13	Madison	\$1.14
Carroll	1.20	Mahoning	1.22
Champaign	1.13	Marion	1.14
Clark	1.13	Medina	1.17
Clermont	1.15	Meigs	1.19
Clinton	1.14	Mercer	1.12
Columbiana	1.22	Miami	1.12
Coshocton	1.17	Monroe	1.21
Crawford	1.14	Montgomery	1.12
Cuyahoga	1.18	Morgan	1.18
Darke	1.12	Morrow	1.15
Defiance	1.12	Muskingum	1.17
Delaware	1.14	Noble	1.19
Erie	1.16	Ottawa	1.15
Fairfield	1.16	Paulding	1.12
Fayette	1.15	Perry	1.17
Franklin	1.14	Pickaway	1.15
Fulton	1.13	Pike	1.16
Gallia	1.18	Portage	1.20
Geauga	1.20	Preble	1.12
Greene	1.13	Putnam	1.13
Guernsey	1.19	Richland	1.15
Hamilton	1.14	Ross	1.16
Hancock	1.13	Sandusky	1.15
Hardin	1.13	Scloto	1.17
Harrison	1.20	Seneca	1.14
Henry	1.13	Shelby	1.12
Highland	1.15	Stark	1.19
Hocking	1.17	Summit	1.18
Holmes	1.17	Trumbull	1.22
Huron	1.16	Tuscarawas	1.19
Jackson	1.17	Union	1.13
Jefferson	1.22	Van Wert	1.12
Knox	1.15	Vinton	1.17
Lake	1.20	Warren	1.14
Lawrence	1.18	Washington	1.20
Licking	1.15	Wayne	1.17
Logan	1.13	Williams	1.12
Lorain	1.17	Wood	1.14
Lucas	1.14	Wyandot	1.14

OKLAHOMA

All counties..... \$1.18

OREGON

All counties..... \$1.24

PENNSYLVANIA

All counties..... \$1.27

RHODE ISLAND

All counties..... \$1.32

SOUTH CAROLINA

All counties..... \$1.26

SOUTH DAKOTA

Armstrong	\$1.02	Hutchinson	\$0.99
Aurora	.98	Hyde	1.00
Beadle	.98	Jackson	1.04
Bennett	1.05	Jerault	.98
Bon Homme	.99	Jones	1.03
Brookings	.98	Kingsbury	.98
Brown	.98	Lake	.98
Brule	.99	Lawrence	1.05
Buffalo	.99	Lincoln	1.00
Butte	1.05	Lyman	1.01
Campbell	1.01	McCook	.99
Charles Mix	.98	McPherson	1.00
Clark	.98	Marshall	.98
Clay	1.00	Meade	1.04
Codington	.98	Mellette	1.03
Corson	1.03	Miner	.98
Custer	1.08	Minnehaha	.99
Davison	.98	Moody	.98
Day	.98	Pennington	1.05
Deuel	.98	Perkins	1.04
Dewey	1.03	Potter	1.02
Douglas	.98	Roberts	.98
Edmunds	1.00	Sanborn	.98
Fall River	1.09	Shannon	1.07
Faulk	1.00	Spink	.98
Grant	.98	Stanley	1.03
Gregory	.99	Sully	1.01
Haakon	1.03	Todd	1.03
Hamlin	.98	Tripp	1.00
Hand	.99	Turner	1.00
Hanson	.98	Union	1.00
Harding	1.05	Walworth	1.02
Hughes	1.01	Washabaugh	1.04

SOUTH DAKOTA—Continued

County	Rate per bushel	County	Rate per bushel
Washington	\$1.05	Ziebach	\$1.04
Yankton	1.00		

TENNESSEE

Anderson	\$1.24	Lauderdale	\$1.18
Bedford	1.21	Lawrence	1.20
Benton	1.20	Lewis	1.20
Bledsoe	1.22	Lincoln	1.20
Blount	1.25	Loudon	1.24
Bradley	1.23	McMinn	1.23
Campbell	1.24	McNairy	1.20
Cannon	1.22	Macon	1.21
Carroll	1.19	Madison	1.19
Carter	1.25	Marion	1.21
Cheatham	1.20	Marshall	1.22
Chester	1.19	Maury	1.20
Claiborne	1.24	Meigs	1.23
Clay	1.22	Monroe	1.24
Cocke	1.25	Montgomery	1.20
Coffee	1.21	Moore	1.22
Crockett	1.19	Morgan	1.23
Cumberland	1.23	Obion	1.18
Davidson	1.21	Overton	1.22
Decatur	1.20	Perry	1.20
DeKalb	1.22	Pickett	1.22
Dickson	1.20	Polk	1.23
Dyer	1.18	Putnam	1.22
Fayette	1.19	Rhea	1.23
Fentress	1.23	Roane	1.24
Franklin	1.20	Robertson	1.20
Gibson	1.18	Rutherford	1.21
Giles	1.20	Scott	1.23
Grainger	1.25	Sequatchie	1.22
Greene	1.25	Sevier	1.25
Grundy	1.22	Shelby	1.18
Hamblen	1.25	Smith	1.21
Hamilton	1.22	Stewart	1.20
Hancock	1.25	Sullivan	1.25
Hardeman	1.19	Sumner	1.21
Hardin	1.20	Tipton	1.18
Hawkins	1.25	Trousdale	1.21
Haywood	1.19	Unicoi	1.25
Henderson	1.19	Union	1.24
Henry	1.19	Van Buren	1.22
Hickman	1.20	Warren	1.22
Houston	1.20	Washington	1.25
Humphreys	1.20	Wayne	1.20
Jackson	1.22	Weakley	1.18
Jefferson	1.25	White	1.22
Johnson	1.25	Williamson	1.21
Knox	1.24	Wilson	1.21
Lake	1.18		

TEXAS

All counties..... \$1.20

UTAH

All counties..... \$1.27

VERMONT

All counties..... \$1.32

VIRGINIA

All counties..... \$1.26

WASHINGTON

All counties..... \$1.22

WEST VIRGINIA

All counties..... \$1.25

WISCONSIN

Adams	\$1.10	Fond du Lac	\$1.11
Ashland	1.10	Forest	1.12
Barron	1.08	Grant	1.08
Bayfield	1.09	Green	1.10
Brown	1.12	Green Lake	1.11
Buffalo	1.08	Iowa	1.10
Burnett	1.08	Iron	1.11
Calumet	1.12	Jackson	1.09
Chippewa	1.09	Jefferson	1.11
Clark	1.10	Juneau	1.10
Columbia	1.11	Kenosha	1.12
Crawford	1.08	Kewaunee	1.13
Dane	1.11	La Crosse	1.08
Dodge	1.11	Lafayette	1.10
Door	1.13	Langlade	1.12
Douglas	1.08	Lincoln	1.11
Dunn	1.08	Manitowoc	1.13
Eau Claire	1.09	Marathon	1.11
Florence	1.12	Marquette	1.12

WISCONSIN—Continued

County	Rate per bushel	County	Rate per bushel
Marquette	\$1.11	Sauk	\$1.10
Milwaukee	1.12	Sawyer	1.09
Monroe	1.09	Shawano	1.12
Oconto	1.12	Sheboygan	1.12
Oneida	1.12	Taylor	1.10
Outagamie	1.11	Trempealeau	1.08
Ozaukee	1.12	Vernon	1.08
Pepin	1.08	Vilas	1.12
Pierce	1.08	Walworth	1.11
Polk	1.08	Washburn	1.08
Portage	1.11	Washington	1.11
Price	1.10	Waukesha	1.11
Racine	1.12	Waupaca	1.12
Richland	1.09	Waushara	1.11
Rock	1.11	Winnebago	1.12
Rusk	1.09	Wood	1.10
St. Croix	1.08		

WYOMING

All counties..... \$1.15

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072 secs. 105, 401, 63 Stat. 1051, as amended; 15 U.S.C. 714c, 7 U.S.C. 1421, 1441)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on October 16, 1964.

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

[F.R. Doc. 64-10736; Filed, Oct. 21, 1964; 8:45 a.m.]

## Title 9—ANIMALS AND ANIMAL PRODUCTS

### Chapter I—Agricultural Research Service, Department of Agriculture

#### SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

#### PART 71—GENERAL PROVISIONS

#### PART 78—BRUCellosIS

#### PART 79—SCRAPIE IN SHEEP

#### PART 80—PARATUBERCULOSIS IN DOMESTIC ANIMALS

#### PART 82—PSITTACOSIS OR ORNITHOSIS IN POULTRY

#### PART 83—SCREW WORMS

### Interstate Movement of Animals and Poultry Because of Certain Communicable Diseases

Pursuant to the provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of May 31, 1920, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111-113, 114a-1, 114g, 115, 116, 117, 120, 121, 123-126, 134b, 134f), the provisions of Parts 71, 78, 79, 80, 82, and 83, Subchapter C, Chapter I, Code of Federal Regulations, are hereby amended in the following respects:

1. Paragraph (1) of § 71.1 is amended and redesignated as paragraph (m), and a new paragraph (1) is added to read as follows:

#### § 71.1 Definitions.

(l) *State*. Any State, Territory, the District of Columbia, or Puerto Rico.

(m) *Interstate*. From one State into or through any other State.

2. Paragraphs (d) and (e) of § 78.1 are amended to read, respectively:

§ 78.1 Definitions.

(d) *State*. Any State, Territory, the District of Columbia, or Puerto Rico.

(e) *Interstate*. From one State into or through any other State.

3. Paragraph (f) of § 79.1 is amended and redesignated as paragraph (g), and a new paragraph (f) is added to read as follows:

§ 79.1 Definitions.

(f) *State*. Any State, Territory, the District of Columbia, or Puerto Rico.

(g) *Interstate*. From one State into or through any other State.

4. Paragraphs (b) and (c) of § 80.1 are amended to read, respectively:

§ 80.1 Definitions.

(b) *State*. Any State, Territory, the District of Columbia, or Puerto Rico.

(c) *Interstate*. From one State into or through any other State.

5. Paragraphs (b) and (c) of § 82.1 are amended to read, respectively:

§ 82.1 Definitions.

(b) *State*. Any State, Territory, the District of Columbia, or Puerto Rico.

(c) *Interstate*. From one State into or through any other State.

6. Paragraphs (i) and (j) of § 83.1 are amended to read, respectively:

§ 83.1 Definitions.

(i) *State*. Any State (other than Alaska or Hawaii), Territory, the District of Columbia, or Puerto Rico.

(j) *Interstate*. From one State into or through any other State.

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791-792, as amended, sec. 3, 33 Stat. 1265, as amended, 41 Stat. 699, sec. 2, 65 Stat. 693, 75 Stat. 481, 76 Stat. 130; 21 U.S.C. 111-113, 114a-1, 114g, 116, 120, 121, 123-126, 134b, 134f; 19 F.R. 74 as amended)

The purpose of the amendments is to clarify the intent of the regulations as contained in 9 CFR Parts 71, 78, 79, 80, 82, and 83, by bringing the respective definitions of the words "State" and "Interstate" as set forth in §§ 71.1, 78.1, 79.1, 80.1, 82.1, and 83.1, into closer conformity with each other. The amendments make no substantive change in such regulations. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendments are un-

necessary, and the amendments may be made effective less than 30 days after publication in the FEDERAL REGISTER.

*Effective date.* The foregoing amendments shall become effective upon publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 16th day of October 1964.

B. T. SHAW,  
Administrator.

Agricultural Research Service.

[F.R. Doc. 64-10786; Filed, Oct. 21, 1964; 8:49 a.m.]

## Title 14—AERONAUTICS AND SPACE

### Chapter I—Federal Aviation Agency

[Airspace Docket No. 63-WE-5]

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

##### Designation of Transition Area

###### Correction

In F.R. Doc. 64-10414, appearing at page 14104 of the issue for Wednesday, October 14, 1964, the following correction is made in the airspace description under item 3b: In the 24th and 25th lines of the airspace description, "longitude 111°80'00" W." should read "longitude 111°30'00" W."

### Chapter II—Civil Aeronautics Board

[Docket No. 15080; Order E-21410]

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

##### Order Denying Petition for Reconsideration

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 16th day of October 1964.

Notice of proposed rule making in Docket 15080 was published March 13, 1964 (29 F.R. 3440), proposing to amend Part 288 of the Economic Regulations (14 CFR Part 288) by reducing minimum rates applicable to all-cargo charters in overseas and foreign air transportation to reflect the lower unit operating costs of turbojet aircraft, in anticipation that such aircraft would be used increasingly by the military in fiscal year 1965. On April 17, 1964, in Regulation ER-403, the Board adopted the proposed minimum rates effective July 1, 1964 (29 F.R. 5389). The preamble noted that The Flying Tiger Line Inc. (FTL) had challenged the validity of the reduced minimum cargo rates for operations on the North Pacific route (between a point in the 48 contiguous States and Japan via Alaska), contending that North Pacific operations were more costly than those over Mid-Pacific routings. The Board stated that it was unable at that time to determine whether an adjustment should be made

with respect to North Pacific operations for lack of sufficient factual data.

On May 6, 1964, before the rates specified in ER-403 became effective, FTL petitioned for reconsideration of ER-403 and accompanied the petition with economic data justifying a rate differential on North Pacific operations. No answers were received to the petition. On August 18, 1964, the Board adopted Regulation ER-414, effective September 1, 1964, amending Part 288 to provide for higher minimum rates on the North Pacific route based upon evidence of the higher costs of operating over such a routing than over the Mid-Pacific route (29 F.R. 12027).

By petition filed September 3, 1964, the Military Air Transport Service of the Department of Defense (MATS) has requested that the Board reconsider and rescind its decision in ER-414. MATS contends that the costs relied on by the Board were based on the experience of one carrier and one type of aircraft and that minimum rates should not be based upon the cost experience of the highest-cost operator or the highest-cost equipment but upon an industry average; that the Board has not previously set separate minimum rates for specific areas except where jet service is not feasible; that carriers may bid at prices higher than the minimum rates set in Part 288 and that the question of a higher price due to higher costs is a matter for contract negotiation between MATS and the carrier involved; and that the Board should not disturb the terms of contracts after execution.

FTL filed an answer to the petition stating that the cost differential found between the Mid-Pacific and North Pacific routes in ER-414 was not based upon cost criteria of the highest-cost operator or the highest-cost equipment but upon cost factors that would apply regardless of the operator or the aircraft; that MATS contracts provide for amendment when Part 288 minimums are reduced subsequent to execution; and that the contracting parties are aware that Part 288 may be modified from time to time.

The Board has considered the petition and answer filed herein and concludes that the MATS petition should be denied.

MATS challenges the increase in the minimum rate applicable to North Pacific all-cargo charters principally on the ground that it reflects the experience of only one carrier using only CL-44 aircraft. Such is not the case.

We determined in ER-414 that operational considerations peculiar to the North Pacific routing resulted in higher costs to carriers operating over such a routing. Specifically, we found that the North Pacific routing caused significantly higher fuel, crew, and maintenance costs, a finding that is not disputed in the MATS petition. The process employed in ER-414 was one of determining the dimensions of the North Pacific cost differential and adding the amount of such differential to the minimum rate fixed in ER-403, a rate based on an industry average cost computation assuming approximately equal use of

CL-44 and turbojet aircraft in all-cargo charters.<sup>1</sup>

It is true that we used a comparison of the operations of two CL-44 operators, The Slick Corporation (Slick) and FTL, in estimating the differential. However, the factors causing higher costs on the North Pacific routing would affect any operations over that routing regardless of the carrier or type of aircraft employed. We believe that our estimate of the differential was a conservative one, and MATS does not suggest that the rate differential does not reflect the reasonable cost disparity.

The MATS petition points out that other carriers using other aircraft (B-707-320C and DC-8F) have performed North Pacific cargo charters, pursuant to the expansion provisions of their contracts. This fact proves nothing, however, in the absence of a further showing that other carriers or aircraft can operate over the North Pacific route without suffering the extra costs to which FTL operations have been subject. It may be noted that jet operators were awarded only one small fixed-buy cargo contract calling for a North Pacific routing. All other North Pacific cargo charters operated by these carriers have been awarded pursuant to the expansion provisions of their contracts and are not substantial when compared with the total operations of Slick and FTL. Moreover, better than two-thirds of the charters awarded the jet operators for the North Pacific route and paid for on that basis were actually flown Mid-Pacific despite the additional miles required. Only FTL regularly operates via the North Pacific route.

MATS also points out that the Board has not fixed a regional minimum rate previously except with respect to those areas where jet operations are not feasible. However, the purpose of Part 288 is to maintain sound economic conditions in the industry, and the minimum rates should reflect cost factors peculiar to a regional operation where necessary to accomplish that purpose. Thus, in ER-414 we found the extra costs associated with operating over the North Pacific route were substantial enough to require a special minimum rate.

It may be added that the cost per ton delivered over the North Pacific route is still well below that over the Mid-Pacific routing because of the substantial mileage savings.

In view of the foregoing, the Board finds that no modification of its action in ER-414 is warranted or required.

Accordingly, it is ordered:

That the petition of Military Air Transport Service for reconsideration of Regulation ER-414, Docket 15080, be and hereby is denied.

This order will be published in the FEDERAL REGISTER.

<sup>1</sup> The fiscal 1965 contracts actually placed approximately 90 percent of the all-cargo charters in the hands of the CL-44 operators. According to information supplied by MATS, during July and August, when expansion business was very heavy, the CL-44 operators carried 70 percent of the traffic moved in one-way cargo charters.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,  
Secretary.

[F.R. Doc. 64-10776; Filed, Oct. 21, 1964;  
8:48 a.m.]

## Title 16—COMMERCIAL PRACTICES

### Chapter I—Federal Trade Commission

[Docket No. C-843]

#### PART 13—PROHIBITED TRADE PRACTICES

##### Robert F. Bruns and Bruns-Travers Furs

Subpart—Concealing, obliterating or removing law required and informative marking: § 13.512 *Fur products tags or identification*. Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely*: 13.1108-45 *Fur Products Labeling Act*. Subpart—Misbranding or mislabeling: § 13.1212 *Formal regulatory and statutory requirements*: 13.1212-80 *Fur Products Labeling Act*. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition*: 13.1845-30 *Fur Products Labeling Act*; § 13.1852 *Formal regulatory and statutory requirements*: 13.1852-35 *Fur Products Labeling Act*; § 13.1865 *Manufacture or preparation*: 13.1865-40 *Fur Products Labeling Act*; § 13.1880 *Old, used, or reclaimed as unused or new*: 13.1880-40 *Fur Products Labeling Act*; § 13.1900 *Source or origin*: 13.1900-40 *Fur Products Labeling Act*; 13.1900-40 (b) *Place*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Robert F. Bruns trading as Bruns-Travers Furs, Omaha, Nebr., Docket C-843, Oct. 5, 1964]

*In the Matter of Robert F. Bruns on Individual Trading as Bruns-Travers Furs*

Consent order requiring an Omaha, Nebr., furrier to cease violating the Fur Products Labeling Act by such practices as failing to disclose on labels when fur products contained used fur and to use the term "secondhand" where required; failing, on invoices, to show the true animal name of fur and the country of origin of imported furs, to disclose when fur was artificially colored and to use the terms "Persian Lamb" and "natural"; substituting non-conforming labels for those originally attached to fur products; and failing in other respects to comply with labeling and invoicing requirements.

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

It is ordered, That respondent Robert F. Bruns, an individual, trading as Bruns-Travers Furs, or under any other trade name, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into

commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce as the terms "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act do forthwith cease and desist from:

A. Misbranding fur products by:

1. Failing to affix labels to fur products showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

2. Failing to disclose that fur products contain or are composed of secondhand used fur.

3. Failing to completely set out information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations thereunder on one side of the labels affixed to fur products.

4. Setting forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in handwriting on labels affixed to fur products.

5. Failing to set forth on labels the item number or mark assigned to a fur product.

B. Falsely and deceptively invoicing fur products by:

1. Failing to furnish invoices as the term "invoice" is defined in the Fur Products Labeling Act showing in words and figures plainly legible all the information required to be disclosed in each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Setting forth information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

3. Failing to set forth the term "Persian Lamb" in the manner required where an election is made to use that term instead of the word "Lamb".

4. Failing to set forth the term "Natural" as part of the information required to be disclosed on invoices under the Fur Products Labeling Act and rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed or otherwise artificially colored.

5. Failing to set forth on invoices the item number or mark assigned to fur products.

It is further ordered, That respondent Robert F. Bruns, an individual trading as Bruns-Travers Furs or under any other trade name and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introducing, selling, advertising or offering for sale, in commerce, or the processing for commerce, of fur products; or in connection with the selling, advertising, offering for sale, or processing of fur products which have been shipped and received in commerce, do forthwith cease

and desist from misbranding fur products by substituting for the labels affixed to such fur product pursuant to section 4 of the Fur Products Labeling Act, labels which do not conform to the requirements of the aforesaid Act and the rules and regulations promulgated thereunder.

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

Issued: October 5, 1964.

By the Commission.

[SEAL]

JOSEPH W. SHEA,  
Secretary.

[F.R. Doc. 64-10742; Filed, Oct. 21, 1964;  
8:45 a.m.]

[Docket No. C-837]

### PART 13—PROHIBITED TRADE PRACTICES

#### General Railway Signal Co. and Westinghouse Air Brake Co.; Correction

A line was omitted from the syllabus of the above named case when it was published in the FEDERAL REGISTER for Tuesday, Oct. 13, 1964, 29 F.R. 14071. The syllabus, as corrected, is set forth below.

Consent order requiring two manufacturers of railroad signaling and control systems and railroad signaling equipment—whose combined sales of such products during the past 30 years amounted to 90 percent or more of the total industry sales—to cease their planned common course of action pursuant to which they fixed and maintained agreed upon prices, terms and conditions of sale; allocated markets and customers and agreed not to compete for them; exchanged price information designated products to be manufactured by a competitor; submitted collusive and non-competitive bids; maintained patent interchange licensing agreements; and entered into contracts requiring purchasers to buy from them all or a fixed percentage of requirements; to cease discriminating in price between different purchasers of their aforesaid systems and equipment by granting cumulative annual volume discounts which were substantial enough to cause purchasers to buy all of their requirements from one respondent in order to qualify for the maximum discounts; and requiring General Railway Signal Company to divest itself within one year of all its properties and rights tangible and intangible, in a competitor it controlled—all with provisions as set forth in the order below.

Issued: October 16, 1964.

[SEAL]

JOSEPH W. SHEA,  
Secretary.

[F.R. Doc. 64-10743; Filed, Oct. 21, 1964;  
8:45 a.m.]

[Docket No. 8595]

### PART 13—PROHIBITED TRADE PRACTICES

#### World Wide Television Corp. et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections*; 13.15-20 *Business methods and policies*; § 13.70 *Fictitious or misleading guarantees*; § 13.155 *Prices*; 13.155-95 *Terms and conditions*; § 13.225 *Services*; § 13.260 *Terms and conditions*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, World Wide Television Corporation (Washington, D.C.) et al., Docket 8595, Oct. 2, 1964]

*In the Matter of World Wide Television Corporation, a Corporation, Saveway-Meter-Matic Television Corporation, a Corporation, Saveway Meter Corporation, a Corporation, Lu-Gil Corporation, a Corporation Trading Under the Names Lancaster Sales Company and Lancaster Sales, and Gilbert Tucker, Individually and as an Officer of Said Corporations*

Order requiring sellers of new and used television sets, appliances and other products to the purchasing public, with places of business in Bladensburg, Md. and Philadelphia, Pa., to cease making numerous false representations in newspaper and other advertising and by radio broadcasts respecting the terms of sale, financing, service and guarantees for their said products.

The order to cease and desist is as follows:

*It is ordered,* That respondents World Wide Television Corporation, a corporation, Lu-Gil Corporation, a corporation, trading under the names of Lancaster Sales Company and Lancaster Sales or under any other name or names, and their officers, and Gilbert Tucker, individually and as an officer of each of said corporations, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of television sets, appliances or other products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that no down payment is required of purchasers of respondents' products when such payments must, in fact, be made by all or a part of said purchasers.
2. Representing, directly or by implication, that purchasers of respondents' products are required to pay as little as 25 cents a day; or, by any means, misrepresenting the amount, frequency or duration of the payments required under respondents' sales contracts.
3. Representing, directly or by implication, that purchasers of respondents' products become the owners of such products within any period of time which is less than that time actually required to discharge all liabilities, obligations and duties under the contract of purchase and to acquire full title thereto.

4. Misrepresenting, directly or by implication that purchasers of respondents' products will have to deal with banks or finance companies.

5. Representing, directly or by implication that no purchasers of respondents' products will have to deal with bill collectors; or, by any means, misrepresenting respondents' usual and customary methods of collection.

6. Representing, directly or by implication, that repair and maintenance service on products purchased from respondents is provided without additional charge.

7. Representing, directly or by implication, that respondents' products are guaranteed unless the nature, extent and duration of the guarantee, the manner in which the guarantor will perform thereunder and the name and address of the guarantor are clearly and conspicuously disclosed.

*It is further ordered,* That this complaint be, and it hereby is, dismissed as to Saveway-Meter-Matic Television Corporation, and Saveway Meter Corporation.

By "Final Order" further order requiring report of compliance therewith is as follows:

*It is further ordered,* That respondents shall, within sixty (60) days after service of the order herein upon them, file with the Commission a report in writing, signed by such respondents, setting forth in detail the manner and form of their compliance with the order to cease and desist.

Issued: October 8, 1964.

By the Commission.

[SEAL]

JOSEPH W. SHEA,  
Secretary.

[F.R. Doc. 64-10744; Filed, Oct. 21, 1964;  
8:45 a.m.]

## Title 19—CUSTOMS DUTIES

### Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 56288]

#### RESPONSIBILITY FOR INVESTIGATIONS IN THE FIELD; TITLES OF CUSTOMS REPRESENTATIVES IN FOREIGN COUNTRIES

Regional reorganization suggested by a Treasury Task Force survey of the Customs Agency Service stipulated referral of all investigative matters to customs agents in charge instead of to supervising customs agents. The Customs Regulations are amended to provide for this change.

### PART 6—AIR COMMERCE REGULATIONS

#### § 6.2 [Amended]

The second sentence of § 6.2(d)(2) is amended to read as follows: "If within 60 days after the issuance of such permit the said collector does not receive a re-

port of the outward clearance of the aircraft covered thereby, the matter shall be reported to the customs agent in charge of the area involved for investigation."

(R.S. 161, as amended, 251, sec. 624, 46 Stat. 759, secs. 904, 1109, 72 Stat. 787, 799, as amended; 5 U.S.C. 22, 19 U.S.C. 66, 1624, 49 U.S.C. 1474, 1509)

**PART 22—DRAWBACK**

**§ 22.4 [Amended]**

The second and third sentences of § 22.4(h) are amended to read as follows: "The statement shall be submitted to the collector through the customs agent in charge who assisted in its preparation. In the case of operations under section 313 (b), (d), or (g), Tariff Act of 1930, as amended, the statement in triplicate shall be submitted through the customs agent in charge to the Commissioner of Customs."

The second sentence of § 22.4(o) is amended to read as follows: "The supplemental statement prepared as a result of such application shall be submitted through the customs agent in charge who assisted in its preparation to the collector of customs at the port where drawback entries filed under the existing rate of drawback are liquidated who shall issue the amendment, if that action is warranted."

The fourth sentence of § 22.4(o) is amended to read as follows: "The foregoing procedure shall also apply to applications for amendments under section 313 (b), (d), or (g), Tariff Act of 1930, as amended, but the supplemental statement in such case shall be submitted through the customs agent in charge to the Commissioner of Customs, except as provided in subparagraph (1) of this paragraph."

**§ 22.6 [Amended]**

The first sentence of § 22.6(a) is amended to read as follows: "Each manufacturer or producer of articles covered by a drawback rate in this section shall by a drawback rate in this section shall submit through the customs agent in charge of the area involved to the collector of customs at the port where drawback entries will be filed, a statement in duplicate describing the methods used in the manufacture or production of the products involved and setting forth the records it agrees to keep for the purpose of complying with the drawback law and regulations and for providing all the data required for the proper liquidation of certificates of manufacture and drawback entries filed hereunder."

The first sentence of § 22.6(b) is amended to read as follows: "In cases where the statement provides for the filing of drawback entries at two or more ports, the statement in duplicate shall be submitted through the customs agent in charge of the area involved to the collector at each of the ports named."

(Secs. 313, 624, 46 Stat. 693, as amended, 759; 19 U.S.C. 1313, 1624)

**PART 23—ENFORCEMENT OF CUSTOMS AND NAVIGATION LAWS**

Section 23.1 (c) and (e) are amended to read:

**§ 23.1 Boarding of vessels or vehicles and inspection, examination, and search of persons, baggage, and merchandise discharged from vessels.**

(c) If the collector or customs agent in charge believes that sufficient grounds exist to justify a search of any army or navy transport, the facts shall be reported to the commanding officer or master of such transport with a request that he cause a full search to be made and advise the collector or customs agent in charge of the result of such search. If, after the cargo has been discharged, passengers and their baggage landed, and the baggage of officers and crewmembers examined and passed, the collector or customs agent in charge believes that sufficient grounds exist to justify the continuance of customs supervision of the vessel, the commanding officer of the vessel shall be advised accordingly.

(e) Collectors of customs and customs agents in charge are hereby authorized to cause inspection, examination, and search to be made under section 467, Tariff Act of 1930, as amended, of persons, baggage, or merchandise, even though such persons, baggage, or merchandise were inspected, examined, searched, or taken on board the vessel at another port in the United States or the Virgin Islands, if such action is deemed necessary or appropriate.

(Sec. 1, 62 Stat. 717, R.S. 3061, sec. 11, 52 Stat. 1083, secs. 1, 3-8, 49 Stat. 517, 518, 519, 520; 18 U.S.C. 546, 19 U.S.C. 482, 1467, 1701, 1703-1708)

Section 23.21(a) is amended to read as follows:

**§ 23.21 Forfeiture by court decree; reports to United States attorneys.**

(a) When it is necessary to institute legal proceedings in order to forfeit seized property, or to forfeit the value of property subject to forfeiture, or to prosecute by a civil or criminal action for any violation of the customs laws, the collector or the customs agent in charge of the area involved shall furnish a report to the United States attorney<sup>33</sup> in accordance with the provisions of section 603, Tariff Act of 1930, as amended.<sup>34</sup>

(R.S. 161, as amended, 251, sec. 624, 46 Stat. 759; 5 U.S.C. 22, 19 U.S.C. 66, 1624)

**PART 31—CUSTOMHOUSE BROKERS**

Subparagraphs (1) and (2) of § 31.4 (e) are amended to read as follows:

**§ 31.4 Application for license; investigation and examination.**

(1) *Individual.* Upon the applicant's obtaining a satisfactory grade on the examination, his application shall be re-

ferred by the collector of customs to the customs agent in charge of the area for investigation, report, and recommendation.

(2) *Corporation, association, or partnership.* Each application shall be referred by the collector of customs to the customs agent in charge of the area for investigation, report and recommendation.

(R.S. 161, as amended, 251, secs. 624, 641, 46 Stat. 759, as amended; 5 U.S.C. 22, 19 U.S.C. 66, 1624, 1641)

**PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE**

**§ 10.29 [Amended]**

Since representatives of the Customs Agency Service stationed in foreign countries are now known as Regional Customs Representatives, Senior Customs Representatives, and Customs Representatives, the designations Treasury Attaches and Treasury Representatives appearing in § 10.29 (d) are changed accordingly. The first sentence of § 10.29 (d) is amended to read as follows: "The privilege of admission free of duty without entry of their baggage and effects may also be extended to representatives of this Government of the classes enumerated in paragraph (a) (1) of this section, including Regional Customs Representatives, Senior Customs Representatives, and Customs Representatives, together with their families and servants, returning from their missions abroad, upon the production of their credentials; and to other high officials of this Government returning from special missions abroad, upon application therefor direct to the Treasury Department by the heads of the respective branches of the Government with which they are connected and the issuance of appropriate instructions."

(R.S. 161, as amended, 251, sec. 624, 46 Stat. 759; 5 U.S.C. 66, 1624)

[SEAL] LESTER D. JOHNSON,  
*Acting Commissioner of Customs.*

Approved: October 15, 1964.

JAMES POMEROY HENDRICK,  
*Acting Assistant Secretary of the Treasury.*

[F.R. Doc. 64-10772; Filed, Oct. 21, 1964; 8:48 a.m.]

**Title 33—NAVIGATION AND NAVIGABLE WATERS**

**Chapter II—Corps of Engineers, Department of the Army**

**PART 206—FISHING AND HUNTING REGULATIONS**

**Waters of Florida; Oyster and Shellfish Beds**

Pursuant to the provisions of section 10 of the River and Harbor Act of 3

March 1899 (30 Stat. 1151; 33 U.S.C. 403), § 206.65 governing the marking of oyster and shellfish beds in waters of Florida is hereby revoked, effective upon publication in the FEDERAL REGISTER, as follows:

§ 206.65 State of Florida; oyster and shellfish beds. [Revoked]

[Regs. Oct. 9, 1964, 1507-32 (Waters of Florida)-ENGW-ON] (Sec. 10, 30 Stat. 1151; 33 U.S.C. 403)

J. C. LAMBERT,  
Major General, U.S. Army,  
The Adjutant General.

[F.R. Doc. 64-10756; Filed, Oct. 21, 1964; 8:46 a.m.]

## Title 43—PUBLIC LANDS: INTERIOR

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

#### SUBCHAPTER B—LAND TENURE MANAGEMENT (2000)

[Circular 2170]

#### PART 2230—SPECIAL USES

##### Subpart 2234—Rights-of-Way

###### ACQUIRED LANDS IN WILDLIFE REFUGES

On pages 8174 and 8175 of the FEDERAL REGISTER of June 27, 1964, there were published a notice and text of a proposed amendment to 43 CFR Subpart 2234. The purpose of the amendment is to establish procedures for the granting of rights-of-way over acquired lands in wildlife refuges. The amendment provides that the general rules of the Department relating to rights-of-way will apply to these lands.

Interested persons were given 30 days within which to submit written comments, suggestions or objections with respect to the proposed amendment. No comments, suggestions, or objections have been received.

Two changes are being made in the proposed amendment. (1) The new provisions will be designated as a section, § 2234.8, rather than as a paragraph under § 2234.1-3. (2) Additional language is being added to the amendment to provide that easements shall not be granted under this section if they can be granted under any other section of subpart 2234, and that in addition to meeting the requirements of this section, easements granted under this section shall meet all other requirements in this subpart relating to the use applied for, unless waived by the authorized officer. The amended regulations are adopted as set forth below, to be effective on the date of publication in the FEDERAL REGISTER.

1. Paragraph (a)(1) of § 2234.1-1 is amended to read as follows:

##### § 2234.1-1 Scope; definitions.

(a) *Scope.* (1) This section applies to all rights-of-way covered by §§ 2234.1-1 to 2234.1-6; 2234.2-3(a); 2234.2-4; 2234.3-1; 2234.3-2; 2234.4-1; 2234.4-2; 2234.5-1; 2234.5-2; 2234.6; 2234.7; 2234.8.

2. New §§ 2234.8, 2234.8-1 and 2234.8-2 are added to Subpart 2234 to read as follows:

##### § 2234.8 Acquired lands in wildlife refuges.

###### § 2234.8-1 Authority.

Section 401 of the Act of June 15, 1935 (49 Stat. 383; 16 U.S.C. 715s), provides that, subject to applicable regulations under the Federal Property and Administrative Services Act of 1949, as amended, the grant of privileges on wildlife refuges may be made upon such terms and conditions as the Secretary shall determine to be for the best interests of government.

###### § 2234.8-2 Applicability of regulations.

(a) All the general right-of-way regulations contained in § 2234.1 are applicable to rights-of-way issued under this section, to the extent they are consistent with regulations issued under the Federal Property and Administrative Services Act of 1949.

(b) Easements shall not be granted under this section if they can be granted under any other section of this subpart.

(c) In addition to meeting the requirements of this section, easements granted under this section shall meet all other requirements in this subpart relating to the use applied for, unless waived by the authorized officer.

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

OCTOBER 16, 1964.

[F.R. Doc. 64-10757; Filed, Oct. 21, 1964; 8:46 a.m.]

## Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

### Chapter I—Federal Procurement Regulations

#### PART 1-2—PROCUREMENT BY FORMAL ADVERTISING

##### Subpart 1-2.2—Solicitation of Bids

Section 1-2.202-4 is amended to provide a revised basis for the use of bid samples. As amended, paragraphs (a) through (e) of the section reads as follows:

###### § 1-2.202-4 Bid samples.

(a) *Definition.* The term "bid sample" means a sample required by the invitation for bids to be furnished by a bidder as a part of his bid to show the characteristics of a product offered in his bid. Such samples will be used only for the purpose of determining the responsiveness of the bid and will not be considered on the issue of a bidder's ability to produce the required items.

(b) *Policy.* Bidders shall not be required to furnish a bid sample of a product they propose to furnish unless there are certain characteristics of the product which cannot be described adequately in the applicable specification or purchase description, thus necessitating the submission of a sample to assure procure-

ment of an acceptable product. It may be appropriate to require bid samples, for example, where the procurement is of products that must be suitable from the standpoint of balance, facility of use, general "feel", color, or pattern, or that have certain other characteristics which cannot be described adequately in the applicable specifications. Where, however, based on the criteria set forth in this § 1-2.202-4, the use of bid samples is justified, the samples may be examined for any required characteristics, whether or not such characteristics may be adequately described in the specifications. Invitations shall list all of the characteristics for which the sample will be examined and bids will be rejected as non-responsive if the sample fails to conform to each of the listed characteristics. Where more than a minor portion of the characteristics of the product cannot be adequately described in the specification, the product should be procured by negotiation in accordance with § 1-3.210.

(c) *Justification.* The reasons why acceptable products cannot be procured without the submission of bid samples shall be set forth and filed in the case file, except where such submission is required by the formal specifications (Federal, military, departmental, etc.) applicable to the procurement.

(d) *Requirements of invitation for bids.* When bid samples are required, the invitation for bids shall (1) state the number and, if appropriate, the size of the samples to be submitted and otherwise fully describe the samples required, (2) list all characteristics for which the sample will be examined, and (3) include a provision in accordance with (e) of this § 1-2.202-4. Where samples are not considered necessary and a waiver of the sample requirements of a specification has been authorized, a statement shall be included in the invitation for bids that notwithstanding the requirements of the specifications, samples will not be required.

(e) *Invitation for bids provision.* When bid samples are required, a provision substantially as follows (modified, if appropriate, in accordance with paragraph (f) of this § 1-2.202-4) shall be included in the invitation for bids:

###### BID SAMPLES

(a) Bid samples, in the quantities, sizes, etc., required for the items so indicated in this Invitation for Bids, must be furnished as a part of the bid and must be received before the time set for opening bids. Samples will be evaluated to determine compliance with all characteristics listed for examination in the Invitation.

(b) Failure of samples to conform to all such characteristics will require rejection of the bid. Failure to furnish samples by the time specified in the Invitation for Bids will require rejection of the bid, except where a late sample was transmitted by mail and it is established under the provision for considering late bids, as set forth elsewhere in this Invitation, that the sample was timely mailed.

(c) Products delivered under any resulting contract shall strictly comply with the approved sample as to the characteristics listed for examination and shall conform to the specifications as to all other characteristics.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

**Effective date.** This regulation is effective December 31, 1964, but may be observed earlier.

Dated: October 19, 1964.

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

[F.R. Doc. 64-10820; Filed, Oct. 21, 1964;  
8:50 a.m.]

## Title 49—TRANSPORTATION

### Chapter I—Interstate Commerce Commission

#### SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Docket No. 3666; Order No. 65]

#### PART 79—SPECIFICATIONS FOR TANK CARS

##### Correction

The following correction is made to Federal Register Document 64-10051, published at page 13997 in the issue dated October 10, 1964: Paragraph (a) of § 79.500-7 (29 F.R. 14022) is corrected to read as follows:

##### § 79.500-7 Physical tests.

(a) Physical tests must be made on 2 test specimens 0.505 inch in diameter within 2-inch gage length, taken 180 degrees apart, 1 from each ring section cut from each end of each forged or drawn tube before necking-down, or 1 from each prolongation at each end of each necked-down tank. These test specimen ring sections or prolongations must be heat treated with the necked-down tank which they represent. The width of the test specimen ring section must be at least its wall thickness. Only when diameters and wall thickness will not permit removal of 0.505 by 2-inch tensile test bar, laid in the transverse direction, may test bar cut in the longitudinal direction be substituted. When the thickness will not permit obtaining a 0.505 specimen, then the largest diameter specimen obtainable in the longitudinal direction shall be used. Specimens shall have bright surface and a reduced section. When 0.505 specimen is not used the gage length shall be a ratio of 4 to 1 length to diameter.

#### SUBCHAPTER B—CARRIERS BY MOTOR VEHICLE

[Ex Parte MC-40]

#### PART 191—QUALIFICATIONS OF DRIVERS

##### Qualifications and Maximum Hours of Service of Employees of Motor Carriers and Safety of Operation and Equipment

At a session of the Interstate Commerce Commission, Motor Carrier Board

No. 2, held at its office in Washington, D.C., on the 13th day of October A.D. 1964.

The matter of qualifications of drivers under the Motor Carrier Safety Regulations prescribed by order of April 14, 1952, being under consideration; and

It appearing, that on March 25, 1964, a notice of proposed rule making was issued in the above-entitled proceeding, with respect to proposals to amend § 191.2 of Part 191 of the Motor Carrier Safety Regulations, by substituting certain language for the opening paragraph thereof, and by adding a new paragraph (e) authorizing the granting of waivers, under specified conditions, with respect to persons handicapped through loss of limb, and further providing sufficient safeguards to assure reasonable controls and safety standards;

It further appearing, that pursuant to such notice and the invitation contained therein, certain persons desiring to participate in the proceeding have submitted written statements containing data, views, and arguments concerning the proposed amendments, and that no useful purpose would be served by assignment of the matter for oral hearing;

It further appearing, that due to the type of equipment involved, and the inherent dangers presented, persons handicapped through loss of limb should not be allowed to drive a vehicle transporting passengers or cargo tank vehicles used for transporting dangerous commodities or any vehicle required to be specifically marked or placarded under the Explosives and Other Dangerous Articles Regulations (49 CFR 77.823).

It is ordered, That the introductory paragraph of § 191.2 of the Code of Federal Regulations (49 CFR 191.2) be, and it is hereby, amended and that a new paragraph (e) be and it is hereby, added to § 191.2, as follows:

##### § 191.2 Minimum requirements.

Except as provided in paragraph (e) of this section, no person shall drive, nor shall any motor carrier require or permit any person to drive, any motor vehicle unless such person possesses the following minimum qualifications:

(e) Any person failing to meet the requirements of paragraph (a) (1) or (a) (3) of this section may be permitted to drive a vehicle, other than a vehicle transporting passengers, or a vehicle transporting explosives or other dangerous articles of such type and in such quantity as to require the vehicle to be specifically marked or placarded under the Explosives and Other Dangerous Articles Regulations (49 CFR 77.823) or when operating without cargo under conditions which require the vehicle to be so marked or placarded under the Commission's regulations, if the Commission finds that a waiver may be granted consistent with safety and the public interest, and grants such a waiver, on the basis of an application meeting all of the following requirements:

(1) The application must be submitted jointly by a person seeking relief to permit him to drive and by a carrier wishing to employ such person as a driver, who both agree to fulfilling all conditions of the waiver;

(2) The application must be accompanied by reports of medical examinations satisfactory to the Commission and recommendations by at least two medical examiners, at least one of whom shall have been selected and compensated by the carrier. Such reports and recommendations must indicate the opinions of the medical examiners as to the ability of the driver to safely operate a commercial vehicle of the type to be driven by him.

(3) The application shall contain a description, satisfactory to the Commission, of the type, size, and special equipment (if any) of the vehicle or vehicles to be driven, the general area and type of roads to be traversed, the distances and time periods contemplated, the nature of the commodities to be transported and the method of loading and securing them, and the experience (if any) of the applicant in driving vehicles of the type to be driven by him.

(4) The application shall specify agreement by both the person and the carrier that the carrier will file promptly with the Director, Bureau of Motor Carriers, such periodic reports as are required and that such reports will contain complete and truthful information as to the extent of the person's driving activity, any accidents in which he may be involved, and any arrests, suspensions, or convictions in which the person is involved.

(5) The applicants shall agree that the waiver shall authorize driving in interstate commercial service for the applicant carrier only, that any arrests or convictions for violations of laws or ordinances, and any revocation or suspension of driving privileges will be reported to the Director, Bureau of Motor Carriers, immediately on occurrence.

(6) The waiver shall not exceed two years and will be renewable, upon submission of a new application, if approved by the Commission.

(7) The waiver may be suspended at any time at the discretion of the Commission and may be cancelled by it after the applicant has been given reasonable opportunity to show cause, if any, why such cancellation should not be made.

(Sec. 204, 49 Stat. 546, as amended; 49 U.S.C. 304)

It is further ordered, That this order shall become effective December 31, 1964, and shall remain in effect until the further order of the Commission.

And it is further ordered, That copies of this order shall be given to motor carriers, other persons of interest and to the general public by depositing a copy thereof in the office of the Secretary of the Interstate Commerce Commission, Washington, D.C., and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission, Motor Carrier Board No. 2.

[SEAL] HAROLD D. MCCOY,  
Secretary.

[F.R. Doc. 64-10766; Filed, Oct. 21, 1964;  
8:47 a.m.]

## Title 50—WILDLIFE AND FISHERIES

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

#### SUBCHAPTER C—THE NATIONAL WILDLIFE REFUGE SYSTEM

#### PART 32—HUNTING

#### Pahranagat National Wildlife Refuge, Nevada

Pursuant to the authority vested in the Secretary of the Interior by the Migratory Bird Conservation Act of February 18, 1929, as amended (45 Stat. 1222; 16 U.S.C. 715) and the Migratory Bird Hunting Stamp Act of 1934, as amended (48 Stat. 451, 16 U.S.C. 718d), 50 CFR 32.11 is amended by the addition of Pahranagat National Wildlife Refuge, Nevada, to the list of wildlife refuges open to the hunting of migratory game birds.

It has been determined that the regulated hunting of migratory game birds may be permitted on the Pahranagat National Wildlife Refuge without detriment to the objectives for which the area was established.

Notice and public procedure on this amendment are deemed contrary to the public interest because of the proximity of the hunting season in the State of Nevada. Since the amendment benefits the public by relieving existing hunting restrictions on the Pahranagat National Wildlife Refuge, it shall become effective upon publication in the FEDERAL REGISTER.

Section 32.11 is amended by the addition of the following area as one where hunting of migratory game birds is authorized:

§ 32.11 List of open areas; migratory game birds.

\* \* \* \* \*

#### NEVADA

Pahranagat National Wildlife Refuge.

\* \* \* \* \*  
JOHN A. CARVER,  
Acting Secretary of the Interior.

OCTOBER 16, 1964.

[F.R. Doc. 64-10764; Filed, Oct. 21, 1964;  
8:47 a.m.]

#### PART 32—HUNTING

#### Upland Game; Charles M. Russell National Wildlife Range, Montana

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

#### MONTANA

CHARLES M. RUSSELL NATIONAL WILDLIFE RANGE

The public hunting of ring-necked pheasants on the Charles M. Russell National Wildlife Range, Montana, is permitted only on the areas designated by signs as open to hunting. These open areas are delineated on maps available at refuge headquarters, Post Office Box 110, Lewistown, Mont., and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay Street, Portland, Oreg., 97208.

Hunting shall be in accordance with all applicable State regulations governing the hunting of pheasants subject to the following special conditions:

(1) The open season for hunting pheasants on the refuge extends from October 25 through November 29, 1964.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 29, 1964.

RICHARD E. GRIFFITH,  
Regional Director,  
Portland, Oregon.

OCTOBER 13, 1964.

[F.R. Doc. 64-10762; Filed, Oct. 21, 1964;  
8:47 a.m.]

#### PART 32—HUNTING

#### Big Game; Charles M. Russell National Wildlife Range, Montana

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

#### MONTANA

CHARLES M. RUSSELL NATIONAL WILDLIFE RANGE

Public hunting of elk on the Charles M. Russell National Wildlife Range, Montana, is permitted only on the areas designated by signs as open to hunting. These open areas are delineated on maps available at refuge headquarters, Post Office Box 110, Lewistown, Mont., and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay Street, Portland, Oreg., 97208.

Hunting shall be in accordance with all applicable State regulations covering the hunting of elk subject to the following special conditions:

(1) The open season for hunting elk in State Management District No. 410.1 shall be December 6 through December 31, 1964. The open season for hunting elk in State Management Districts Nos. 62 and 63 shall be from November 29 through December 20, 1964.

(2) Hunting of elk shall be by permit only. Permits must be obtained from the State Fish and Game Department.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1964.

RICHARD E. GRIFFITH,  
Regional Director,  
Portland, Oregon.

OCTOBER 13, 1964.

[F.R. Doc. 64-10763; Filed, Oct. 21, 1964;  
8:47 a.m.]

# Proposed Rule Making

## DEPARTMENT OF THE TREASURY

Internal Revenue Service

[ 26 CFR Part 1 ]

### INCOME TAXES

#### Treatment of Mortgage Foreclosures, etc., by Certain Banking Organizations

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: CC:LR, Washington, D.C., 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] BERTRAND M. HARDING,  
Acting Commissioner  
of Internal Revenue.

In order to conform the Income Tax Regulations (26 CFR Part 1) to the amendment made to the Internal Revenue Code of 1954 by section 6(b) of the Revenue Act of 1962 (76 Stat. 932), relating to foreclosure on property securing loans, such regulations are amended as follows:

PARAGRAPH 1. Section 1.166-6 is amended by adding a new paragraph (d). The added provision reads as follows:

#### § 1.166-6 Sale of mortgaged or pledged property.

(d) *Special rules applicable to certain banking organizations.* For special rules relating to the treatment of mortgaged or pledged property by certain mutual savings banks, domestic building and loan associations, and cooperative banks, see section 595 and the regulations thereunder.

PAR. 2. There are inserted immediately after § 1.594-1 the following new sections:

#### § 1.595 Statutory provisions; foreclosure on property securing loans.

Sec. 595. *Foreclosure on property securing loans*—(a) *Nonrecognition of gain or loss as a result of foreclosure.* In the case of a creditor which is an organization described in section 593(a), no gain or loss shall be recognized, and no debt shall be considered as becoming worthless or partially worthless, as the result of such organization having bid in at foreclosure, or having otherwise reduced to ownership or possession by agreement or process of law, any property which was security for the payment of any indebtedness.

(b) *Character of property.* For purposes of sections 166 and 1221, any property acquired in a transaction with respect to which gain or loss to an organization was not recognized by reason of subsection (a) shall be considered as property having the same characteristics as the indebtedness for which such property was security. Any amount realized by such organization with respect to such property shall be treated for purposes of this chapter as a payment on account of such indebtedness, and any loss with respect thereto shall be treated as a bad debt to which the provisions of section 166 (relating to allowance of a deduction for bad debts) apply.

(c) *Basis.* The basis of any property to which subsection (a) applies shall be the basis of the indebtedness for which such property was security (determined as of the date of the acquisition of such property), properly increased for costs of acquisition.

(d) *Regulatory authority.* The Secretary or his delegate shall prescribe such regulations as he may deem necessary to carry out the purposes of this section.

[Sec. 595 as added by sec. 6(b), Rev. Act 1962 (76 Stat. 932)]

#### § 1.595-1 Treatment of foreclosed property by certain creditors.

(a) *Nonrecognition of gain or loss on the acquisition of security property by certain creditors*—(1) *In general.* Section 595(a) provides that in the case of a creditor which is an organization described in section 593(a) (that is, a mutual savings bank not having capital stock represented by shares, a domestic building and loan association, or a cooperative bank without capital stock organized and operated for mutual purposes and without profit), no gain or loss shall be recognized, and no debt shall be considered as becoming worthless or partially worthless for purposes of section 166 (relating to bad debts), as the result of such creditor having reduced to ownership or possession, after December 31, 1962, by agreement or process of law, any property (whether real or personal, tangible or intangible) which was security for the payment of any indebtedness (whether or not a qualifying real property loan as defined in section 593(e) (1)). The treatment provided by section 595(a) is mandatory (regardless of whether such creditor utilizes the specific deduction or reserve method of accounting for bad debts) if, on the date on which the property is reduced to ownership or possession by agreement or process of law, the creditor is an orga-

nization described in section 593(a), even though the creditor subsequently becomes an organization not described in section 593(a). For definition of the terms "domestic building and loan association" and "cooperative bank" for taxable years beginning after October 16, 1962, see paragraphs (19) and (32), respectively, of section 7701(a).

(2) *Rules for determining when security property is reduced to ownership or possession by agreement or process of law*—(i) Security property shall be considered as reduced to ownership on the date on which the creditor (by reason of the default of the debtor) first acquires, by agreement or process of law, a title to, or a right or interest in, the security property which under local law the creditor can validly dispose of apart from the indebtedness which the property secures. Security property shall be considered as reduced to possession on the date on which the creditor (by reason of the default of the debtor), by agreement or process of law, first takes control of the security property. For purposes of this subdivision, a creditor shall be considered as having reduced security property to ownership or possession on the applicable date determined under this subdivision even though, on such date, the creditor has not yet obtained indefeasible title to the property, or even though there exists, on such date, a right to redeem the property.

(ii) The reduction of security property to ownership or possession by agreement includes, where valid under local law, such methods as voluntary conveyance from the debtor and abandonment to the creditor. The reduction of security property to ownership or possession by process of law includes foreclosure proceedings in which a competitive bid is entered, such as foreclosure by judicial sale or by power of sale contained in the loan agreement without recourse to the courts, as well as those types of foreclosure proceedings in which a competitive bid is not entered, such as strict foreclosure and foreclosure by entry and possession, by writ of entry, or by publication or notice.

(b) *Basis of acquired property.* Section 595(c) provides that the basis of any property to which section 595(a) applies (hereinafter referred to as "acquired property") shall be the adjusted basis of the indebtedness for which such property was security, determined as of the date of acquisition of such property, properly increased for costs of acquisition. The date of acquisition is the date, determined under paragraph (a) (2) (i) of this section, on which the security property is reduced to ownership or possession (whichever occurs earlier) by agreement or process of law. Costs of acquisition are expenses incurred by the creditor (for example, fees for an attorney, master, trustee, auctioneer, for publication, acquiring title, clearing liens, filing and recording, and court costs)

which are directly related to the foreclosure sale or proceeding, or to the other process used to reduce the security property to ownership or possession by agreement or process of law. For purposes of determining the adjusted basis of the indebtedness for which the acquired property was security, there shall be included the amount of any unpaid interest with respect to such indebtedness, but only to the extent that it has been included in gross income. The basis of the acquired property, as determined under this paragraph, shall be adjusted in accordance with the rules provided in paragraph (c) of this section.

(c) *Characteristics of acquired property*—(1) *Depreciation; decline in fair market value.* Section 595(b) provides, in part, that for purposes of section 166 (relating to bad debts) acquired property shall be considered as property having the same characteristics as the indebtedness for which such property was security. Thus, no deduction for exhaustion, wear and tear, obsolescence, amortization, or depletion shall be allowed to a creditor with respect to acquired property. However, if at any time it can be established to the satisfaction of the district director that the adjusted basis of the acquired property exceeds the fair market value of such property (determined without regard to any outstanding right of redemption), and that an amount equal to any portion of such excess will not be collected with respect to the indebtedness for which such property was security, the creditor may treat such portion, under the provisions of section 166, as a worthless debt. In such case, the basis of the acquired property shall be reduced by the amount treated as a worthless debt. If the creditor has obtained a deficiency judgment with respect to the indebtedness, such excess shall (except to the extent that the creditor demonstrates that the judgment is worthless) be considered collectible to the extent of the outstanding judgment.

(2) *Example.* The provisions of subparagraph (1) of this paragraph may be illustrated by the following example:

*Example.* X Corporation, a creditor which is an organization described in section 593(a), makes its returns on the basis of the calendar year and the reserve method of accounting for bad debts. In 1963, A defaults in his payments on a debt owed to X which is secured by residential real property. X reduces the property to ownership by bidding it in at a foreclosure sale for \$23,000. The adjusted basis of the indebtedness at the date of acquisition of the property is \$25,000, and this amount becomes the basis of the acquired property. X obtains a deficiency judgment against A for \$2,000. Later in 1963, a proper appraisal enables X to establish that the fair market value of the property is \$18,000. X is also able to establish that due to A's poor financial condition only \$1,000 can be collected on the outstanding deficiency judgment. For the year 1963, X may charge its bad debt reserve for \$6,000, computed as follows:

Basis of acquired property	\$25,000
Less: Fair market value of acquired property	18,000
Excess	7,000
Less: Collectible portion of deficiency judgment	1,000

Portion of excess treated as worthless debt----- \$6,000

(3) *Amounts realized with respect to acquired property.* Section 595(b) also provides that any amount realized with respect to acquired property shall be treated as a payment on account of the indebtedness for which such property was security, and any loss with respect thereto shall be treated as a bad debt to which the provisions of section 166 (relating to bad debts) apply. An amount realized with respect to acquired property means an amount representing a recovery of capital, such as proceeds from the sale or other disposition of the property, payments on the original indebtedness made by or on behalf of the debtor and collections on a deficiency judgment obtained against the debtor (other than amounts treated as interest under applicable local law). Amounts realized with respect to acquired property include amounts which otherwise would be treated in the manner prescribed in section 351 (relating to transfer to a corporation controlled by transferor), section 354 (relating to exchanges of stock and securities in certain reorganizations), section 453 (relating to installment method), section 1031 (relating to exchange of property held for productive use or for investment), or section 1033 (relating to involuntary conversions). For purposes of section 595(b), if a corporation distributes acquired property in a distribution to which section 311 (relating to taxability of corporation on distribution) or section 336 (relating to nonrecognition of gain or loss to a corporation on distribution of its property in partial or complete liquidation) applies, the fair market value of the acquired property at the time of the distribution shall be treated as an amount realized with respect to such property. However, no amount shall be considered realized by reason of the distribution or transfer of acquired property in a transaction to which section 381(a) (relating to carryovers in certain corporate acquisitions) applies, and in the case of such a distribution or transfer the acquired property shall be treated by the distributee or transferee as having the same characteristics as it had in the hands of the distributor or transferor at the time of such distribution or transfer. The following rules shall apply to amounts realized with respect to acquired property:

(i) Any amount realized shall be applied against and reduce the adjusted basis of the acquired property, and to the extent that such amount exceeds the adjusted basis, it shall, in the case of a creditor using the specific deduction method of accounting for bad debts, be included in gross income as ordinary income, or, in the case of a creditor using the reserve method of accounting for bad debts, be credited to the appropriate bad debt reserve (that is, the reserve for losses on qualifying real property loans or the reserve for losses on non-qualifying loans). Any amounts credited during the taxable year to a reserve for bad debts pursuant to this subdivision shall be included in the balance of the reserve for purposes of computing the

addition under section 593 to the reserve for such taxable year, but shall not be considered as a part of such addition for such year.

(ii) If an amount realized on the sale or other disposition of the acquired property is insufficient to restore to the creditor the adjusted basis of the property, the difference between such adjusted basis and such amount realized shall be treated as a bad debt to which the provisions of section 166 apply. If the creditor subsequently realizes an additional amount with respect to the original indebtedness or the acquired property, such additional amount shall be treated as the recovery of a bad debt.

(4) *Treatment of rents, similar amounts, and expenses.* Section 595 does not change the treatment of rents, royalties, dividends, interest, or similar amounts received or accrued by the creditor with respect to acquired property, nor does it change the treatment of expenses incurred with respect to such property. (See, however, subparagraph (1) of this paragraph for treatment of depreciation, etc.) Thus, for example, if the acquired property is a governmental obligation within the meaning of section 103 (relating to interest on certain governmental obligations), interest payments received by the creditor with respect to such obligation would not be included in gross income.

(5) *Examples.* The provisions of subparagraphs (3) and (4) of this paragraph may be illustrated by the following examples:

*Example (1)*—(1) *Facts.* X Corporation, a creditor which is an organization described in section 593(a), uses the reserve method of accounting for bad debts. On May 1, 1964, X reduces to ownership in a foreclosure proceeding improved real property which is security for an indebtedness. On the date of acquisition there remains unpaid on the indebtedness \$20,000 principal and \$700 interest. X has previously included the \$700 interest in gross income. Subsequent to acquisition, X incurs expenses totaling \$500 for maintenance, and during the period June 1 through September 30, 1964, rents the property for a total rental of \$400. Under local law, X is accountable to A for the rents received. There are no other receipts or expenses until October 1, 1964, at which time X sells the acquired property for \$22,000. Under local law, A is not entitled to any portion of the sales proceeds.

(ii) *Treatment of rents, expenses, and sales proceeds.* X would treat rents, expenses, and sales proceeds in the following manner:

Basis of acquired property at acquisition (adjusted basis of indebtedness, i.e., \$20,000 principal plus \$700 interest)	\$20,700
Plus: Expenses charged to debtor	500
	21,200
Less: Rents credited to debtor	400
Adjusted basis of acquired property at sale	20,800
Less: Portion of \$22,000 sales proceeds applied in reduction of adjusted basis of acquired property	20,800
	0
Portion of sales proceeds credited to reserve for losses on qualifying real property loans (\$22,000 minus \$20,800)	1,200

(iii) *Creditor using specific deduction method.* If instead of using the reserve method of accounting for bad debts X used the specific deduction method, the \$1,200 portion of the sales proceeds would be treated as ordinary income.

*Example (2)—(i) Facts.* The facts are the same as in example (1) except that under local law X is not accountable to A for any portion of the rents received.

(ii) *Treatment of rents and expenses.* X includes in gross income the total rent receipts of \$400 and deducts (if otherwise allowable) the expenses of \$500.

(iii) *Treatment of sales proceeds.* As the result of the sale of the acquired property, X credits \$1,300 to the reserve for losses on qualifying real property loans, computed as follows:

Basis of acquired property at acquisition and at date of sale (adjusted basis of indebtedness, i.e., \$20,000 principal plus \$700 interest).....	\$20,700
Less: Portion of \$22,000 sales proceeds applied in reduction of adjusted basis of acquired property .....	20,700
	0

Portion of sales proceeds credited to reserve for losses on qualifying real property loans (\$22,000 minus \$20,700) .....	1,300
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(iv) *Creditor using specific deduction method.* If instead of using the reserve method of accounting for bad debts X used the specific deduction method, the \$1,300 portion of the sales proceeds would be treated as ordinary income.

*Example (3)—(i) Facts.* The facts are the same as in example (1) except that X sells the acquired property for \$15,000.

(ii) *Treatment of rents, expenses, and sales proceeds.* X would treat rents, expenses, and sales proceeds in the following manner:

Basis of acquired property at acquisition (adjusted basis of indebtedness, i.e., \$20,000 principal plus \$700 interest).....	\$20,700
Plus: Expenses charged to debtor.....	500
	21,200
Less: Rents credited to debtor.....	400
	20,800
Adjusted basis of acquired property at sale.....	20,800
Less: Portion of \$15,000 sales proceeds applied in reduction of adjusted basis of acquired property.....	15,000
	5,800
Amount charged to reserve for losses on qualifying real property loans.....	5,800

(iii) *Creditor using specific deduction method.* If instead of using the reserve method of accounting for bad debts X used the specific deduction method, the excess of \$5,800 would be allowed as a specific bad debt deduction.

[F.R. Doc. 64-10773; Filed, Oct. 21, 1964; 8:48 a.m.]

**DEPARTMENT OF AGRICULTURE**  
**Agricultural Research Service**  
**[ 9 CFR Part 9 ]**  
**MEAT INSPECTION**  
**Ante-Mortem Inspection**

On April 9, 1964, a notice of proposed rule making regarding the issuance of a  
 No. 207—5

new regulation to appear as § 9.19 in Part 9 of the Federal Meat Inspection Regulations (9 CFR Part 9) relating to the approval for slaughter of animals used for research investigations was published in the FEDERAL REGISTER (29 F.R. 4971). After consideration of all relevant material submitted by interested persons in connection with such proposal, it has been determined that such proposal should be modified in certain respects. Since the notice of April 9, 1964, the Department of Agriculture has caused an amendment to be published with regard to another regulation which has been designated as 9 CFR 9.19. Therefore, notice is hereby given in accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 1003), that the Department of Agriculture is now considering amending Part 9 of the Federal Meat Inspection Regulations pursuant to the authority conferred by the Meat Inspection Act, as amended and extended, (21 U.S.C. 71-96), and § 306 (b) and (c) of the Tariff Act of 1936, as amended (19 U.S.C. 1306 (b) and (c)), by issuing a new regulation to appear as § 9.20, to read as follows:

**§ 9.20 Animals used for research.**

No animal used in any research investigation involving the feeding or other administration of, or subjection to, an experimental biological product, drug or chemical shall be eligible for slaughter at an official establishment unless the operator of such establishment, the sponsor of the investigation, or the investigator has submitted data to the Meat Inspection Division, Animal Inspection and Quarantine Division, or Pesticide Regulations Division, of the Department of Agriculture, or to the Food and Drug Administration of the Department of Health, Education, and Welfare, which demonstrates to the satisfaction of said Meat Inspection Division that the use of such biological product, drug, or chemical will not result in the presence of any unwholesome condition in the edible parts of such animal; and the Meat Inspection Division has granted written approval for the slaughter of such animal prior to slaughter.

(a) No animal subject to the provisions of this section will be approved for slaughter by the Meat Inspection Division unless:

(1) In the case of an animal administered any unlicensed, experimental veterinary biological product regulated under the Virus-Serum Toxin Act (21 U.S.C. 151 et seq.), the product was prepared and distributed in compliance with Part 103 of the regulations issued under said Act (9 CFR Part 103);

(2) In the case of an animal administered any investigational drug regulated under the Federal Food, Drug, and

Cosmetic Act, as amended (21 U.S.C. 301 et seq.), the drug was prepared and distributed in compliance with the applicable provisions of Part 130 of the regulations issued under said Act (21 CFR Part 130);

(3) In the case of an animal subjected to any experimental poison under section 2(a) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (7 U.S.C. 135 et seq.), the product was prepared and distributed in accordance with § 362.17 of the regulations under said Act (7 CFR 362.17); and

(4) In the case of an animal administered any substance that is a food additive or pesticide chemical under the Federal Food, Drug, and Cosmetic Act, supra, there has been compliance with all tolerance limitations established by said Act and the regulations promulgated thereunder (21 CFR 1.1 et seq.), and all other restrictions and requirements imposed by said Act and said regulations will be complied with at the time of slaughter.

(b) The Meat Inspection Division may deny or withdraw approval for the slaughter of any animal subject to the provisions of this section notwithstanding compliance with the provisions of paragraph (a) of this section whenever such denial or withdrawal of approval is deemed necessary to protect the wholesomeness of the meat, meat byproducts, and meat food products prepared under the supervision of the Meat Inspection Division.

The purpose of the proposed regulation is to provide procedures which are intended to protect the wholesomeness of meat, meat byproducts and meat food products prepared under supervision of the Meat Inspection Division by prohibiting the slaughter of any food animal that has been subjected to an experimental biological product, drug or chemical for the purpose of research investigation unless it appears from the data furnished that the edible parts of such animal are wholesome.

Any person who wishes to submit written data, views or arguments regarding the proposed regulation may do so by filing them with the Director, Meat Inspection Division, Agricultural Research Service, United States Department of Agriculture, Washington, D.C., 20250, within 30 days after publication in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at such time and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 19th day of October 1964.

B. T. SHAW,  
 Administrator,  
 Agricultural Research Service.

[F.R. Doc. 64-10787; Filed, Oct. 21, 1964; 8:49 a.m.]

# Notices

## DEPARTMENT OF JUSTICE

Office of the Attorney General

### PRESIDENT'S COMMITTEE ON JUVENILE DELINQUENCY AND YOUTH CRIME

#### Designation of Acting Executive Director

OCTOBER 19, 1964.

Acting Attorney General Nicholas deB. Katzenbach has, in accordance with the provisions of Section 7 of Executive Order No. 10940 of May 11, 1961, designated Mr. James J. Clarke of the Department of Health, Education, and Welfare to serve as the Acting Executive Director of the President's Committee on Juvenile Delinquency and Youth Crime, effective as of October 19, 1964.

S. A. ANDRETTA,  
Assistant Attorney General  
for Administration.

[F.R. Doc. 64-10812; Filed, Oct. 21, 1964;  
8:50 a.m.]

## DEPARTMENT OF THE INTERIOR

Bureau of Land Management

IDAHO

### Notice of Proposed Withdrawal and Reservation of Lands

OCTOBER 14, 1964.

The Bureau of Reclamation, Department of the Interior has filed an application Serial Number Idaho 015745 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws, as provided by section 3 of the Act of June 17, 1902 (32 Stat. 388), subject to valid existing rights.

The applicant desires the lands for use as a borrow material site in connection with the construction of the Spangler Dam and Reservoir, Mann Creek Reclamation Project.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Post Office Box 2237, Boise, Idaho, 83701.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the

lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Bureau of Reclamation.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

T. 12 N., R. 5 W.,  
Sec. 13, E $\frac{1}{2}$ NW $\frac{1}{4}$ .

The area described aggregates 80 acres.

EUGENE E. BABIN,  
Acting Manager.

[F.R. Doc. 64-10758; Filed, Oct. 21, 1964;  
8:46 a.m.]

## NEW MEXICO

### Notice of Proposed Withdrawal and Reservation of Lands

OCTOBER 15, 1964.

The Bureau of Indian Affairs, Navajo Agency, has filed an amended application to Serial Number New Mexico 034478, for the withdrawal of the lands described below, from all forms of appropriation including the general mining but not the mineral leasing laws. The applicant desires the lands for the Navajo Indian Irrigation Project.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Manager, Land Office, P.O. Box 1449, Santa Fe, N. Mex., 87501.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Bureau of Indian Affairs, Navajo Agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN

NEW MEXICO

T. 28 N., R. 10 W.,  
Sec. 7, lots 1, 2, 3, 4, 5, SE $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 18, lots 1, 2, 3, 4, E $\frac{1}{2}$ , E $\frac{1}{2}$ W $\frac{1}{2}$ ;  
Sec. 19, lots 1, 2, 3, 4, E $\frac{1}{2}$ , E $\frac{1}{2}$ W $\frac{1}{2}$ ;  
T. 26 N., R. 11 W.,  
Sec. 5, lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$ , S $\frac{1}{2}$ ;  
Sec. 6, lots 1, 2, 3, 4, 5, 6, 7, S $\frac{1}{2}$ NE $\frac{1}{4}$ ,  
SE $\frac{1}{4}$ NW $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ ;  
Sec. 7, lots 1, 2, 3, 4, E $\frac{1}{2}$ , E $\frac{1}{2}$ W $\frac{1}{2}$ ;  
Sec. 8;  
Sec. 17;  
Sec. 18, E $\frac{1}{2}$ ;  
Sec. 20;  
Sec. 21, W $\frac{1}{2}$ ;  
Sec. 30, lots 3, 4, E $\frac{1}{2}$ SW $\frac{1}{4}$ .  
T. 27 N., R. 11 W.,  
Sec. 2, lots 3, 4, S $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ ;  
Sec. 3, lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$ , S $\frac{1}{2}$ ;  
Sec. 4, lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$ , S $\frac{1}{2}$ ;  
Sec. 5, lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$ , S $\frac{1}{2}$ ;  
Sec. 6, lots 1, 2, 3, 4, 5, 6, 7, S $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$   
NW $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ ;  
Sec. 8;  
Sec. 9;  
Sec. 10;  
Sec. 17;  
Sec. 18, lots 1, 2, 3, 4, E $\frac{1}{2}$ , E $\frac{1}{2}$ W $\frac{1}{2}$ ;  
Sec. 20;  
Sec. 29;  
Sec. 30, lots 1, 2, 3, 4, E $\frac{1}{2}$ , E $\frac{1}{2}$ W $\frac{1}{2}$ .  
T. 28 N., R. 11 W.,  
Sec. 11, lots 1, 2, 3, 4, S $\frac{1}{2}$ S $\frac{1}{2}$ ;  
Sec. 12, lots 1, 2, 3, 4, S $\frac{1}{2}$ S $\frac{1}{2}$ ;  
Sec. 13;  
Sec. 14;  
Sec. 24;  
Sec. 29;  
Sec. 30, lots 1, 2, 3, 4, E $\frac{1}{2}$ , E $\frac{1}{2}$ W $\frac{1}{2}$ ;  
Sec. 31, lots 1, 2, 3, 4, E $\frac{1}{2}$ , E $\frac{1}{2}$ W $\frac{1}{2}$ ;  
Sec. 32;  
Sec. 33.  
T. 29 N., R. 11 W.,  
Sec. 26, SE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 27, W $\frac{1}{2}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 34, lots 1, 2, 3 and W $\frac{1}{2}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$  of  
lot 4, NE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ ,  
N $\frac{1}{2}$ S $\frac{1}{2}$ ;  
Sec. 35.  
T. 26 N., R. 12 W.,  
Sec. 2, lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$ , S $\frac{1}{2}$ ;  
Sec. 3, lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$ , SE $\frac{1}{4}$ ;  
Sec. 4, lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$ , S $\frac{1}{2}$ ;  
Sec. 5, lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$ , S $\frac{1}{2}$ ;  
Sec. 6, lots 3, 4, 5, 6, 7, SE $\frac{1}{4}$ NW $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
Sec. 7, lots 1, 2, E $\frac{1}{2}$ NW $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ ;  
Sec. 8;  
Sec. 9;  
Sec. 10, S $\frac{1}{2}$ ;  
Sec. 11, W $\frac{1}{2}$ ;  
Sec. 12, NE $\frac{1}{4}$ ;  
Sec. 14, W $\frac{1}{2}$ ;  
Sec. 15;  
Sec. 17;

Sec. 18, E $\frac{1}{2}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ ;  
 Sec. 19, lots 1, 2, 3, 4, E $\frac{1}{2}$ , E $\frac{1}{2}$ W $\frac{1}{2}$ ;  
 Sec. 20;  
 Sec. 21, N $\frac{1}{2}$ ;  
 Sec. 22, E $\frac{1}{2}$ , NW $\frac{1}{4}$ ;  
 Sec. 23, W $\frac{1}{2}$ , SE $\frac{1}{4}$ ;  
 Sec. 25, W $\frac{1}{2}$ , SE $\frac{1}{4}$ ;  
 Sec. 27, E $\frac{1}{2}$ , SW $\frac{1}{4}$ ;  
 Sec. 29;  
 Sec. 30;  
 Sec. 31;  
 Sec. 32, N $\frac{1}{2}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
 Sec. 33, NW $\frac{1}{4}$ , SE $\frac{1}{4}$ ;  
 Sec. 34, E $\frac{1}{2}$ , SW $\frac{1}{4}$ .  
 T. 27 N., R. 12 W.,  
 Sec. 1, lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$ , S $\frac{1}{2}$ ;  
 Sec. 2, lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$ , S $\frac{1}{2}$ ;  
 Sec. 3, lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ ,  
 SE $\frac{1}{4}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ ;  
 Sec. 5, lots 1, 2, S $\frac{1}{2}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ ;  
 Sec. 8;  
 Sec. 11;  
 Sec. 12;  
 Sec. 17;  
 Sec. 19, lots 1, 2, 3, 4, E $\frac{1}{2}$ , E $\frac{1}{2}$ W $\frac{1}{2}$ ;  
 Sec. 21, E $\frac{1}{2}$ ;  
 Sec. 22;  
 Sec. 25, S $\frac{1}{2}$ ;  
 Sec. 26, S $\frac{1}{2}$ ;  
 Sec. 27;  
 Sec. 28;  
 Sec. 29, N $\frac{1}{2}$ , SE $\frac{1}{4}$ ;  
 Sec. 30, lots 1, 2, 3, 4, E $\frac{1}{2}$ , E $\frac{1}{2}$ W $\frac{1}{2}$ ;  
 Sec. 31, lots 1, 2, 3, 4, E $\frac{1}{2}$ , E $\frac{1}{2}$ W $\frac{1}{2}$ ;  
 Sec. 32, NE $\frac{1}{4}$ , S $\frac{1}{2}$ ;  
 Sec. 33;  
 Sec. 34;  
 Sec. 35, W $\frac{1}{2}$ ;  
 Sec. 36.  
 T. 28 N., R. 12 W.,  
 Sec. 14, S $\frac{1}{2}$ S $\frac{1}{2}$ ;  
 Sec. 15, SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
 Sec. 21, NW $\frac{1}{4}$ , SE $\frac{1}{4}$ ;  
 Sec. 22;  
 Sec. 23;  
 Sec. 24;  
 Sec. 25;  
 Sec. 26;  
 Sec. 27;  
 Sec. 28;  
 Sec. 29, E $\frac{1}{2}$ ;  
 Sec. 32;  
 Sec. 33;  
 Sec. 34;  
 Sec. 35;  
 Sec. 36.  
 T. 26 N., R. 13 W.,  
 Sec. 1, lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$ , S $\frac{1}{2}$ ;  
 Sec. 3, lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$ , S $\frac{1}{2}$ ;  
 Sec. 4, lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$ , S $\frac{1}{2}$ ;  
 Sec. 5, lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$ , S $\frac{1}{2}$ ;  
 Sec. 6, lots 1 to 14, inclusive, S $\frac{1}{2}$ NE $\frac{1}{4}$ ,  
 SW $\frac{1}{4}$ ;  
 Sec. 10;  
 Sec. 11;  
 Sec. 12, N $\frac{1}{2}$ , SE $\frac{1}{4}$ ;  
 Sec. 14;  
 Sec. 15;  
 Sec. 22;  
 Sec. 23;  
 Sec. 24, NE $\frac{1}{4}$ , S $\frac{1}{2}$ ;  
 Sec. 25;  
 Sec. 26;  
 Sec. 27;  
 Sec. 35.  
 T. 27 N., R. 13 W.,  
 Sec. 2, lots 1, 2, 3, 4, S $\frac{1}{2}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ ;  
 Sec. 3, lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$ , S $\frac{1}{2}$ ;  
 Sec. 4, lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$ , S $\frac{1}{2}$ ;  
 Sec. 6, lots 1 to 14, inclusive, S $\frac{1}{2}$ NE $\frac{1}{4}$ ,  
 SE $\frac{1}{4}$ ;  
 Sec. 9;  
 Sec. 10;  
 Sec. 11;  
 Sec. 13;  
 Sec. 14;  
 Sec. 15;  
 Sec. 17;  
 Sec. 18, lots 1 to 12, inclusive, E $\frac{1}{2}$ ;  
 Sec. 19, lots 1 to 12, inclusive, E $\frac{1}{2}$ ;  
 Sec. 21, N $\frac{1}{2}$ ;

Sec. 22, N $\frac{1}{2}$ ;  
 Sec. 23, N $\frac{1}{2}$ , SE $\frac{1}{4}$ ;  
 Sec. 24;  
 Sec. 25;  
 Sec. 26;  
 Sec. 27;  
 Sec. 28;  
 Sec. 29;  
 Sec. 30, lots 1 to 12, inclusive, E $\frac{1}{2}$ ;  
 Sec. 31, lots 1 to 12, inclusive, E $\frac{1}{2}$ ;  
 Sec. 32;  
 Sec. 33;  
 Sec. 34;  
 Sec. 35;  
 Sec. 36.  
 T. 28 N., R. 13 W.,  
 Sec. 7, lots 1, 2, 3, 4, SE $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
 Sec. 8, lots 1, 2, 3, 4, S $\frac{1}{2}$ S $\frac{1}{2}$ ;  
 Sec. 16, N $\frac{1}{2}$ , S $\frac{1}{2}$ S $\frac{1}{2}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
 Sec. 17;  
 Sec. 18, lots 1, 2, 3, 4, E $\frac{1}{2}$ , E $\frac{1}{2}$ W $\frac{1}{2}$ ;  
 Sec. 19, lots 1, 2, 3, 4, E $\frac{1}{2}$ , E $\frac{1}{2}$ W $\frac{1}{2}$ ;  
 Sec. 20;  
 Sec. 21;  
 Sec. 22;  
 Sec. 27;  
 Sec. 28;  
 Sec. 29, N $\frac{1}{2}$ ;  
 Sec. 30, lots 1, 2, 3, 4, NE $\frac{1}{4}$ , E $\frac{1}{2}$ W $\frac{1}{2}$ ;  
 Sec. 31, lots 1, 2, 3, 4, E $\frac{1}{2}$ W $\frac{1}{2}$ , SE $\frac{1}{4}$ ;  
 Sec. 33;  
 Sec. 34.

The areas described above aggregate 91,831.40 acres.  
 As to any of the lands described in the original Bureau of Indian Affairs application which was published as F.R. Doc. 59-7814 on pages 7586 and 7587 of the FEDERAL REGISTER issue for Saturday, September 19, 1959 and which do not appear above, they shall be at 10:00 a.m. on November 15, 1964 relieved of the segregative effect of the original application.

MICHAEL T. SOLAN,  
 Manager.

[F.R. Doc. 64-10759; Filed, Oct. 21, 1964;  
 8:46 a.m.]

WASHINGTON

Notice of Proposed Withdrawal and Reservation of Lands

The Bureau of Reclamation, United States Department of the Interior, has filed an application, Washington 05490, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the general mining laws. The applicant desires the land in connection with the development, operation and maintenance of the proposed Antilon Reservoir.  
 For a period of thirty days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal, may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 680 Bon Marche Building, Spokane, Wash.  
 The Department's regulations (43 CFR 2311.1-3c) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the

minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place which will be announced.

The lands affected are:

WILLAMETTE MERIDIAN

T. 29 N., R. 21 E.  
 In Secs. 25, 26, 35, 36.

The area described aggregates approximately 350 acres.

JOHN E. BURT, Jr.,  
 Officer in Charge.

[F.R. Doc. 64-10760; Filed, Oct. 21, 1964;  
 8:46 a.m.]

WASHINGTON

Notice of Proposed Withdrawal and Reservation of Lands

The Forest Service, U.S. Department of Agriculture, has filed an application, Washington 05491, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the general mining laws. The applicant desires the land for recreational purposes.

For a period of thirty days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal, may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 680 Bon Marche Building, Spokane, Wash.

The Department's regulations (43 CFR 2311.1-3c) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be with-

drawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place which will be announced.

The lands affected are:

WILLAMETTE MERIDIAN

T. 25 N., R. 11 E.

Sec. 4, Lot 2, those parts of Lot 1 and N $\frac{1}{2}$ S $\frac{1}{2}$ SE $\frac{1}{4}$  west of Miller River.

The area described aggregates approximately 70 acres.

JOHN E. BURT, Jr.,  
Officer in Charge.

[F.R. Doc. 64-10761; Filed, Oct. 21, 1964;  
8:46 a.m.]

[Survey 2538-B]

ALASKA

Townsite of Kodiak; Notice of Sale

OCTOBER 15, 1964.

1. *Statutory authority.* The lots in the Kodiak Townsite (U.S. Survey 2538-B) will be disposed of under section 2381, United States Revised Statutes (43 U.S.C. Sec. 712). The townsite plat of Dependence Resurvey of a portion of U.S. Survey 2538-A and Extension of U.S. Survey 2538-B, East Addition of Townsite of Kodiak, was accepted on February 20, 1958, and officially filed on April 17, 1958.

2. *Lots and minimum prices.* The lots which will be offered for sale and minimum prices thereof are shown below.

3. *Public sale.* The lots will be offered for sale by the Superintendent of Sales, Bureau of Land Management, Anchorage, Alaska, or his representative at public outcry to the highest bidder in the City Council Chambers in the Post Office Building at Kodiak, Alaska on December 9, 1964, beginning at 8:00 p.m. The sale will be continued as long as may be necessary until all the lots have been offered.

4. *Payments.* No lot shall be sold for less than the minimum price. Full payment may be made in cash on the date of the sale, or one-fourth of the purchase price may be paid in cash at that time and the balance is not to exceed three equal annual installments, with interest at the rate of four (4) percent per annum to the date of payment. Payment on the date of the sale must be made to the officer conducting the sale. Payment may be made by personal check. The deferred installments, with the interest, must be paid to the Manager, Anchorage District and Land Office, Cordova Building, 555 Cordova Street, Anchorage, Alaska, 99501.

5. *Citizenship requirements.* Every individual purchasing a lot will be required to furnish evidence that he is a citizen of the United States, or that he has declared his intention to become such a citizen, and every corporation purchasing a lot will be required to furnish evidence, including a certified copy of its articles of incorporation, showing

that it was organized under the laws of the United States or of some State, territory, or possession thereof, and that it is authorized to hold real estate in Alaska.

6. *Manner of sale.* Bids and payments may be made in person or by agent, but may not be made by mail nor at any time, or place other than that fixed by these regulations. No bids will be made in increments of less than \$10.00.

7. *Authority of officer conducting the sale.* The officer conducting the sale is hereby authorized to reject any and all bids for any lot, and to suspend, adjourn, or postpone the sale of any lot or lots. After all the lots have been offered, the sale will be adjourned or closed, as the officer in charge may deem proper.

8. *Forfeitures for nonpayment.* If any person who has made partial payment on a lot fails to make any succeeding payment required under these regulations at the date such payment becomes due, the money theretofore paid and his right to the lot will be forfeited.

9. *Disposal of unsold lots after sale has been adjourned.* Lots remaining unsold upon adjournment or closure of this sale will be offered again at 11:00 a.m. on Friday, December 18, 1964, when and thereafter it will be resumed in the Anchorage Land Office on the first floor of the Cordova Building for another one-hour period or until adjourned for resumption at 11:00 a.m. on succeeding Fridays for additional one-hour periods until all lots are sold or until the sale is otherwise terminated. Any person or corporation may purchase as many lots for which he or they are the successful bidder, with no limitations to number during the Friday sales in the Anchorage Land Office.

10. *Reservations.* Patents for the lots, when issued, will contain the reservations of rights-of-way for ditches and canals in accordance with the Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. Sec. 945), and for the construction of railroads and telegraphs and telephone lines as provided by the Act of March 12, 1914 (38 Stat. 305; 48 U.S.C. Secs. 301-302, 303-308), and for oil, gas and all other mineral deposits.

11. *Warning.* All persons are warned against forming any combination or agreement which will prevent any lot from selling advantageously or which will, in any way, hinder or embarrass the sale. Any person so offending will be prosecuted under section 59 of the Criminal Code of the United States (18 U.S.C. Sec. 113).

Lot number	Block	Area in square feet	Appraised price
1 and 2.....	42	10,000	\$720.00
3.....	44	5,000	750.00
7 and 8.....	45	10,000	1,000.00
1, 2, and 3 less R/W.....	50	6,263	620.00
19 and 20.....	51	10,266	1,130.00

GEORGE E. M. GUSTAFSON,  
Superintendent of Sales.

[F.R. Doc. 64-10770; Filed, Oct. 21, 1964;  
8:48 a.m.]

[Arizona 034182]

ARIZONA

Notice of Proposed Withdrawal and Reservation of Lands

The Forest Service, Department of Agriculture, has filed an application, Serial Number Arizona 034182, for the withdrawal of the lands described below, from mineral location and entry under the mining laws, subject to existing valid claims.

The Applicant desires the lands for the adequate protection of Weaver's Needle and the Tortilla Flat Campground in the Tonto National Forest, Arizona.

For a period of thirty days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 3022 Federal Building, Phoenix, Ariz., 85025.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 2 N., R. 9 E., sec. 14, NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ .

T. 2 N., R. 9 E., sec. 14, NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ .

T. 1 N., R. 10 E., sec. 18, Lots 1 and 2, and E $\frac{1}{2}$ NW $\frac{1}{4}$ .

The areas described above aggregate approximately 330.00 acres.

RAYMOND C. CLEGHORN,  
Acting State Director.

OCTOBER 15, 1964.

[F.R. Doc. 64-10771; Filed, Oct. 21, 1964;  
8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

IDAHO

Designation of Area for Emergency Loans

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

IDAHO

Teton.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named county after December 31, 1965, except to applicants who previously received emergency or special

livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 16th day of October 1964.

ORVILLE L. FREEMAN,  
Secretary.

[F.R. Doc. 64-10765; Filed, Oct. 21, 1964;  
8:47 a.m.]

## ATOMIC ENERGY COMMISSION

[Docket No. 50-130]

### NORTHERN STATES POWER CO.

#### Notice of Authorization

Please take notice that pursuant to the provisions of paragraph 3.B. of Provisional Operating License No. DPR-11, Northern States Power Co. is authorized to load the superheater fuel in its nuclear reactor located approximately five and one-half miles northeast of Sioux Falls, S. Dak. and, pursuant to the provisions of paragraph 3.A. of the license, to operate the reactor at power levels up to 1 megawatt thermal in the manner described and subject to the provisions set forth in the license.

Based upon reports of inspection by a representative of the Division of Compliance and an evaluation of these reports by the Research and Power Reactor Safety Branch, Division of Reactor Licensing, the Commission has found that construction of the superheater and its fuel has been completed in conformity with Construction Permit No. CPPR-8 and the Application.

Dated at Bethesda, Md., this 14th day of October 1964.

For the Atomic Energy Commission.

R. L. DOAN,  
Director, Division of  
Reactor Licensing.

[F.R. Doc. 64-10739; Filed, Oct. 21, 1964;  
8:45 a.m.]

## CIVIL AERONAUTICS BOARD

[Docket No. 15549; Order E-21406]

### REEVE ALEUTIAN AIRWAYS, INC.

#### Service Mail Rates; Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 16th day of October 1964.

Reeve Aleutian Airways, Inc. (Reeve), by petition filed September 15, 1964, requests adjustment of its intra-Alaska service mail rate established in Board Orders E-13036, September 29, 1958, and E-15901, October 10, 1960.<sup>1</sup> The Post Office Department has requested Reeve to provide once-a-month plane service to Chernofski in addition to the present weekly mail drop.

The present service mail rate applicable provides:

(a) For the first 17,490 mail ton-miles flown each 28-day postal accounting period, \$1.29 per mail ton-mile.

(b) For all mail ton-miles in excess of 17,490 flown each 28-day postal accounting period, 53 cents per mail ton-mile.

Reeve requests that the \$1.29 rate apply to the first 17,723 ton-miles thereby increasing its compensation by \$177.08, per 28-day accounting period, over that which would otherwise have been received at the 53-cent rate. In this respect the services currently provided by Reeve for the Post Office Department are substantially in excess of the total mail ton-miles to which the \$1.29 rate would be applicable.

On September 23, 1964, the Postmaster General answered Reeve's petition urging that the requested relief be granted. The Postmaster General cited the recent discontinuance of powerboat service to Chernofski and states that regional postal officials have determined that adequate boat service to Chernofski cannot be obtained at reasonable cost. The absence of a suitable landing strip at Chernofski prevents Reeve from delivering mail at that point with the land type aircraft used on the Anchorage-Shemya Islands route except by means of mail-drops. The mail-drops cannot be used for bulk articles or packages susceptible to damage. The Postmaster avers that Reeve is willing to provide bulk mail service with an amphibian aircraft every four weeks from Cold Bay, 233 miles from Chernofski, provided the base ton-mileage is increased as requested by Reeve to cover such additional mileage.

The \$1.29 per ton-mile rate has previously been determined by the Board to be fair and reasonable for the transportation of mail by air within Alaska by Reeve for the base ton-mileage of 17,490.

In view of the foregoing, the Board finds that the request to increase the base ton-miles to which the \$1.29 per ton-mile rate applies to 17,723 is justified and reasonable.

Accordingly, the Board proposes to issue an order to include the following findings and conclusions:

The fair and reasonable rates of compensation to be paid Reeve on and after October 15, 1964, for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith between the points between which the carrier, by its certificate of public convenience and necessity or exemption order, has been, is presently, or hereafter may be authorized to transport mail, are:

(a) For the first 17,723 mail ton-miles flown each 28-day postal accounting period, \$1.29 per mail ton-mile.

(b) For all mail ton-miles in excess of 17,723 flown each 28-day postal accounting period, 53 cents per mail ton-mile.

The foregoing rates per mail ton-mile shall be paid pursuant to the postal accounting period system of the Post Office Department by applying the appropriate rate to the mail ton-miles flown each 28-day period based upon the direct airport-to-airport mileage between the points served for the carriage of mail.

Such service mail rates 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 amount shall be paid by the Board.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof,

It is ordered, That:

1. All interested parties, and particularly Reeve Aleutian 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 aforesaid final rates of compensation to be paid Reeve for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith over the carrier's entire system on and after October 15, 1964;

2. All further procedures herein shall be in accordance with the rules of practice (14 CFR Part 302); and if there is any objection to the rate or to the other findings and conclusions proposed herein, notice thereof shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days, after the date of service of this order;

3. If notice of objection is not filed within 10 days, or if notice is filed and answer is not filed within 30 days, after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fixing and determining the final rate specified herein;

4. If answer is filed, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order be served upon Reeve Aleutian Airways, Inc., and the Postmaster General.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,  
Secretary.

[F.R. Doc. 64-10777; Filed, Oct. 21, 1964;  
8:48 a.m.]

[Docket No. 15333]

### AEROLINEAS EL SALVADOR, S.A.

#### Foreign Permit Renewal; Notice of Postponement of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the hearing in the above-entitled proceeding now assigned to be held October 19, 1964, is postponed to October 29, 1964, at 10 a.m., e.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C.

<sup>1</sup> 27 C.A.B. 1081, and 32 C.A.B. 1298, respectively.

Dated at Washington, D.C., October 16, 1964.

[SEAL] JAMES L. KEITH,  
Hearing Examiner.

[F.R. Doc. 64-10778; Filed, Oct. 21, 1964;  
8:48 a.m.]

## FEDERAL COMMUNICATIONS COMMISSION

[FCC 64-936]

### STANDARD BROADCAST APPLICATIONS READY AND AVAILABLE FOR PROCESSING

OCTOBER 15, 1964.

Notice is hereby given, pursuant to § 1.571(c) of the Commission rules, that on November 24, 1964, the standard broadcast applications listed below will be considered as ready and available for processing. Pursuant to § 1.227(b)(1) and § 1.591(b) of the Commission's rules, an application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on November 23, 1964, which involves a conflict necessitating a hearing with an application on this list, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., by whichever date is earlier: (a) The close of business on November 23, 1964, or (b) the earlier effective cut-off date which a listed application or any other conflicting application may have by virtue of conflicts necessitating a hearing with applications appearing on previous lists.

The attention of any party in interest desiring to file pleadings concerning any pending standard broadcast application pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580(i) of the Commission rules for provisions governing the time of filing and other requirements relating to such pleadings.

Adopted: October 14, 1964.

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

#### APPLICATIONS FROM THE TOP OF THE PROCESSING LINE

- BP-15776 WJW, Cleveland, Ohio.  
Storer Broadcasting Co.  
Has: 850 kc, 5 kw, 10 kw-LS, DA-2, U.  
Req: Change in daytime DA pattern.
- BP-16182 New, Bayamon, P.R.  
Augustine L. Cavallaro, Jr.  
Req: 1030 kc, 10 kw, DA-1, U.
- BP-16226 WMBC, Macon, Miss.  
J. W. Farr.  
Has: 1400 kc, 250 w, U.  
Req: 1400 kc, 250 w, 1 kw-LS, U.
- BP-16227 WFFG, Marathon, Fla.  
WHOO Radio, Inc.  
Has: 1300 kc, 500 w, DA, Day.  
Req: 1300 kc, 500 w, DA-2, U.

- BP-16228 WSTP, Salisbury, N.C.  
WSTP, Inc.  
Has: 1490 kc, 250 w, U.  
Req: 1490 kc, 250 w, 1 kw-LS, U.
- BMP-11327 KCON, Conway, Ark.  
Conway Broadcasting Co.  
Has: 1230 kc, 250 w, U.  
Req: 1230 kc, 250 w, 1 kw-LS, U.
- BP-16235 KLBK, Lubbock, Tex.  
Grayson Enterprises, Inc.  
Has: 1340 kc, 250 w, U.  
Req: 1340 kc, 250w, 1 kw-LS, U.
- BP-16239 WDXY, Sumter, S.C.  
B.D.S. Radio & Television Co.  
Has: 1240 kc, 250 w, U.  
Req: 1240 kc, 250 w, 1 kw-LS, U.
- BP-16242 New, Inverness, Fla.  
Citrus Broadcasting Co.  
Req: 1560 kc, 1 kw, DA-N, U.
- BP-16244 KTOP, Topeka, Kans.  
Publishing Enterprises, Inc.  
Has: 1490 kc, 250 w, U.  
Req: 1490 kc, 250 w, 1 kw-LS, U.
- BP-16261 New, Holly Springs, Miss.  
William H. Wallace.  
Req: 1110 kc, 1 kw, Day.
- BP-16290 WGOG, Waihalia, S.C.  
Oconee Broadcasting Company, Inc.  
Has: 1460 kc, 500 w, Day.  
Req: 1000 kc, 1 kw, Day.
- BP-16291 New, Wichita Falls, Tex.  
Reuben B. Knight.  
Req: 1110 kc, 1 kw, DA, Day.
- BP-16292 New, Elmhurst, Ill.  
DuPage County Broadcasting, Inc.  
Req: 1530 kc, 250 w, Day.
- BP-16300 WSER, Elkton, Md.  
WSER, Inc.  
Has: 1550 kc, 250 w, DA, Day.  
Req: 1550 kc, 1 kw, DA, Day.
- BP-16301 KING, Seattle, Wash.  
King Broadcasting Co.  
Has: 1090 kc, 50 kw, DA-1, U.  
Req: 1090 kc, 50 kw, DA-2, U.
- BP-16302 New, Spartanburg, S.C.  
Carolina Radio Broadcasting Co.  
Req: 1530 kc, 1 kw, 250 w (CH), Day.
- BMP-11304 WRAN, Dover, N.J.  
Lion Broadcasting Company, Inc.  
Has: 1510 kc, 1 kw, DA-1, U.  
Req: 1510 kc, 1 kw, DA-2, U.
- BP-16307 New, West Liberty, Ky.  
Morgan County Industries, Inc.  
Req: 1450 kc, 250 w, U.
- BP-16308 KOOS, Coos Bay, Ore.  
KOOS, Inc.  
Has: 1230 kc, 250 w, U.  
Req: 1230 kc, 250 w, 1 kw-LS, U.
- BP-16311 KLAC, Los Angeles, Calif.  
Metromedia, Inc.  
Has: 570 kc, 1 kw, 5 kw-LS, U.  
Req: 570 kc, 5 kw, DA-N, U.
- BP-16313 KCOR, Pierre, S. Dak.  
Capitol Broadcasting, Inc.  
Has: 1590 kc, 1 kw, Day.  
Req: 1240 kc, 250 w, U.
- BP-16315 WLEF, Greenwood, Miss.  
William E. Hardy.  
Has: 1540 kc, 500 w, Day.  
Req: 1540 kc, 1 kw, Day.
- BP-16317 WDXR, Paducah, Ky.  
E. Weaks McKinney-Smith.  
Has: 1560 kc, 1 kw, DA-1, U.  
Req: 1560 kc, 1 kw, 5 kw-LS, DA-2, U.
- BP-16323 New, Oscoda, Mich.  
Airway Broadcasters, Inc.  
Req: 1060 kc, 500 w, DA, Day.
- BP-16337 KCJH, Arroyo Grande, Calif.  
Radio Station KCJH.  
Has: 1280 kc, 500 w, Day.  
Req: 1280 kc, 1 kw, DA-2, U.

APPLICATION DELETED FROM PUBLIC NOTICE OF  
AUGUST 6, 1964 (FCC 64-744) (29 F.R. 11504)

- BP-16163 KCJH, Arroyo Grande, Calif.  
Christina M. Jacobson & Leslie H. Hacker.  
d/b as Radio Station KCJH.  
Has: 1280 kc, 500 w, Day, Class III.  
Req: 1110 kc, 1 kw, 5 kw-LS, DA-N, U, Class II.

(Assigned new File Number BP-16337).

[F.R. Doc. 64-10785; Filed, Oct. 21, 1964;  
8:49 a.m.]

[Docket No. 15415]

### ACQUISITION OF COMMUNITY AN- TENNA TELEVISION SYSTEMS BY TELEVISION BROADCAST LICENSEES

#### Order Extending Time for Filing Comments

1. On October 15, 1964, the Commission granted a petition for extension of time filed by the National Association of Broadcasters in rule making proceedings Docket Nos. 14895 and 15233 (concerning rules to govern grants of microwave facilities to serve CATV systems); and extended until October 26, 1964 the time for filing reply comments in those proceedings.

2. It appears that some of the matters which NAB wishes to present in its reply comments in those proceedings are also relevant in the instant matter, and that therefore the time for comments herein should be extended to the same October 26 date.

3. Accordingly, it is ordered, On the Commission's own motion, this 16th day of October, that the time for filing comments in this proceeding is extended to and including October 26, 1964; and that the time for filing reply comments herein is extended to and including November 26, 1964.

4. This action is taken pursuant to authority found in sections 4(i) and 303 (r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules.

Released: October 19, 1964.

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

[F.R. Doc. 64-10779; Filed, Oct. 21, 1964;  
8:48 a.m.]

[Docket No. 15659; FCC 64-938]

### M. R. LANKFORD BROADCASTING CO. Memorandum Opinion and Order Designating Application for Hear- ing on Stated Issues

In re application of M. R. Lankford, tr/as M. R. Lankford Broadcasting Company, New Albany, Indiana, Docket No. 15659, File No. BP-15106; Requests: 1290 kc, 500 w, DA-1, U, Class III-B, for construction permit.

1. The Commission has before it for consideration (1) the above-captioned and described application; (2) a petition to deny the application, filed June 2, 1964, by Kentuckiana Broadcasting, Inc.

("Kentuckiana"), licensee of standard broadcast station WOWI (now WNUW), New Albany, Indiana; and (3) other documents related thereto.

2. Although Kentuckiana is a party in interest in this matter (see *Federal Communications Commission v. Sanders Brothers Radio Station*, 309 U.S. 470, 9 R.R. 2008 (1940)), its petition to deny the Lankford application was not timely filed. Kentuckiana's petition will be treated, therefore, as an informal objection and petition for leave to intervene.

3. Kentuckiana contends (1) that, notwithstanding a marked similarity between the proposed program schedule and the program schedules of other stations controlled by the applicant, the latter (a non-resident of the proposed service area) has submitted no specific evidence that he has made reasonable efforts to ascertain the programming needs and interests of the residents of that area; (2) that the applicant's other broadcast interests, together with those of his sons, present a multiple-ownership question under § 73.35 of the Commission's rules;<sup>1</sup> and (3) that the applicant's residence in a community (Princeton, Indiana) some 90 miles distant from New Albany, Indiana, plus the fact that he has "other stations to attend to," raise the question as to whether he would be able to exercise adequate control over the proposed station.

4. With respect to Kentuckiana's first contention, regarding programming, it is noted that on August 14, 1964 (two months after Kentuckiana filed its objections), Lankford filed an amended program service section of its application, including exhibits reflecting a recent survey of community leaders to determine the needs and interests of area residents. The exhibits included individual summaries of interviews with 29 named community officials and civic leaders including the local mayor, superintendent of schools, two county sheriffs, clergymen, businessmen, a union official, Federal and State agency officials serving the local area, and other persons of comparable status and letters from some of those interviewed. Lankford's revised program schedule appears to have been prepared with due consideration of the programming recommendations offered by those interviewed. Kentuckiana has in no way subsequently challenged the bona fides of Lankford's exhibits or questioned the program-proposal revisions made by Lankford as a consequence of its community survey. In view of these facts, the Commission finds that Lankford has made reason-

able efforts to ascertain the program-service needs and interests of the area to be served and that its program-service proposal, as amended, adequately responds to those indicated needs and interests. Accordingly, no programming issue will be included in this order.

5. The Commission finds with respect to Kentuckiana's second and third contentions that they are not supported by specific allegations sufficient to show that a grant of the application would be prima facie not in the public interest, convenience, and necessity, or to raise any substantial and material questions of fact.

6. Nonetheless, because of the following matters, the Commission is unable to make the statutory finding that a grant of the subject application would serve the public interest, convenience, and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below. Except as indicated by those issues, the Commission finds that the applicant is legally, technically, financially, and otherwise qualified to construct, own, and operate the station as proposed.

7. The following matters are to be considered in connection with the issues specified below:

(1) Information provided by the applicant indicates that the proposal would cause nighttime interference to KOIL, Omaha, Nebraska, and WTOC, Savannah, Georgia, within those stations' normally protected service area.

(2) A population study, by the Commission, of the area within the 2 mv/m groundwave contour of the proposal indicates that the applicant has considerably over-estimated the population in that portion of the daytime service area. A substantial question exists, therefore, as to whether the daytime operation of the proposed station would receive interference from other stations affecting more than 10 percent of the population in its daytime service area, in contravention to § 73.28(d)(3) of the Commission's rules.

(3) The applicant indicates that the proposed nighttime operation would lose, as a result of interference from other stations, 66.4 percent of the population and 38.6 percent of the area within its normally protected nighttime service contour (4 mv/m). Since the proposed Class III-B station would provide a standard broadcast nighttime facility to a community not having such a facility, such nighttime operation may meet an exception to § 73.28(d)(3) of the rules. However, a substantial question does exist as to whether the applicant's proposal (which would not serve any white area) would, in contravention of § 73.24(b) of the rules, suffer interference to such an extent that its service would be reduced to an unsatisfactory degree.

(4) The antenna parameters set forth in the application do not accurately depict the proposed radiation pattern. In addition and contrary to applicant's findings, it appears that on the basis of 2 ohms loss per tower, the RMS field of the proposed directional antenna system would be only 158 mv/m/kw, which is below the minimum permitted under § 73.189 of the rules.

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

(1) To determine the areas and populations which would receive primary service from this proposal and the availability of other primary service to such areas and populations.

(2) To determine whether this proposal would cause objectionable interference to Stations KOIL, Omaha, Nebraska, and WTOC, Savannah, Georgia, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

(3) To determine whether interference received from WHIO, Dayton, Ohio; WCBL, Benton, Kentucky; or any other existing stations, would affect more than ten percent of the population within the normally protected daytime service area of the proposed operation, in contravention of § 73.28(d)(3) of the Commission rules, and, if so, whether circumstances exist which would warrant a waiver of said section.

(4) To determine whether, because of interference received, the nighttime operation of the proposal would be consistent with the requirements of § 73.24(b) of the Commission's rules, and, if not, whether circumstances exist which would warrant a waiver of said section.

(5) To determine whether the directional antenna parameters set forth in the engineering portion of the application accurately depict the proposed radiation pattern, and whether the minimum radiation efficiency required by the provisions of § 73.189 of the Commission's rules would be achieved by the proposed station.

(6) To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the application would serve the public interest, convenience and necessity.

It is further ordered, That Central States Broadcasting, Inc., and Savannah Broadcasting Co., licensees respectively of Stations KOIL, Omaha, Nebraska, and WTOC, Savannah, Georgia, are made parties to the proceeding; and that Kentuckiana Broadcasting, Inc.'s petition is denied.

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

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, within the time and in the

<sup>1</sup> The applicant has 100 percent interests in WRAY(AM) (1 kw) and WRAY-FM, Princeton, Indiana, and WDQN(AM) (250w), Due Quoin, Indiana. Three sons of the applicant each have a one-third interest in WAKO(AM) (500w, DA-D), Lawrenceville, Illinois, and are associated with him in the operation of WRAY(AM and FM). Princeton, Du Quoin, and Lawrenceville are, respectively, 90, 180, and 105 miles from New Albany. No overlap of the 0.5 mv/m contours is involved. The applicant herein is also the applicant for a construction permit (BPH-4222) for a new FM station in St. Louis, Missouri.

manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: October 14, 1964.

Released: October 16, 1964.

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

[F.R. Doc. 64-10780; Filed, Oct. 21, 1964;  
8:48 a.m.]

[Docket No. 15659; FCC 64M-1028]

### M. R. LANKFORD BROADCASTING CO.

#### Order Scheduling Hearing

In re application of M. R. Lankford, tr/as M. R. Lankford Broadcasting Company, New Albany, Indiana, Docket No. 15659, File No. BP-15106; for construction permit.

*It is ordered*, This 16th day of October 1964, that Charles J. Frederick shall serve as the presiding officer in the above-entitled proceeding; that the hearings therein shall commence at 10:00 a.m. on November 24, 1964; and that a prehearing conference shall be convened at 9:00 a.m. on November 6, 1964; *And it is further ordered*, That all proceedings shall be held in the offices of the Commission, Washington, D.C.

Released: October 19, 1964.

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

[F.R. Doc. 64-10781; Filed, Oct. 21, 1964;  
8:48 a.m.]

[Docket Nos. 15660, 15661; FCC 64M-1029]

### MERCED BROADCASTING CO. AND CAMBRIDGE BROADCASTING CORP.

#### Order Scheduling Hearing

In re applications of Kurt Fantl and Margaret A. Fantl, d/b as Merced Broadcasting Co., Merced, California, Docket No. 15660, File No. BPH-4162; Cambridge Broadcasting Corp., Merced, California, Docket No. 15661, File No. BPH-4474; for construction permits.

*It is ordered*, This 16th day of October 1964, that Basil P. Cooper shall serve as the presiding officer in the above-entitled proceeding; that the hearings therein shall commence at 10:00 a.m. on November 30, 1964; and that a prehearing conference shall be convened at 9:00 a.m. on November 6, 1964; *And it is further ordered*, That all proceedings shall be held in the offices of the Commission, Washington, D.C.

Released: October 19, 1964.

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

[F.R. Doc. 64-10782; Filed, Oct. 21, 1964;  
8:48 a.m.]

[Docket 15658; FCC 64M-1027]

### NAUGATUCK VALLEY SERVICE, INC. (WOWW)

#### Order Scheduling Hearing

In re application of Naugatuck Valley Service, Inc. (WOWW), Naugatuck, Connecticut, Docket No. 15658, File No. BP-14829; for construction permit.

*It is ordered*, This 16th day of October 1964, that Thomas H. Donahue shall serve as the presiding officer in the above-entitled proceeding; that the hearings therein shall commence at 10:00 a.m. on November 30, 1964; and that a prehearing conference shall be convened at 9:00 a.m. on November 9, 1964; *And it is further ordered*, That all proceedings shall be held in the offices of the Commission, Washington, D.C.

Released: October 19, 1964.

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

[F.R. Doc. 64-10783; Filed, Oct. 21, 1964;  
8:48 a.m.]

[Docket No. 15625; FCC 64M-1026]

### RADIO STATION KVOL, INC. (KVOL)

#### Order Continuing Hearing

In re application of Radio Station KVOL, Inc. (KVOL), Lafayette, Louisiana, Docket No. 15625, File No. BP-14947; for construction permit.

Pursuant to agreements reached at the prehearing conference held on October 16, 1964, the evidentiary hearing in the above-entitled proceeding is continued from November 10, 1964 to December 10, 1964, beginning at 10:00 a.m. in the offices of the Commission, Washington, D.C.

*It is so ordered*, This the 16th day of October 1964.

Released: October 19, 1964.

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

[F.R. Doc. 64-10784; Filed, Oct. 21, 1964;  
8:49 a.m.]

### FEDERAL MARITIME COMMISSION

#### MEMBER LINES OF AMERICAN WEST AFRICAN FREIGHT CONFERENCE

##### Notice of Agreements Filed for Approval

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

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agree-

ments 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:

Mr. John K. Cunningham, Chairman, American West African Freight Conference, 80 Broad Street, New York, N.Y., 10004.

Agreement 7680-16, between the member lines of the American West African Freight Conference modifies the basic agreement, as amended, to extend the termination date of their Neutral Body Self-policing system from November 30, 1964 to November 30, 1965.

Dated: October 19, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,  
Secretary.

[F.R. Doc. 64-10775; Filed, Oct. 21, 1964;  
8:48 a.m.]

### FEDERAL POWER COMMISSION

[Docket No. G-5145, etc.]

#### HUMBLE OIL & REFINING CO. ET AL.

##### Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates and Pending Certificate Applications<sup>1</sup>

OCTOBER 13, 1964.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

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 November 9, 1964.

Take further notice 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 will be held without further notice before the Commission on all applications in which no protest or

<sup>1</sup>This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission

JOSEPH H. GURTEDE,  
Secretary.

Docket No. and date filed	Applicant	Purchaser, field and location	Price per Mcf	Pres-sure base
G-5145 D 10-5-64	Humble Oil & Refining Co.	El Paso Natural Gas Co., Spraberry Field, Union County, Tex.	Assigned	
G-6311 D 10-5-64	Amerasia Petroleum Corp. (Operator), et al.	Northern Natural Gas Co., Eunice Field, DeWitt County, N. Mex.	12.0212	15.025
G-9852 E 10-5-64	Alma Orlingdent (successor to M. A. Maehris).	Natural Gas Pipeline Co. of America, Line Morrow Field, Ochiltree County, Texas	10.72	14.65
G-11230 C 9-9-64	Monsanto Co. (Operator), et al. (formerly Monsanto Chemical Co.)	United Gas Pipe Line Co., Welder Ranch Field, Victoria County, Tex.	15.6	14.65
G-11821 D 10-7-64	Marathon Oil Co. (Operator), et al.	United Gas Pipe Line Co., Maxie and Pistol Ridge Fields, Forrest County, Miss.	Assigned	
G-12656 D 10-7-64	Socony Mobil Oil Co., Inc. (partial abandonment).	Cities Service Gas Co., Northwest Sharon Field, Barber County, Kans.	Depleted	
G-13228 C 10-5-64	Cities Service Oil Co. (Operator), et al.	Michigan Wisconsin Pipe Line Co., Laverne Field, Ellis County, Okla.	17.0	14.65
G-16211 E 9-25-64	St. Clair Oil Co. (successor to Harry Whites).	Equitable Gas Co., Skin Creek Dist., Lewis County, W. Va.	20.0	15.325
G-17113 D 10-5-64	Shelly Oil Co. (partial abandonment).	Cities Service Gas Co., acreage in Texas County, Okla.	Depleted	
G-19183 E 9-14-64	Noah A. Neely (successor to Calto Oil Co.).	El Paso Natural Gas Co., West Kintz Field, San Juan County, N. Mex.	12.0	15.025
G-190108 C 10-5-64	Shelly Oil Co.	West Texas Gathering Co., South Halley Field, Winkler County, Tex.	16.0	14.65
G-191-2 C 10-2-64	Graham-Michaelis Drilling Co. (Operator), et al.	Kansas-Nebraska Natural Gas Co., Inc., Camtrick Field, Texas County, Okla.	16.6	14.65
C161-940 C 9-30-64	Sinclair Oil & Gas Co. (Operator), et al.	Lone Star Gas Co., East Durant Field, Bryan County, Okla.	15.0	14.65
C161-1717 E 9-24-64	Petroleum Corp. of Texas (successor to Texiel Petroleum Corp., Operator).	United Gas Pipe Line Co., West Jacksonville Field, Cherokee County, Tex.	10.6344	14.65
C161-1160 E 5-11-64	Thomas W. Clay and J. G. Walker, Jr. d.b.a. Clay-Walker (Operator), et al. (successor to Kirby Production Co. (Operator), et al.)	United Gas Pipe Line Co., Jacksonville Field, Cherokee County, Tex.	10.8875	14.65
C161-1160 D 5-1164	Thomas W. Clay and J. G. Walker, Jr. d.b.a. Clay-Walker (Operator), et al. (partial abandonment).	do	Depleted	
C161-1503 E 10-6-64	Hal Pack & Co. (successor to P & J Development Co., Inc.).	Hope Natural Gas Co., McClellan Dist., Doddridge County, W. Va.	25.0	15.325
C161-1612 E 9-28-64	D. J. Stone (successor to Alamo Corp.).	Panhandle Eastern Pipe Line Co., acreage in Morton County, Kans.	16.0	14.65
C162-24 E 10-6-64	Hal Pack & Co. (successor to P & J Development Co., Inc.).	Hope Natural Gas Co., Eagle Dist., Harrison County, W. Va.	25.0	15.325
C162-754 E 10-6-64	do	do	25.0	15.325
C162-787 E 10-6-64	do	do	25.0	15.325
C162-1811 E 10-6-64	do	do	21.88	15.325

Filing code: A—Initial service.  
B—Abandonment.  
C—Amendment to add acreage.  
D—Amendment to delete acreage.  
E—Succession.  
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field and location	Price per Mcf	Pres-sure base
C162-1553 C 10-5-64	Tex-Star Oil & Gas Corp.	El Paso Natural Gas Co., Imaeio Field, La Plata County, Colo.	13.0	15.025
C164-735 C 10-6-64	Jas. F. Smith.	Kansas-Nebraska Natural Gas Co., Inc., Dombay Field, Beaver County, Okla.	15.0	14.65
C164-812 C 10-2-64	Logue and Patterson.	Lone Star Gathering Co., South Weastache Field, Goliad County, Tex.	14.0	14.65
C164-1496 C 10-6-64	William N. Price and L. E. Geoffroy.	Kansas-Nebraska Natural Gas Co., Inc., acreage in Beaver County, Okla.	15.0	14.65
C165-66 E 10-1-64	Ben Gittleman (successor to B. H. Postwick).	Hope Natural Gas Co., Grant Dist., Ritchie County, W. Va.	20.0	15.325
C165-322 A 10-1-64	McCall Drilling Co., Inc.	Hope Natural Gas Co., Skin Creek Dist., Lewis County, W. Va.	25.0	15.325
C165-323 A 10-1-64	Exchange Oil & Gas Co.	Hope Natural Gas Co., Chalkley Field, Cameron Parish, La.	16.75	15.025
C165-324 A 10-1-64	M. J. Moran, et al.	Hope Natural Gas Co., Skin Creek Dist., Lewis County, W. Va.	25.0	15.325
C165-325 A 10-1-64	Lura Ables Oil & Gas Co.	Hope Natural Gas Co., New Milton Dist., Doddridge County, W. Va.	25.0	15.325
C165-326 A 10-1-64	Goff Gas Co.	Hope Natural Gas Co., Union Dist., Ritchie County, W. Va.	25.0	15.325
C165-327 A 10-2-64	Ratliff Oil Producer.	Hope Natural Gas Co., Grant Dist., Ritchie County, W. Va.	25.0	15.325
C165-328 A 10-2-64	Ellison Gas Co.	Hope Natural Gas Co., Washington Dist., Calhoun County, W. Va.	25.0	15.325
C165-329 A 10-2-64	Tenneco Oil Co.	Northern Natural Gas Co., North Lincoln Field, Ellis County, Okla.	17.0	14.65
C165-330 A 9-28-64	D. J. Stone.	Panhandle Eastern Pipe Line Co., acreage in Meade County, Kans.	16.0	14.65
C165-331 A 10-2-64	The Pure Oil Co.	Transcontinental Gas Pipe Line Corp., Block 48 Field, South Marsh Island area, Gulf of Mexico (Off-shore from Louisiana).	19.5	15.025
C165-332 A 10-2-64	A. I. K. Ltd.	Northern Natural Gas Co., acreage in Hansford County, Tex., and Beaver County, Okla., Tex., and Arkansas Louisiana Gas Co., Arp area (South Pine Hollow), Pittsburg County, Okla.	17.0	14.65
C165-333 A 10-5-64	Bell Oil and Gas Co.	Arkansas Louisiana Gas Co., Arp area (South Pine Hollow), Pittsburg County, Okla.	15.0	14.65
C165-334 A 9-23-64	Socony Mobil Oil Co., Inc.	Trunkline Gas Co., Ragley Field, Beauregard County, La.	17.7	15.025
C165-335 A 10-5-64	Sinclair Oil & Gas Co.	Hope Natural Gas Co., Chalkley Field, Cameron Parish, La.	16.75	15.025
C165-337 F 10-1-64	Dean Wells and T. L. Nutt (successor to Ambassador Oil Corp. (Operator), et al.).	Panhandle Eastern Pipe Line Co., acreage in Edwards County, Kans.	15.0	14.65
C165-338 A 10-5-64	The Pure Oil Co.	Kansas-Nebraska Natural Gas Co., Inc., Badwater Area, Fremont and Natrona Counties, Wyo.	15.0	14.65
C165-339 B 10-5-64	Texaco Inc.	Texas Eastern Transmission Corp., Rolling Hills Field, Nueces County, Tex.	Depleted	
C165-340 B 10-5-64	Columbian Fuel Corp.	Hope Natural Gas Co., Sissonville Field, Jackson County, W. Va.	Depleted	
C165-341 A 10-5-64	E. Joe Pruitt, et al.	Lone Star Gathering Co., Karen Beauchamp Field, Goliad County, Tex.	14.0	14.65
C165-342 B 10-6-64	Hal Pack & Co. (successor to P & J Development Co., Inc.).	Hope Natural Gas Co., Center Dist., Gilmer County, W. Va.	Production declined.	
C165-343 A 10-1-64	J. P. Owen (Operator), et al.	American Louisiana Pipe Line Co., Jeanerette Field, St. Mary Parish, La.	20.025	15.025
C165-344 A 10-2-64	A. S. Ritchie, et al.	Panhandle Eastern Pipe Line Co., Hugoton Field, Stevens County, Kans.	11.0	14.65
C165-345 A 10-5-64	Peter Henderson Oil Co.	Kansas-Nebraska Natural Gas Co., Inc., Wind River Basin, Fremont and Natrona Counties, Wyo.	15.0	14.65

1 Amendment to certificate filed to add depth under acreage.  
2 State in effect subject to refund under basic contract in Docket No. R163-334.  
3 Subject to B. I. n. adjustment.  
4 Includes 0.1375 cent per Mcf tax reimbursement.  
5 Pending—temporary authorization granted only.  
6 Inclusive of 1.75 cents per Mcf tax reimbursement.

[F.R. Doc. 64-10702; Filed, Oct. 21, 1964; 8:45 a.m.]

[Docket No. G-5716, etc.]

**NORTHERN NATURAL GAS  
PRODUCING CO. ET AL.**

**Findings and Order**

OCTOBER 13, 1964.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, amending certificates, permitting and approving abandonment of service, terminating certificates, redesignating proceeding, cancelling docket numbers, accepting and redesignating related rate schedules and supplements for filing.

Each of the applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce, for permission and approval to abandon service, or a petition to amend an existing certificate authorization, all as more fully described in the respective applications and petitions (and any supplements or amendments thereto) which are on file with the Commission.

The Applicants herein have filed related FPC Gas Rate Schedules and propose to initiate or abandon, add or delete natural gas service in interstate commerce as indicated by the tabulation herein. All sales certificated herein are either equal to or below the ceiling prices established by the Commission's Statement of Policy 61-1, as amended, or involve sales for which permanent certificates have been previously issued.

Bowers Drilling Company, Inc., which has heretofore received a certificate in Docket No. CI64-351 authorizing the sale of natural gas from certain acreage, has filed an application in said docket to cover the partial interest of National Cooperative Refinery Association in said acreage. The subject sale is made pursuant to Bowers' FPC Gas Rate Schedule No. 2. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. G-19934,<sup>1</sup> in which proceeding Bowers is a co-respondent together with its predecessor in interest, The Superior Oil Company. Accordingly, the certificate, rate schedule and rate proceeding will be appropriately redesignated to indicate that Bowers is both co-owner and operator, and the agreement and undertaking filed in Docket No. G-19934 by Bowers will be construed also to assure refunds with respect to sales from the interest of the co-owner.

After due notice, no petition or notice to intervene or protest to the granting of any of the respective applications or petitions have been filed.

At a hearing held on October 8, 1964, the Commission on its own motion received and made a part of the record in

<sup>1</sup> Consolidated with Docket No. AR64-1, et al.

these proceedings all evidence, including the applications, amendments, and exhibits thereto, submitted in support of the respective authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of said Act upon the commencement of the service under the respective authorizations granted herein-after.

(2) The sales of natural gas hereinbefore described, as more fully described in the respective applications, amendments and/or supplements herein, will be made in interstate commerce, subject to the jurisdiction of the Commission, and such sales by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) The sales of natural gas by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefor should be issued as hereinafter ordered and conditioned.

(4) The respective Applicants are able and willing properly to do the acts and to perform the services proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the certificate authorizations heretofore issued by the Commission in Docket Nos. G-4670, G-5716, G-6306, G-9518, G-11187, G-11566, G-12576, G-13070, CI61-524, CI62-36, CI62-1184, CI62-1295, CI62-1412, CI63-187, CI63-1328, CI64-351, CI64-812 and CI64-1237 should be amended as hereinafter ordered.

(6) The sales of natural gas proposed to be abandoned by the respective Applicants, as hereinbefore described, all as more fully described in the tabulation herein and in the respective applications, are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act, and such abandonments should be permitted and approved as hereinafter ordered.

(7) The certificates of public convenience and necessity heretofore issued to

the Applicants herein, relating to the several abandonments hereinafter permitted and approved should be terminated.

(8) The proceeding pending in Docket No. G-19934 should be redesignated as The Superior Oil Company and Bowers Drilling Company, Inc. (Operator), et al., and the agreement and undertaking filed in said proceeding by Bowers should be construed also to assure refunds with respect to sales from the interest of National Cooperative Refinery Association.

(9) The respective related rate schedules and supplements as designated or redesignated in the tabulation herein, should be accepted for filing as hereinafter ordered.

The Commission orders:

(A) Certificates of public convenience and necessity be and the same are hereby issued, upon the terms and conditions of this order, authorizing the sales by the respective Applicants herein of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary for such sales, all as hereinbefore described and as more fully described in the respective applications, amendments, supplements and exhibits in this consolidated proceeding.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder, and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against the respective Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the respective contracts, particularly as to the cessation of service upon termination of said contracts, as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificates aforesaid be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The certificate authorizations heretofore granted to the respective Ap-

plicants in Docket Nos. G-5716, CI62-1184, CI62-1412, CI63-187, and CI64-1237 are hereby amended by adding thereto and deleting therefrom authorization to sell natural gas to the same purchasers and in the same areas as covered by the original authorizations, pursuant to the rate schedule supplements as indicated in the tabulation herein.

(E) The certificate heretofore issued in Docket No. CI64-812 is hereby amended by deleting therefrom authorization granted herein, in Docket No. CI65-153.

(F) The certificate heretofore issued in Docket No. CI61-524 is hereby amended to include the additional dedication and such authorization is conditioned as provided in the Commission's Opinion No. 353, issued March 7, 1962, in Docket Nos. CP61-102, et al.

(G) The certificate heretofore issued in Docket No. CI64-351 is hereby amended to reflect Bowers Drilling Company, Inc. (Operator), et al., as co-owner and Operator of the subject producing properties.

(H) The orders issuing certificates in Docket Nos. G-9518, G-11187, G-12576, CI62-36, CI62-1295, and CI63-1328 be and the same are hereby amended by changing the certificate holders to the successors in interest as set forth in the tabulation herein.

(I) Permission for and approval of the abandonment of service by the respective Applicants, as hereinbefore described and as more fully described in the respective applications herein, are hereby granted.

(J) Permission for and approval of the partial abandonment of service in Docket Nos. G-4670, G-6306, G-11566, and G-13070 are hereby granted and the certificates are amended by deleting therefrom certain acreage as indicated in the tabulation herein.

(K) The certificates heretofore issued in Docket Nos. G-14765 and CI61-583 are hereby terminated.

(L) The proceeding pending in Docket No. G-19934 be and the same is hereby redesignated as The Superior Oil Company and Bowers Drilling Company, Inc. (Operator), et al., and the agreement and undertaking filed in said proceeding by Bowers shall be construed also to assure refunds with respect to sales from the interest of National Cooperative Refinery Association.

(M) Docket Nos. CI64-1361, CI64-1362, CI64-1366, and CI65-167 are hereby cancelled.

(N) The related rate filings and supplements as indicated in the tabulation herein, are hereby accepted for filing; further, the rate schedules relating to the successions herein, are hereby redesignated and accepted, subject to the applicable Commission regulations under the Natural Gas Act to be effective on the dates indicated in the tabulation herein.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, Secretary.

Docket No. and date filed	Applicant	Purchaser, field and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
G-5716 D 1-14-60 11-2-60 <sup>1</sup>	Northern Natural Gas Producing Co.	Northern Natural Gas Co., Kansas Hugoton Field, Grant, Finney, Haskell, Kearny, Seward, and Stevens Counties, Kans.	Release 5-11-59 <sup>1</sup>	2	94
G-9518 E 8-24-64	Otis C. Coles, Jr. (successor to Basic Metal & Coal Corp.).	Arkansas Louisiana Gas Co., Gibbs Gas Unit, Ada Field, Webster Parish, La.	Basic Metal & Coal Corp., FPC GRS No. 1.	3	
			Supplement Nos. 1-2.	3	1-2
			Notice of succession 8-18-64.		
			Assignment 6-19-64.	3	3
			Effective date: 6-19-64.		
G-11187 E 8-21-64	K. S. Adams, Jr., et al. (successor to City Products Corp., et al.).	Cities Service Gas Co., South Blunk Field, Sternberger Lease, Barber County, Kans.	City Products Corp., et al., FPC GRS No. 1.	6	
			Notice of succession 8-17-64.		
			Assignment 1-16-64.	6	1
			Effective date: 12-31-63.		
G-12576 E 7-30-64	Tex-Star Oil & Gas Corp. (successor to Logue and Patterson).	Texas Eastern Transmission Corp., Enke Field, Goliad County, Tex.	Logue and Patterson, FPC GRS No. 10.	35	
			Supplement Nos. 1-4.	35	1-4
			Notice of succession 7-30-64.		
			Assignment 4-30-64.	35	5
			Effective date: 1-1-64.		
CI61-524 <sup>1</sup> C 3-2-64	Shell Oil Co. (Operator), et al.	Michigan-Wisconsin Pipe Line Co., Cedardale Field, Woodward County, Okla.	Ratification 7-22-63 <sup>1</sup>	268	19
CI62-36 <sup>1</sup> E 12-14-61	Fred M. Allison (Operator), et al. (successor to Prairie States Petroleum Corp. (Operator), et al.).	Transwestern Pipeline Co., Worsham Field, Reeves County, Tex.	Prairie States Petroleum Corp. (Operator), et al., FPC GRS No. 1.	1	
			Notice of Succession 12-8-61.		
			Assignment 7-24-61.	1	1
			Fred M. Allison (Operator), et al., FPC GRS No. 1.	1	
			Supplement No. 1.	1	1
			Notice of succession.		
			Assignment 1-20-64 <sup>1</sup> .	1	2
			Letter agreement 6-4-64.	1	3
			Effective date: 1-1-64.		
CI62-1184 C 8-26-64	Sinclair Oil & Gas Co. (Operator), et al.	Arkansas Louisiana Gas Co., Wilburton Field, Latimer County, Okla.	Ratification 7-20-64 <sup>1</sup>	251	8
CI62-1295 E 7-20-64 8-13-64 <sup>1</sup>	Tex-Star Oil & Gas Corp., et al. (successor to Logue and Patterson, et al.).	United Gas Pipe Line Co., South Weasatche Field, Goliad County, Tex.	Logue and Patterson, et al., FPC GRS No. 6.	34	
			Supplement Nos. 1-3.	34	1-3
			Notice of succession 7-20-64.		
			Assignment 4-30-64.	34	4
			Effective date: 1-1-64.		
CI62-1412 C 8-24-64	Sunray DX Oil Co.	Oklahoma Natural Gas Gathering Corp., Ringwood Field, Major County, Okla.	Supplemental agreement 8-5-64. <sup>1</sup>	222	2
CI63-187 C 7-30-64	Southern Triangle Oil Co., Inc.	Hope Natural Gas Co., Cove Dist., Doddridge County, W. Va.	Supplemental agreement 3-25-63. <sup>1</sup>	9	3
CI63-1328 E 8-10-64	Douglas V. Smith (Operator), et al. (successor to Big D Oil Co., Inc.).	United Gas Pipe Line Co., Sibley Field, Webster Parish, La.	Big D Oil Co., Inc., FPC GRS No. 1.	1	
			Supplement Nos. 1-14.	1	1-14
			Notice of succession 8-6-64.		
			Assignment 6-24-64.	1	15
			Effective date: 5-1-64.		
CI64-351 2-6-64 <sup>1</sup>	Bowers Drilling Co., Inc. (Operator), et al.	Cities Service Gas Co., Boggs Field, Barber County, Kans.	Contract 12-20-63 <sup>1</sup> .	2	2
CI64-1237 C 7-28-64	Mayhew Oil & Gas Developments.	Hope Natural Gas Co., Salt Lick Dist., Gassaway County, W. Va.	Supplemental agreement 5-19-64. <sup>1</sup>	2	1
CI64-1361 (G-4670) B 5-11-64 <sup>11</sup>	Delhi-Taylor Oil Corp., (partial abandonment). <sup>19</sup>	El Paso Natural Gas Co., Ignacio area, LaPlata County, Colo.	Notice of cancellation 5-5-64. <sup>12</sup>	36	2
CI64-1362 (G-4670) B 5-11-64 <sup>11</sup>	do.	do.	Notice of cancellation 5-5-64. <sup>12</sup>	37	1
CI64-1366 (G-6306) B 5-11-64 <sup>11</sup>	do.	El Paso Natural Gas Co., Blanco-Mesa Verde Field, San Juan County, N. Mex.	Notice of cancellation 5-5-64. <sup>12</sup>	15	1
CI65-80 A 7-30-64	J. C. Baker & Son, Inc.	Hope Natural Gas Co., Salt Lick Dist., Braxton County, W. Va.	Contract 4-3-64 <sup>1</sup>	1	
CI65-81 A 7-30-64	Warren L. Taylor, et al.	Hope Natural Gas Co., Hamilton and Beaver Dist., Nicholas County, W. Va.	Contract 11-12-63 <sup>1</sup>	3	

Filing code: A—Initial service.  
B—Abandonment.  
C—Amendment to add acreage.  
D—Amendment to delete acreage.  
E—Succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
CI65-153 (CI64-812) A 7-20-64 8-13-64 <sup>11</sup>	Tex-Star Oil & Gas Corp., et al. (partial succession).	Lone Star Gathering Co., South Weesatche Field, Goliad County, Tex.	Contract 12-26-63 Amendment 4-29-64 Assignment 4-30-64 Effective date: 1-1-64	37 37 37	  1 2
CI65-156 A 8-18-64	Occidental Petroleum Corp.	Oklahoma Natural Gas Gathering Corp., Ringwood Field, Major County, Okla.	Contract 5-11-64 <sup>1</sup>	2	
CI65-157 (CI61-583) B 8-21-64	Forest Oil Corp.	Wunderlich Development Co., Southeast Autwine Field, Kay County, Okla.	Notice of cancellation 7-22-64. <sup>12</sup>	23	1
CI65-158 A 8-21-64	Paul F. Starr, agent for H. R. Young Construction Co., et al.	Pennzoil Co., Spencer Dist., Roane County, W. Va.	Contract 5-19-64 <sup>1</sup>	17	
CI65-159 A 8-21-64	Carter & Mandel Co. (Operator), et al.	Cities Service Gas Co., J. W. Long Lease, Barber County, Kans.	Contract 7-17-64 <sup>1</sup>	1	
CI65-160 A 8-21-64	St. Clair Oil Co.	Equitable Gas Co., Skin Creek Dist., Lewis County, W. Va.	Contract 5-28-64 <sup>1</sup>	13	
CI65-163 A 8-24-64	T. F. Hodge (Operator), et al.	Texas Eastern Transmission Corp., South Weesatche Field, Goliad County, Tex.	Contract 8-5-64 Letter agreement 8-5-64. <sup>1</sup>	6 6	 1
CI65-164 A 8-24-64	Sunray DX Oil Co. (Operator), et al.	Texas Eastern Transmission Corp., Wharco-Schilling area, Wharton and Colorado Counties, Tex.	Contract 3-30-64 Ratification 7-29-64. <sup>1</sup>	248 248	 1
CI65-165 A 8-24-64	San Jacinto Drilling Co. (Operator), et al.	United Gas Pipe Line Co., Jarvis Creek area, Wharton County, Tex.	Contract 7-29-64 <sup>1</sup>	1	
CI65-166 A 8-25-64	Ashland Oil & Refining Co. (Operator), et al.	Arkansas Louisiana Gas Co., Clay area, Lincoln Parish, La.	Contract 4-28-64	167	
CI65-167 (G-11566) (G-13070) B 8-24-64 <sup>14</sup>	National Cooperative Refinery Association (partial abandonment).	Cities Service Gas Co., Northwest Sharon and Stumph Fields, Barber County, Kans.	Notice of partial cancellation 6-23-64. <sup>12</sup>	2	5
CI65-168 A 8-19-64	Francis Friestad, Trustee	Kentucky West Virginia Gas Co., Middle Creek Field, Floyd County, Ky.	Contract 7-15-64 <sup>1</sup>	4	
CI65-171 A 8-25-64	R. H. Burns (Operator), et al.	Cities Service Gas Co., Canyon Creek Pool, Osage County, Okla.	Contract 8-10-64 <sup>1</sup>	1	
CI65-172 A 8-26-64	Ross Production Co. (Operator), et al.	Texas Eastern Transmission Corp., Huxley Field, Shelby County, Tex.	Contract 7-20-64 <sup>1</sup>	1	
CI65-174 (G-14765) B 8-26-64	Sinclair Oil & Gas Co.	Trunkline Gas Co., Hinkle Field, Harris County, Tex.	Notice of cancellation 8-21-64. <sup>12</sup>	160	7

<sup>1</sup> Supplements application filed Jan. 14, 1960, so as to release only the interest assigned to Shell Oil Co.

<sup>2</sup> Releases from basic contract the interest in undeveloped "Deep Horizons" (below 3,400 feet) assigned to Shell.

<sup>3</sup> Effective date: Date of this order.

<sup>4</sup> Original authorization granted pursuant to Opinion No. 353.

<sup>5</sup> Effective date: Date of initial delivery.

<sup>6</sup> Allison was issued a temporary certificate to continue sales previously authorized to be rendered by Prairie States Petroleum Corp. Rate schedule previously accepted for filing.

<sup>7</sup> Assigns interest of Allison to Kasper and Cahoon.

<sup>8</sup> Amendment to application filed Aug. 13, 1964, states that the 3 nonproductive Arnecke leases expired prior to the transfer of interests, therefore the succession of interest is effective insofar as it relates to the S. J. Pfenniger, NE 48' acres of the L. Y. Johnson and the Leona and Robert J. Bitterly leases.

<sup>9</sup> Amendment to certificate whereby Applicant requests to continue operating subject properties as coowner and Operator in lieu of sole owner.

<sup>10</sup> Abandonment filed by Tenneco Oil Co. (successor in interest to Delhi-Taylor).

<sup>11</sup> The abandonment applications filed in Docket Nos. CI64-1361, CI63-1362 and CI64-1366 respectively, will be treated as petitions to amend to partially abandon the original service in Docket Nos. G-4670 and G-6306. Docket Nos. CI64-1361, CI64-1362 and CI64-1366 will be canceled.

<sup>12</sup> Source of gas depleted.

<sup>13</sup> Amendment to application filed Aug. 13, 1964, indicates that Tex-Star succeeded to the interests of Logue and Patterson under Logue and Patterson's FPC GRS No. 9 insofar as the L. Y. Johnson 68' acre lease is concerned.

<sup>14</sup> The abandonment application filed in Docket No. CI65-167 will be treated as a petition to amend to partially abandon the original service in Docket Nos. G-11566 and G-13070. Docket No. CI65-167 will be canceled.

[F.R. Doc. 64-10703; Filed, Oct. 21, 1964; 8:45 a.m.]

[Docket No. RP65-3]

## CHATTANOOGA GAS CO. AND EAST TENNESSEE NATURAL GAS CO.

### Order Amending Order Instituting Investigation

OCTOBER 15, 1964.

On October 1, 1964, upon the basis of the complaint filed July 29, 1964, and subsequent pleadings in the above entitled proceeding we issued an order herein instituting an investigation of the issues raised by Chattanooga's complaint concerning East Tennessee's tariff and its service agreement with Chattanooga.

On September 8, 1964, defendant East Tennessee tendered for filing its proposed FPC Gas Tariff, Fourth Revised Volume No. 1, in purported compliance with Paragraph B(v) of the Commission's order issued July 17, 1964, in defendant's certificate proceeding at Docket No. CP64-21.

On September 22, 1964, by letter addressed to the Secretary complainant Chattanooga submitted allegations and objections to the aforementioned revised tariff. These objections relate to the proposed tariff in general and raise questions, among others, of whether it creates inconsistencies in the treatment of cus-

tomers and whether it may constitute an unlawful restraint of trade.

The above-identified letter from complainant requests that defendant's tender be accepted subject to the same condition as is contained in Paragraph (B) of the Commission's order issued July 29, 1964, in Docket No. G-20072; that the effectiveness of the tariff be suspended for one day, and that the Commission set complainant's additional allegations for public hearing.

The initial complaint and order for hearing herein, related to a tariff then in effect, not to the proposed tariff. While Chattanooga's letter regarding the proposed tariff does not constitute a formal complaint under our rules, it was served upon East Tennessee which by letter filed October 5, 1964, denies Chattanooga's allegations. Under the circumstances we consider Chattanooga's letter an informal amendment of its initial complaint and shall provide that it have an opportunity to adduce evidence in support of the new allegations in a public hearing under the procedure prescribed in our order issued herein on October 1, 1964. To that end, the scope of the issues in our initial order herein should be broadened to include for hearing the proposed tariff filed by East Tennessee on September 8, 1964, and the issues with respect thereto raised by Chattanooga's letter dated September 22, 1964. However, since the proposed tariff does not provide for any change in the rate levels of existing rate schedules and since the result of the complaint proceedings here instituted will have only prospective effect, the requested suspension of the proposed tariff does not appear to be necessary or appropriate.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the issues raised by the complainant in its letter dated September 22, 1964, be set for public hearing subject to the procedure prescribed in our order issued herein October 1, 1964, and that the foregoing order should be amended so as to include for hearing East Tennessee's proposed revised tariff and the issues raised in the above-identified letter.

The Commission orders:

(A) The revised tariff filed by East Tennessee on September 8, 1964, and the issues raised by the complainant in its letter to the Secretary dated September 22, 1964, hereby are included for public hearing in conjunction with issues set for hearing in the order issued herein October 1, 1964, and the additional issues shall be subject to the procedure prescribed in the above-identified order.

(B) Except to the extent herein amended, the order issued October 1, 1964, shall remain in full force and effect.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 64-10749; Filed, Oct. 21, 1964; 8:46 a.m.]

[Docket No. G-6036 etc.]

**MONSANTO CO.**

**Order Amending Orders**

OCTOBER 15, 1964.

Monsanto Company (formerly Monsanto Chemical Company):

Docket Nos. G-6036, G-6037, G-6040, G-6041, G-6042, G-6043, G-8982, G-9349, G-9350, G-9351, G-9353, G-9354, G-9355, G-9356, G-9357, G-9358, G-9360, G-9361, G-10192, G-10286, G-10287, G-10509, G-10679, G-10774, G-10797, G-11230, G-11393, G-11600, G-11688, G-11787, G-11888, G-12330, G-12639, G-13348, G-13801, G-14717, G-14799, G-14874, G-15114, G-15290, G-15318, G-17228, G-17260, G-17499, G-17519, G-17969, G-18295, G-18374, G-18666, G-18903, G-19701, G-19965, G-20326, CI60-258, CI61-27, CI61-94, CI61-604, CI61-876, CI61-990, CI61-1077, CI61-1174, CI61-1778, CI62-131, CI63-25, CI63-217, CI63-249, CI63-1117, CI63-1373, CI63-1577, CI64-767, CI61-713, CI61-1777, CI62-347, CI62-824, CI62-889, CI63-58, G-18269, G-19258, G-19259, RI60-122, RI60-280, RI61-265, RI61-266, RI62-35, RI62-147, RI62-148, RI62-316, RI62-409, RI62-424, RI62-440, RI62-496, RI63-156, RI63-157, RI63-334, RI64-16, RI64-170, RI64-171, RI64-281, RI64-311, RI64-560, RI65-23.

On August 11, 1964, Monsanto Company filed in the aforementioned dockets a petition to amend the orders issuing certificates of public convenience and necessity, pending certificate applications and orders instituting rate proceedings to reflect the change in name of Monsanto Chemical Company to Monsanto Company. Applicant states that pursuant to favorable action of its stockholders at a meeting held on March 26, 1964, the name of the company was authorized to be changed from Monsanto Chemical Company to Monsanto Company.

The Commission finds:

(1) The orders issuing certificates of public convenience and necessity and instituting rate proceedings in the aforementioned dockets should be amended to change the name of the certificate holder and respondent, respectively, from Monsanto Chemical Company to Monsanto Company, and the related rate schedules of Monsanto Chemical Company should be redesignated as Monsanto Company and given the same rate schedule numbers.

(2) The pending certificate applications and the outstanding temporary authorizations in the aforementioned dockets should be amended to change the name of the Applicant from Monsanto Chemical Company to Monsanto Company and the related rate schedules be redesignated as same.

The Commission orders:

(A) The orders issuing certificates of public convenience and necessity and instituting rate proceedings in the aforementioned dockets be and the same are hereby amended to change the name of the certificate holder and respondent, respectively, from Monsanto Chemical Company to Monsanto Company, and the related rate schedules of Monsanto

Chemical Company are redesignated as Monsanto Company and given the same rate schedule numbers.

(B) The pending certificate applications and the outstanding temporary authorizations in the aforementioned dockets be and the same are hereby amended to change the name of the Applicant from Monsanto Chemical Company to Monsanto Company and the related rate schedules are redesignated as same.

(C) In all other respects, said orders shall remain in full force and effect.

By the Commission.

JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 64-10750; Filed, Oct. 21, 1964; 8:46 a.m.]

[Docket No. CP61-96]

**NATURAL GAS PIPELINE COMPANY OF AMERICA**

**Notice of Application**

OCTOBER 15, 1964.

Take notice that on September 30, 1960, as amended on October 7 and 17, 1960, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Ill., 60603, filed in Docket No. CP61-96 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of 50 miles of 20-inch and 4.5 miles of 6-inch lateral supply line extending from the terminus of Applicant's existing 26-inch transmission pipeline in Jim Wells County, Tex., to the Thompsonville and Taquachie Creek Areas in Zapata, Jim Hogg, and Webb Counties, Tex., together with two meter stations at centrally located points in the above-mentioned areas, all as more fully set forth in the application and supplements which are on file with the Commission and open to public inspection.

These facilities will be used to enable Applicant to take natural gas purchased from various producers thereof in the subject area. The estimated total cost of the proposed facilities is \$3,233,000, which is to be financed from funds on hand. Temporary authorization to construct and operate the subject facilities was issued to Applicant on November 25, 1960, and, according to required filing subsequently made on April 10, 1961, said facilities were completed and placed in operation on March 30, 1961.

This application was originally noticed and consolidated with six producer applications for hearing. A number of petitions to intervene in the consolidated proceeding were filed. Subsequently, by order issued May 28, 1964, in Docket No. G-17960, et al., the aforesaid producer applications were severed from subject Docket No. CP61-96, which latter 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 November 5, 1964.

JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 64-10751; Filed, Oct. 21, 1964; 8:46 a.m.]

[Docket No. CP65-60]

**NATURAL GAS PIPELINE COMPANY OF AMERICA**

**Notice of Application**

OCTOBER 15, 1964.

Take notice that on September 1, 1964, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Ill., 60603, filed in Docket No. CP65-60 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of an additional daily contract quantity of 15,000 Mcf of natural gas to Northern Illinois Gas Company (Northern), an existing customer of Applicant, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that Northern has requested an additional daily contract quantity of 15,000 Mcf in order to meet larger than previously anticipated increases in firm service demands for the 1964-65 winter season. No additional facilities will be required for the proposed service since the additional volumes of gas will be delivered at the existing Joliet or Eola Road meter station.

The application indicates that Applicant has 22,557 Mcf per day of unallocated capacity from which to render the proposed additional service.

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

<sup>1</sup> Permanent certificates.

<sup>2</sup> Pending certificate applications.

<sup>3</sup> Rate proceedings.

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 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 November 9, 1964.

JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 64-10752; Filed, Oct. 21, 1964;  
8:46 a.m.]

[Docket No. CP65-49]

## TENNESSEE GAS TRANSMISSION CO.

### Notice of Application

OCTOBER 14, 1964.

Take notice that on August 17, 1964, Tennessee Gas Transmission Company (Applicant), P.O. Box 2511, Houston, Texas, filed in Docket No. CP65-49 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to sell and deliver an additional 6,557 Mcf of natural gas per day to seven existing General Service Customers and 4,080 Mcf per day to two existing Contract Demand Customers and, further, to construct and operate a meter station near Institute, West Virginia, in order to sell and deliver the proposed additional volumes of gas to one of its Contract Demand customers, the Cabot Corporation, all as more fully set forth in the application on file with the Commission and open to public inspection.

The additional natural gas service proposed herein by Applicant is:

Type of service:	Proposed additional service (Mcf at 14.73 psia)
General Service Customers:	
Dickson, Tenn. (Town of).....	861
Loughorn Gas, Inc.....	72
Lowell Gas Co.....	1,326
Pennsylvania and Southern Gas Co.....	2,936
Ripley, Miss. (City of).....	608
Robeline, La. (Village of).....	88
Springfield, Tenn. (Town of).....	666
Contract Demand Customers:	
Cabot Corp.....	2,040
Inland Gas Corp.....	2,040
Total proposed service.....	10,637

The proposed meter station for Cabot Corporation will be constructed on Applicant's Southerly 20-inch line at an estimated cost of \$22,860.

The application indicates that the proposed additional service is required to enable Applicant's customers to meet their estimated natural gas requirements commencing with the 1964-65 heating season. Applicant states that previously authorized unallocated capacity will be utilized to render the subject service.

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 November 9, 1964.

JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 64-10753; Filed, Oct. 21, 1964;  
8:46 a.m.]

## FEDERAL RESERVE SYSTEM

### STATE BANK OF ALBANY

#### Order Approving Merger of Banks

In the matter of the application of State Bank of Albany for approval of merger with The First National Bank of Cairo.

There has come before the Board of Governors, pursuant to the Bank Merger Act of 1960 (12 U.S.C. 1828(c)), an application by State Bank of Albany, Albany, New York, a State member bank of the Federal Reserve System, for the Board's prior approval of the merger of that bank and The First National Bank of Cairo, Cairo, New York, under the charter and title of State Bank of Albany. As an incident to the merger, the two offices of The First National Bank of Cairo would become branches of State Bank of Albany. Notice of the proposed merger, in form approved by the Board, has been published pursuant to said Act.

Upon consideration of all relevant material in the light of the factors set forth in said Act, including reports furnished by the Comptroller of the Currency, the

Federal Deposit Insurance Corporation, and the Department of Justice on the competitive factors involved in the proposed transaction.

It is hereby ordered, For the reasons set forth in the Board's Statement<sup>1</sup> of this date, that said application be and hereby is approved, provided that said merger shall not be consummated (a) within seven calendar days after the date of this order, or (b) later than three months after said date.

Dated at Washington, D.C., this 15th day of October 1964.

By order of the Board of Governors:

[SEAL] MERRITT SHERMAN,  
Secretary.

[F.R. Doc. 64-10740; Filed, Oct. 21, 1964;  
8:45 a.m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 811-1246]

### ASCUTNEY FUND, INC.

#### Notice of Application for Order Declaring That Company Has Ceased To Be an Investment Company

OCTOBER 16, 1964.

Notice is hereby given that an application has been filed pursuant to section 8(f) of the Investment Company Act of 1940 ("Act") for an order of the Commission declaring that Ascutey Fund, Inc. ("applicant"), Springfield, Vt., a Vermont corporation and a management closed-end diversified investment company registered under the Act, has ceased to be an investment company. All interested persons are referred to the application on file with the Commission for a full statement of the representations which are summarized below.

Applicant states that on July 10, 1964, pursuant to authorization by its Board of Directors and stockholders, and pursuant to the laws of the States of Vermont and Massachusetts, it was merged into Ascutey Fund, Inc. ("New Ascutey"), a Massachusetts corporation. New Ascutey is a registered management closed-end diversified investment company.

Applicant states that pursuant to Agreement of Merger: (a) Each outstanding share of its common stock (except treasury shares) was converted into a share of the common stock of New Ascutey; (b) each share of its common stock held in treasury was cancelled and extinguished; (c) all stockholders became stockholders of New Ascutey; (d)

<sup>1</sup> Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C., 20551, or to the Federal Reserve Bank of New York. Dissenting Statement of Governor Robertson also filed as part of the original document and available upon request.

<sup>2</sup> Voting for this action: Chairman Martin, and Governors Balderston, Mills, Shepardson, Mitchell, and Daane. Voting against this action: Governor Robertson.

all assets and liabilities became vested in New Ascutney; and (e) the separate existence of applicant ceased, except to the extent it was continued by law or to carry out the purposes of the Agreement of Merger.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than November 5, 1964, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after such date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F.R. Doc. 64-10745; Filed, Oct. 21, 1964; 8:45 a.m.]

[File No. 1-3421]

**CONTINENTAL VENDING MACHINE CORP.**

**Order Suspending Trading**

OCTOBER 16, 1964.

The common stock, 10 cents par value, of Continental Vending Machine Corp., being listed and registered on the American Stock Exchange and having unlisted trading privileges on the Philadelphia-Baltimore-Washington Stock Exchange, and the 6 percent convertible subordinated debentures due September 1, 1976, being listed and registered on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required

in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15 (c) (5) and 19(a) (4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange, the Philadelphia-Baltimore-Washington Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period October 19, 1964, through October 28, 1964, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F.R. Doc. 64-10746; Filed, Oct. 21, 1964; 8:45 a.m.]

[File No. 1-4556]

**FOTOCROME, INC.**

**Order Suspending Trading**

OCTOBER 16, 1964.

The common stock, \$1 par value, and the 5½ percent Convertible Subordinated Debentures of Fotochrome, Inc., being listed and registered on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15 (c) (5) and 19(a) (4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period October 19, 1964, through October 28, 1964, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F.R. Doc. 64-10747; Filed, Oct. 21, 1964; 8:45 a.m.]

[File No. 1-4722]

**TASTEE FREEZ INDUSTRIES, INC.**

**Order Suspending Trading**

OCTOBER 16, 1964.

The common stock, 67 cents par value, of Tastee Freez Industries, Inc., being listed and registered on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading and such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15 (c) (5) and 19(a) (4) of the Securities Exchange Act of 1934, that trading in

such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period October 19, 1964 through October 28, 1964, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F.R. Doc. 64-10748; Filed, Oct. 21, 1964; 8:46 a.m.]

**SMALL BUSINESS ADMINISTRATION**

[Delegation of Authority 30-X, Disaster No.4]

**MANAGER, DISASTER FIELD OFFICE, HOUMA, LA.**

**Delegation Relating to Financial Assistance**

I. Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Revision 9), 29 F.R. 11777, there is hereby redelegated to the Manager of Houma Disaster Field Office the following authority.

A. *Financial Assistance.* 1. To approve and decline disaster loans in an amount not exceeding \$50,000.

2. To execute loan authorizations for Washington and Regional Office approved loans and for disaster loans approved under delegated authority, said execution to read as follows:

(Name), Administrator.

By \_\_\_\_\_  
Manager, Disaster Field Office.

3. To cancel, reinstate, modify and amend authorization for disaster loans approved under delegated authority.

4. To disburse unsecured disaster loans.

5. To extend the disbursement period on disaster loan authorizations or undischursed portions of disaster loans.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Manager of the disaster field office.

Effective date: October 12, 1964.

ROBERT E. WEST,  
Regional Director,  
Dallas, Texas.

[F.R. Doc. 64-10741; Filed, Oct. 21, 1964; 8:45 a.m.]

**DEPARTMENT OF LABOR**

**Wage and Hour Division**

**CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES**

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), and Administrative Order No. 579 (28 F.R. 11524) the

firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods, for certificates issued under general learner regulations (29 CFR 522.1 to 522.9), and the principal product manufactured by the employer are as indicated below. Conditions provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following learner certificates were issued authorizing the employment of ten percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Aalfs Manufacturing Co., 1005 Fourth Street, Sioux City, Iowa; effective 9-21-64 to 9-20-65 (men's denim jeans).

Anvil Brand, Inc., 146 South Hamilton Street, High Point, N.C.; effective 10-1-64 to 9-30-65 (dungarees).

Anvil Brand, Inc., 1624 North Main Street, High Point, N.C.; effective 10-6-64 to 10-5-65 (work shirts).

Anvil Brand, Inc., 318 South Elm Street, High Point, N.C.; effective 10-1-64 to 9-30-65 (pants).

Anvil Brand, Inc., Independence, Va.; effective 10-1-64 to 9-30-65 (pants).

The Arrow Co., 2022 Murphy Avenue SW., Atlanta, Ga.; effective 10-1-64 to 9-30-65 (men's shirts).

The Arrow Co., division of Cluett, Peabody and Co., Inc., 105 Mill Street, Corinth, N.Y.; effective 10-1-64 to 9-30-65 (men's and boys' cotton dress shirts).

Blue Bell, Inc., Belmont, Miss.; effective 10-13-64 to 10-12-65 (men's and boys' work and sport trousers).

Blue Bell, Inc., Red Bay, Ala.; effective 9-18-64 to 9-17-65 (men's and boys' work pants).

Blue Gem Manufacturing Co., 604 Hoover Street, Asheboro, N.C.; effective 10-1-64 to 9-30-65 (men's and boys' dungarees).

Bruce Co., 120 East 15th Street, Ottawa, Kans.; effective 9-28-64 to 9-27-65 (men's work clothing).

Carolina Lingerie Co., Inc., Yadkinville Highway, Mocksville, N.C.; effective 9-30-64 to 9-29-65 (men's and ladies' pajamas, ladies' dresses).

D & D Shirt Co., 1801 Newport Avenue, Northampton, Pa.; effective 9-11-64 to 9-10-65 (men's work shirts, ladies' blouses).

Dunbrooke Shirt Co., El Dorado Springs, Mo.; effective 10-1-64 to 9-30-65 (men's sport shirts).

The Eastern Isles Manufacturing Corp., Richlands, Va.; effective 9-26-64 to 9-25-65 (ladies' woven pajamas).

Elberton Manufacturing Co., Elberton, Ga.; effective 9-14-64 to 9-13-65 (women's blouses).

Elder Manufacturing Co., Ste. Genevieve, Mo.; effective 9-19-64 to 9-18-65 (boys' shirts).

The Enro Shirt Co., Inc., 1008 West Sample Street, South Bend, Ind.; effective 9-23-64 to 9-22-65 (men's pajamas, night-shirts).

Form-O-Uth Brassiere Co., Inc., d/b/a Marie Foundations, McLean, Tex.; effective 9-20-64 to 9-29-65 (women's brassieres and girdles).

Greensboro Manufacturing Corp., 1900 East Bessemer Avenue, Greensboro, N.C.; effective 9-25-64 to 9-24-65 (women's and children's nightwear and pajamas).

Gross Galesburg Co., Plant No. 1 and No. 2, Chariton, Iowa; effective 9-19-64 to 9-18-65 (men's work pants and shirts).

Hagale Garment Manufacturing Co., Reeds Spring, Mo.; effective 9-28-64 to 9-27-65 (men's and boys' cotton pants).

Hallmark Manufacturing Co., Clinton, S.C.; effective 10-1-64 to 9-30-65 (men's sport and dress shirts).

Higginsville Garment Co., Inc., Higginsville, Mo.; effective 10-1-64 to 9-30-65 (ladies' uniforms).

Hopkinsville Clothing Manufacturing Co., Inc., Skyline Drive, Hopkinsville, Ky.; effective 10-1-64 to 9-30-65 (men's and boys' denim work pants).

Horse Cave Manufacturing Co., Horse Cave, Ky.; effective 9-22-64 to 9-21-65 (men's and boys' lined and unlined zipper jackets).

Jeanco, Inc., 123 Pine and Brown Streets, Petersburg, Va.; effective 9-18-64 to 9-17-65 (boys' denim dungarees).

Kenrose Manufacturing Co., Inc., Buchanan, Va.; effective 9-10-64 to 9-9-65 (women's dresses).

Kent Sportswear, Inc., Curwensville, Pa.; effective 9-22-64 to 9-21-65 (men's jackets).

Kent Uniforms, Inc., Burkesville, Ky.; effective 9-28-64 to 9-27-65 (nurses' and waitress' uniforms).

Lebro Shirt Manufacturing Co., Lykens, Pa.; effective 10-1-64 to 9-30-65 (men's shirts).

Logan Manufacturing Co., North Main Street, Russellville, Ky.; effective 9-24-64 to 9-23-65 (work pants).

Monroe Manufacturing Co., Gamaliel, Ky.; effective 9-29-64 to 9-28-65 (men's wash and wear pants).

Ottenheimer Bros. Manufacturing Co., Loungewear Division, A division of Kellwood Co., 5703 Scott Hamilton Drive, Little Rock, Ark.; effective 9-23-64 to 9-22-65 (women's dresses and robes).

The Morehead Co., 800 West Main Street, Morehead, Ky.; effective 10-1-64 to 9-30-65 (men's and boys' dungarees).

Oshkosh B'Gosh, Inc., Celina Division, Celina, Tenn.; effective 10-8-64 to 10-7-65 (men's shirts, work and casual pants).

Phillips-Van Heusen Corp., Geneva, Ala.; effective 10-1-64 to 9-30-65 (men's dress and sport shirts).

Phillips-Van Heusen Corp., Hartford, Ala.; effective 10-1-64 to 9-30-65 (men's dress shirts).

Phillips-Van Heusen Corp., Ozark, Ala.; effective 10-1-64 to 9-30-65 (pajamas).

Penn State Mills, Inc., Jordan and Gordon Streets, Allentown, Pa.; effective 9-11-64 to 9-10-65 (men's and children's polo shirts).

Publix Shirt Corp., Myerstown, Pa.; effective 10-2-64 to 10-1-65 (men's and boys' cotton dress shirts).

Red Hill Apparel Co., Main Street, Red Hill, Pa.; effective 10-6-64 to 10-5-65 (children's dresses).

The Shirtmaster Co., Inc., 206 Barnette Street, Abbeville, S.C.; effective 10-3-64 to 10-2-65 (sport shirts).

Sagamore Manufacturing Co., Shirt Division, Fall River, Mass.; effective 9-20-64 to 9-19-65 (men's dress shirts).

Saltillo Manufacturing Co., division of Henry I. Siegel Co., Inc., Saltillo, Tenn.; effective 9-20-64 to 9-19-65 (men's and boys' sport shirts).

Levi Strauss & Co., 220 North Houston Avenue, Denison, Tex.; effective 9-27-64 to 9-26-65 (men's and boys' casual slacks).

Levi Strauss & Co., Blackstone, Va.; effective 9-12-64 to 9-11-65 (men's cotton work pants).

Tracy City Manufacturing Co., Tracy City, Tenn.; effective 9-27-64 to 9-26-65 (men's and boys' sport shirts).

Troytown Shirt Corp., Harmony Mill No. 3, North Mohawk Street, Cohoes, N.Y.; effective 10-1-64 to 9-30-65 (men's sport shirts).

Westmoreland Manufacturing Co., Westmoreland, Tenn.; effective 9-21-64 to 9-20-65 (ladies' blouses).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Aalfs Manufacturing Co., Sheldon, Iowa; effective 10-1-64 to 9-30-65; 10 learners (boys' jeans).

Berkron Manufacturing Co., Inc., 960 Seneca Street, Bethlehem, Pa.; effective 9-21-64 to 9-20-65; 10 learners (brassieres).

Brevard Manufacturing Co., 200 McLean Road, Brevard, N.C.; effective 9-25-64 to 9-24-65; 10 learners (children's dresses).

Gross Galesburg Co., 152-162 East Ferris Street, Galesburg, Ill.; effective 10-1-64 to 9-30-65; 5 learners (men's and boys' overalls, dungarees and coveralls).

Modelrite Dress Co., 201 Chestnut Street, Dunmore, Pa.; effective 9-26-64 to 9-25-65; 5 learners (women's dresses).

Pollock Dresses, Inc., 101 Schuylkill Avenue, Tamaqua, Pa.; effective 9-21-64 to 9-20-65; 4 learners (children's dresses).

S & R Dress Co., Inc., 221 Schuylkill Avenue, Tamaqua, Pa.; effective 9-14-64 to 9-13-65; 5 learners (children's dresses).

Sport Sales, Inc., 135 South Main, Fredericktown, Mo.; effective 9-21-64 to 9-20-65; 5 learners. Learners may not be employed at special minimum wages in the production of skirts (women's slacks, shorts, and shirts).

Sweet-Orr and Co., Inc., First Street, NW., Bushong Building, Pulaski, Va.; effective 9-18-64 to 9-17-65; 10 learners (men's work pants).

Whitakers Garment Co., Inc., Whitakers, N.C.; effective 9-18-64 to 9-17-65; 10 learners (children's dresses).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Flint Rock Shirt Co., Inc., Marshall, Ark.; effective 9-9-64 to 3-8-65; 200 learners (men's sport shirts).

Garan, Inc., Adamsville, Tenn.; effective 9-23-64 to 3-22-65; 30 learners (men's and boys' knit and woven sport shirts).

Guilford Garment Manufacturing Co., 4022 Old Battlefield Road, Greensboro, N.C.; effective 9-28-64 to 3-27-65; 10 learners (little girls' dresses).

J.H. Manufacturing Co., Inc., Skyview Drive, Centerville, Tenn.; effective 9-25-64 to 3-24-65; 50 learners (men's ivy league and work pants).

LGAM Manufacturing Co., Woodfield, Ohio; effective 9-24-64 to 3-23-65; 25 learners (ladies' blouses).

The More Manufacturing Co., Marissa, Ill.; effective 9-28-64 to 3-27-65; 10 learners (women's house coats and robes).

Ottenheimer Brothers Manufacturing Co., Loungewear Division; A division of Kellwood Co., 5703 Scott Hamilton Drive, Little Rock, Ark.; effective 9-21-64 to 3-20-65; 25 learners (women's dresses and robes).

Oxford Manufacturing Co., Oxford, Miss.; effective 9-18-64 to 3-17-65; 30 learners (boys' semidress pants, walking shorts).

Salant and Salant, Inc., South First Street, Union City, Tenn.; effective 9-30-64 to 3-29-65; 60 learners (dungaree pants).

Levi Strauss & Co., 220 North Houston Avenue, Denison, Tex.; effective 9-25-64 to 3-24-65; 50 learners (men's and boys' casual slacks).

Thomson Co., Martinez, Ga.; effective 9-11-64 to 3-10-65; 100 learners (men's dress slacks).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.60 to 522.65, as amended).

St. Johnsbury Glovers, Inc., St. Johnsbury, Vt.; effective 9-21-64 to 9-20-65; 10 learners (ladies' knit fabric).

Monte Glove Co., Inc., Maben, Miss.; effective 10-1-64 to 9-30-65; 10 learners (cotton work gloves).

Mountain City Glove Co., Inc., Mountain City, Tenn.; effective 9-27-64 to 9-28-65; 10 learners (cotton flannel work gloves).

Twin City Glove Manufacturing Co., Inc., Martins Ferry, Ohio; effective 9-21-64 to 9-20-65; 10 learners (work gloves).

Wells Lamont Corp., Waynesboro, Miss.; effective 9-14-64 to 3-13-65; 15 learners (leather palm work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.40 to 522.43, as amended).

Abner Hosiery Mill, Inc., Graham-Swepsonville Road, Graham, N.C.; effective 9-18-64 to 9-17-65; 5 learners for normal labor turnover purposes (seamless).

B & K Hosiery Mill, 150 41st Street SW., Hickory, N.C.; effective 9-23-64 to 9-22-65; 5 learners for normal labor turnover purposes (seamless).

Ballet Hosiery Co., Wadesboro, N.C.; effective 9-11-64 to 3-10-65; 15 learners for plant expansion purposes (ladies' knit hosiery).

Broadway Hosiery Mills, Inc., 53 Burton Street, Asheville, N.C.; effective 9-22-64 to 9-21-65; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Burlington Industries, Inc., Harriman, Tenn.; effective 10-1-64 to 9-30-65; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Clausner Hosiery Co., division of Joseph Bancroft & Sons Co., 28th and Adams Streets, Paducah, Ky.; effective 10-1-64 to 9-30-65; 5 percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned, seamless).

C. W. Anderson Hosiery Co., East Carolina Avenue, Clinton, S.C.; effective 9-20-64 to 9-19-65; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Diamond Mills Corp., High Point, N.C.; effective 9-23-64 to 9-22-65; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Diamond Mills Corp., Hanover Div., 3402 Carolina Beach Road, Wilmington, N.C.; effective 9-24-64 to 9-23-65; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Excel Hosiery Mills, Inc., 203-205 Hart Street, Union, S.C.; effective 9-10-64 to 9-9-65; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Great American Knitting Mills, Inc., Bechtelsville, Bally, Norristown, Pa.; effective 10-1-64 to 9-30-65; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's seamless hose).

Hollar Hosiery Mills, Inc., 5 First Avenue NW., Hickory, N.C.; effective 9-24-64 to 9-23-65; 5 learners for normal labor turnover purposes (seamless).

Kosciusko Hosiery Mills, division of Wayne Knitting Mills, Kosciusko, Miss.; effective 10-1-64 to 9-30-65; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Morganton Hosiery Mills, Inc., Morganton, N.C.; effective 10-1-64 to 9-30-65; 5 percent of the total number of factory production

workers for normal labor turnover purposes (full-fashioned, seamless).

Newland Knitting Mills, Newland, N.C.; effective 10-1-64 to 9-30-65; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.30 to 522.35, as amended).

Benham Underwear Mills, Inc., Scottsboro, Ala.; effective 10-1-64 to 9-30-65; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' woven underwear).

East Tennessee Undergarment Co., Inc., New Johnson City Highway, Elizabethton, Tenn.; effective 9-21-64 to 9-20-65; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' nylon rayon undergarments).

Kingston Knitting Mills, Inc., 139 Cornell Street, Kingston, N.Y.; effective 9-23-64 to 9-22-65; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' knitted sweaters).

Norwich Mills, Inc., Clayton, N.C.; effective 10-1-64 to 9-30-65; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' knit underwear).

Penn-Mor Manufacturing Corp., 1501 Rural Road; Tempe, Ariz.; effective 9-10-64 to 9-9-65; 5 percent of the total number of factory production workers for normal labor turnover purposes (knitted underwear).

Penn-Mor Manufacturing Corp., 1501 Rural Road; Tempe, Ariz.; effective 9-16-64 to 3-15-65; 40 learners for plant expansion purposes (men's, women's, misses', children's and infants' underwear).

Robinson Manufacturing Co., 520 South Market Street, Dayton, Tenn.; effective 10-1-64 to 9-30-65; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' cotton underwear).

Russell Mills, Inc., Alexander City, Ala.; effective 10-1-64 to 9-30-65; 5 percent of the total number of factory production workers for normal labor turnover purposes (knit underwear and undershirts).

Standard Romper Co., Inc., Building No. 7, 200 Conant Street, Pawtucket, R.I.; effective 9-23-64 to 9-22-65; 5 percent of the total number of factory production workers for normal labor turnover purposes (children's knit shirts).

Sylvester Textile Corp., Sylvester, Ga.; effective 10-8-64 to 10-7-65; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' and children's underwear).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.9, as amended).

France Neckwear Manufacturing Corp., 1217 South 13th Street, Wilmington, N.C.; effective 9-29-64 to 3-28-65; 5 percent of the total number of factory production workers for normal labor turnover purposes, in the occupations of sewing machine operator, hand sewer, presser, finishing operations involving hand sewing, each for a learning period of 320 hours at the rates of \$1.15 an hour for the first 160 hours, and not less than \$1.20 an hour for the remaining 160 hours (men's and boys' neckwear).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number of learners authorized to be employed, are indicated.

De Luxe Caribe, Inc., Post Office Box 348, Florida, P.R.; effective 8-15-64 to 8-14-65; 10 learners for normal labor turnover purposes, in the occupations of sewing machine operator for a learning period of 480 hours at the rates of 88 cents an hour for the first 320 hours and 98 cents an hour for the remaining 160 hours; final inspection of assembled garments for a learning period of 160 hours at the rate of 88 cents an hour (girdles and allied products).

Tropical Corp., Post Office Box 3573, Mayaguez, P.R.; effective 9-1-64 to 8-31-65; 5 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 78 cents an hour for the first 240 hours and 91 cents an hour for the remaining 240 hours in the manufacture of sachet bags, and at the rates of 73 cents an hour for the first 240 hours and 84 cents an hour for the remaining 240 hours in the manufacture of children's dresses (sachet bags and children's dresses).

Tropical Corp., Post Office Box 3573, Mayaguez, P.R.; effective 9-1-64 to 2-28-65; 15 learners for plant expansion purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 78 cents an hour for the first 240 hours and 91 cents an hour for the remaining 240 hours in the manufacture of sachet bags, and at the rates of 73 cents an hour for the first 240 hours and 84 cents an hour for the remaining 240 hours in the manufacture of children's dresses (sachet bags and children's dresses).

The following student-worker certificates were issued pursuant to the regulations applicable to the employment of student workers (29 CFR 527.1 to 527.9). The effective and expiration dates, occupations, wage rates, number of student workers, and learning periods for the certificates issued under Part 527 are as indicated below.

Auburn Academy, Auburn, Wash.; effective 9-1-64 to 8-31-65; authorizing the employment of 125 student workers in the furniture manufacturing industry in the occupations of woodworking machine operator, assembler, furniture finisher and related skilled and semiskilled occupations for a learning period of 600 hours at the rates of \$1.10 an hour for the first 300 hours and \$1.15 an hour for the remaining 300 hours.

Campbellsville College, Campbellsville, Ky.; effective 9-1-64 to 8-31-65; authorizing the employment of: (1) 15 student workers in the furniture and novelty manufacturing industry in the occupations of woodworking machine operator, veneer machine operator including glue reel worker, assembler, furniture finisher and related skilled and semiskilled occupations for a learning period of 600 hours at the rates of \$1.10 an hour for the first 300 hours and \$1.15 an hour for the remaining 300 hours; and (2) 15 student workers in the metal fabricating industry in the occupations of machine tools operator, lathe operator, milling machine operator, drill press operator and related skilled and semiskilled occupations for a learning period of 850 hours at the rates of \$1.10 an hour for the first 425 hours and \$1.15 an hour for the remaining 425 hours.

Enterprise Academy, Enterprise, Kans.; effective 9-1-64 to 8-31-65; authorizing the employment of 8 student workers in the printing industry in the occupations of compositor, pressman, linotype operator, bindery worker and related skilled and semiskilled occupations for a learning period of 1,000 hours at the rates of \$1.10 an hour for the first 500 hours and \$1.15 an hour for the remaining 500 hours.

Forest Lake Academy, Post Office Box 157, Maitland, Fla.; effective 9-1-64 to 8-31-65; authorizing the employment of 10 student

workers in the printing industry in the occupations of compositor, pressman, bindery worker and semiskilled occupations including incidental clerical work in the shop, for a learning period of 1,000 hours at the rates of \$1.10 an hour for the first 500 hours and \$1.15 an hour for the remaining 500 hours.

Grand Ledge Academy, Box 152, Grand Ledge, Mich.; effective 9-1-64 to 8-31-65; authorizing the employment of 30 student workers in the woodworking (lawn and garden furniture) industry in the occupations of woodworking machine operator, assembler, furniture finisher and related skilled and semiskilled occupations for a learning period of 600 hours at the rates of \$1.10 an hour for the first 300 hours and \$1.15 an hour for the remaining 300 hours.

Madison College, Madison, Tenn.; effective 9-1-64 to 8-31-65; authorizing the employment of three student workers in the steamplant for school industries in the occupations of boilerman, fireman, and related skilled and semiskilled occupations for a learning period of 300 hours at the rates of \$1.10 an hour for the first 150 hours and \$1.15 an hour for the remaining 150 hours.

Maplewood Academy, 700 North Main Street, Hutchinson, Minn.; effective 9-11-64 to 8-31-65; authorizing the employment of: (1) 20 student workers in the bookbinding industry in the occupations of bookbinder, bindery worker and related skilled and semiskilled occupations, for a learning period of 600 hours at the rates of \$1.10 an hour for the first 300 hours and \$1.15 an hour for the remaining 300 hours; (2) 26 student workers in the furniture manufacturing industry in the occupations of woodworking machine operator, assembler, finisher, and related skilled and semiskilled occupations, for a learning period of 600 hours at the rates of \$1.10 an hour for the first 300 hours and \$1.15 an hour for the remaining 300 hours; and (3) two student workers in the clerical industry in the occupations of typist, recordkeeper and related skilled and semiskilled occupations in the office for a learning period of 480 hours at the rates of \$1.10 an hour for the first 240 hours and \$1.15 an hour for the remaining 240 hours.

Southwestern Union College, Keene, Tex.; effective 9-1-64 to 8-31-65; authorizing the employment of: (1) six student workers in the printing industry in the occupations of compositor, pressman, bindery worker, camera and plate room technician, and related skilled and semiskilled occupations, for a learning period of 1,000 hours at the rates of \$1.10 an hour for the first 500 hours and \$1.15 an hour for the remaining 500 hours; and (2) two student workers in the clerical industry in the occupations of typist, file clerk, bookkeeper, stenographer, timekeeper, and related skilled and semiskilled occupations for a learning period of 480 hours at the rates of \$1.10 an hour for the first 240 hours and \$1.15 an hour for the remaining 240 hours.

The student-worker certificates were issued upon the applicant's representations and supporting material fulfilling the statutory requirements for the issuance of such certificates, as interpreted and applied by Part 527.

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pur-

suant to the provisions of 29 CFR 522.9. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR Part 528.

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

ROBERT G. GRONWALD,  
Authorized Representative  
of the Administrator.

[F.R. Doc. 64-10755; Filed, Oct. 21, 1964;  
8:46 a.m.]

## INTERSTATE COMMERCE COMMISSION

[Notice 1065]

### MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 19, 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 66972. By order of October 15, 1964, the Transfer Board approved the transfer to Jack S. Ochsner, doing business as Pick's Pack Hauler, Hastings, Nebr., of Permit in No. MC 117639 Sub 1, issued February 12, 1960, to Gilbert McMahon, doing business as Pick's Pack Hauler, Hastings, Nebr., authorizing the transportation, over irregular routes, of blocks (sewer, segment, clay, silo, radial-chimney, and segment), brick (broken, crushed, or ground, building or facing, solid, hollow, or perforated, common, paving, and salt-glazed), and tile (clay, hollow building, salt-glazed, and plain), from Concordia, Kans., and points within five miles thereof, to points in Nebraska. Harry F. Russell, 205 City National Bank Building, Hastings, Nebr., 68901, attorney for applicants.

No. MC-FC 67205. By order of October 15, 1964, the Transfer Board approved the transfer to Dunmire Bros., Inc., Plain City, Ohio, of the operating rights issued by the Commission April 16, 1957, under Certificate in No. MC 16742, to Perry Dunmire and Hershel Dunmire, a partnership, doing business as Dunmire Brothers, Plain City, Ohio, authorizing the transportation, over irregular routes, of livestock, other than ordinary livestock, and, in connection therewith, personal effects of attendants, and supplies and equipment (including mascots) used in the care and/or exhibition of such animals, between points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Michigan, Mississippi, Missouri, New

York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, and West Virginia; show horses and race horses, and equipment, materials, and supplies incidental to the care and use of such animals, and household goods of owners and attendants of such animals, between points in New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, and the District of Columbia. James R. Stiverson and Herbert Baker, 50 West Broad Street, Columbus, Ohio, attorneys for applicants.

No. MC-FC 67254. By order of October 15, 1964, the Transfer Board approved the transfer to Muriel M. Counter, El Dorado, Kans., of the operating rights in Certificate of Registration in No. MC 98515 Sub No. 1, issued May 18, 1964, to H. D. Counter (Muriel Mae Counter, Administratrix), El Dorado, Kans., corresponding to the grant of intrastate authority to transferor issued by the State Corporation Commission of Kansas in Certificate of Convenience and Necessity covering Route 989 in Docket 19101-M, dated November 9, 1956, authorizing the transportation of oilfield equipment, oilfield machinery and materials, heavy machinery and buildings, within and between oilfields, and between supply points and oilfields, and the transportation of machinery, pipe and other materials, used in the construction operations and maintenance of pipe lines or refineries, anywhere in Kansas. Gale Moss, 218 West Central, El Dorado, Kans., attorney for applicants.

[SEAL] HAROLD D. MCCOY,  
Secretary.

[F.R. Doc. 64-10769; Filed, Oct. 21, 1964;  
8:48 a.m.]

### FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 19, 1964.

Protests to the granting of an application must be prepared in accordance with § 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. 39334: T.O.F.C. rates from and to points in Colorado and Wyoming. Filed by Southwestern Freight Bureau, agent (No. B-8618), for interested rail carriers. Rates on property moving on class rates loaded in trailers and transported on railroad flatcars, between points in Colorado and Wyoming, on the one hand, and points in southwestern territory, on the other.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 24 to Southwestern Freight Bureau, agent, tariff I.C.C. 4572.

FSA No. 39335: T.O.F.C. rates from Chattanooga, Tenn. Filed by Western Trunk Line Committee, agent (No. A-2376), for interested rail carriers. Rates on cocks or valves, including gate valves, noibn, iron or steel not plated or iron body, not plated, loaded in trailers and transported on railroad flatcars, from

Chattanooga, Tenn., to points in Iowa, Kansas, and Missouri.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 14 to Western Trunk Line Committee, agent, tariff I.C.C. A-4522.

By the Commission.

[SEAL] HAROLD D. McCoy,  
Secretary.

[F.R. Doc. 64-10767; Filed, Oct. 21, 1964; 8:47 a.m.]

**ORGANIZATION**

**Assignment of Duties to Individual Commissioners**

OCTOBER 13, 1964.

The Interstate Commerce Commission has amended its Organization Minutes, being assignment of work, business and functions pursuant to sec-

tion 17 of the Interstate Commerce Act, as amended, issue of March 7, 1961, revised to May 1, 1961 (26 F.R. 4773, 5167, 8434, 10991 and 12789; 27 F.R. 1234, 1747, 2500, 3830 and 9997; and 28 F.R. 198, 896 and 8185; 29 F.R. 3027, 4935, 11401, and 12503) as follows:

Under the heading Assignment of Duties to Individual Commissioners:

(1) Paragraph (m) of Item 6.3, assignments to Vice Chairman, amended to read as follows:

(m) Authority to institute investigations on the Commission's own motion and to discontinue proceedings instituted under this authority at any time prior to hearing thereon, except that this authority does not include institution of any investigation as comprehended in items 4.3(h), 4.3(t) and 7.3. Nothing herein shall deprive the respective divisions or Chairmen thereof of authority to institute investigations.

(2) Assignments to Chairmen of Divisions amended by adding new assignments to:

(a) Chairman of Division Three, Item 6.5(c) reading as follows:

(c) Institution of formal investigations of accidents involving railroads, or involving motor vehicles engaged in the transportation of explosives and other dangerous articles.

(b) Chairman of Division One, by renumbering present item 6.6 as 6.7 and adding a new Item 6.6 reading as follows:

6.6 Institution of formal investigations of motor-vehicle accidents involving safety of operation and equipment within the meaning of Item 4.2(c).

[SEAL] HAROLD D. McCoy,  
Secretary.

[F.R. Doc. 64-10768; Filed, Oct. 21, 1964; 8:47 a.m.]

## CUMULATIVE CODIFICATION GUIDE—OCTOBER

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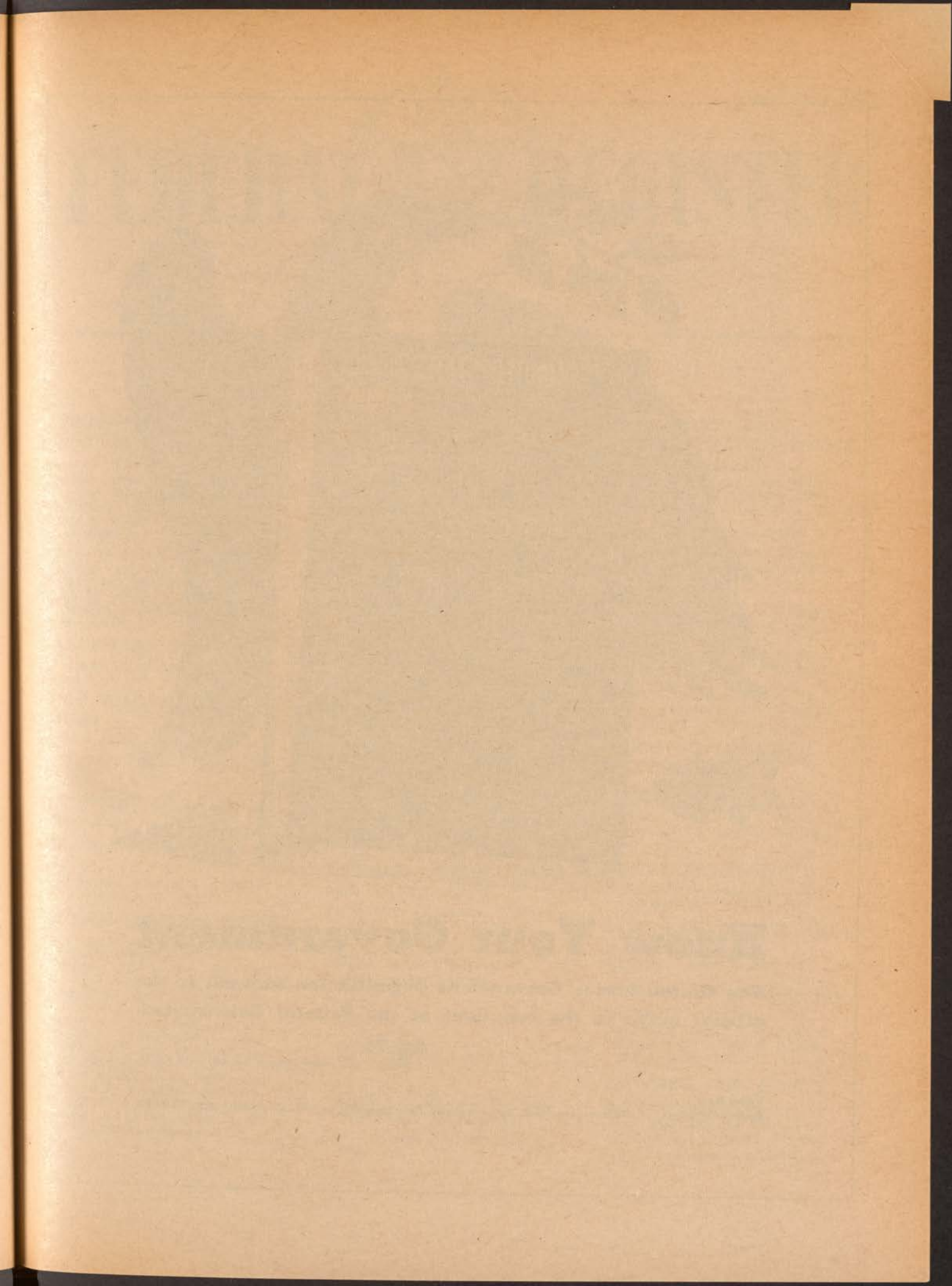
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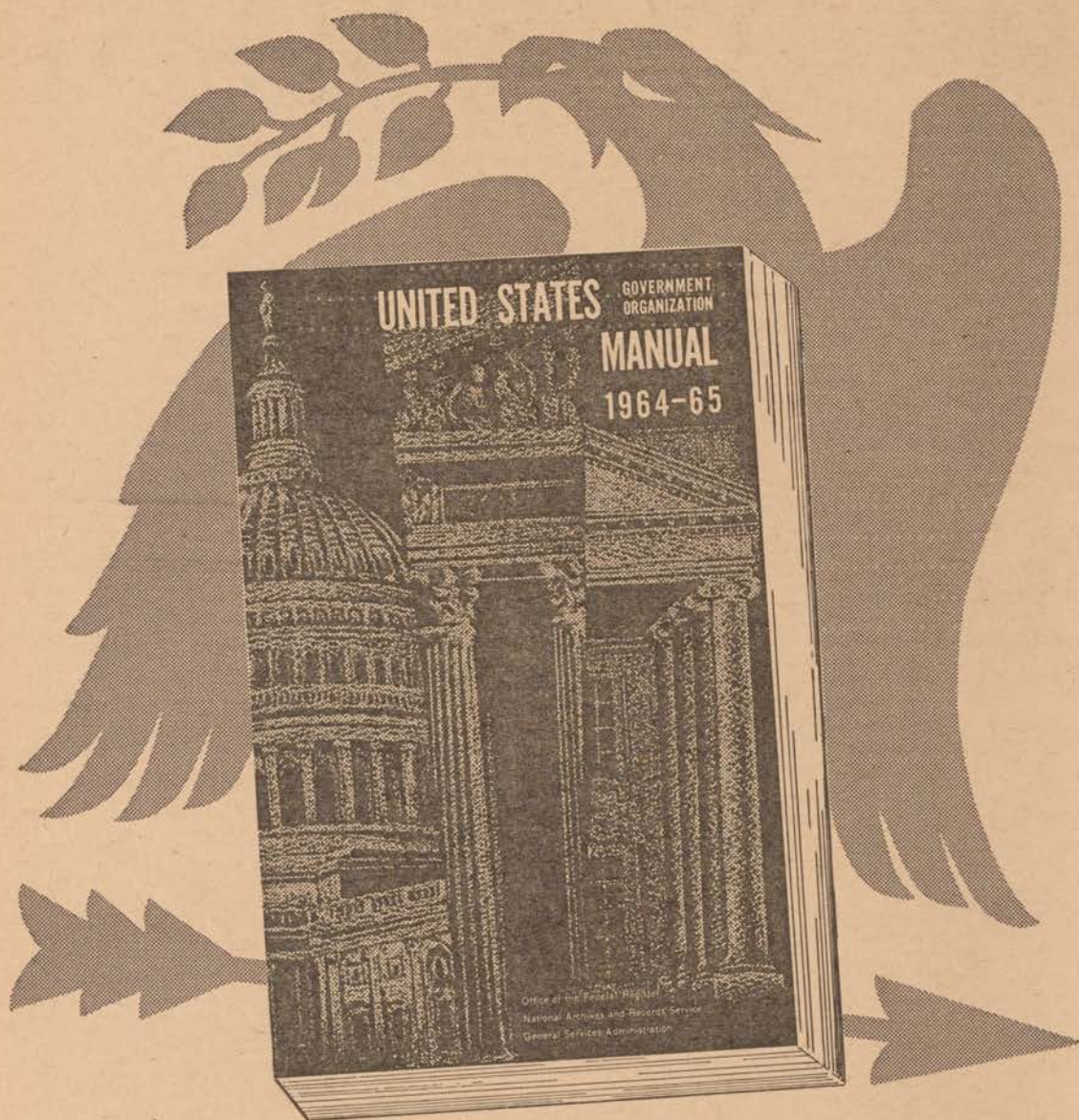
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