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Rules and Regulations

Title 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX; DELETION FROM LIST OF COUNTIES DESIGNATED FOR GRAIN SORGHUM CROP INSURANCE

Harper and Kingman Counties, Kansas, are hereby deleted from the list of counties published in the FEDERAL REGISTER on August 17, 1963 (28 F.R. 8441), which were designated for grain sorghum crop insurance for the 1964 crop year pursuant to the authority contained in § 401.1 of the above-identified regulations.

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

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

[F.R. Doc. 64-4941; Filed, May 18, 1964; 8:47 a.m.]

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

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 5]

PART 722—COTTON

Subpart—Acreage Allotment Regulations for the 1964 and Succeeding Crops of Upland Cotton

TRANSFER OF COTTON ACREAGE AFFECTED BY NATURAL DISASTER

This amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.).

(a) The purpose of this amendment is to designate States and counties that have been affected by a natural disaster within the meaning of section 344(n) of the Act.

(b) In order that determinations with respect to transfers of acreage for the 1964 crop may be made prior to the end of the cotton planting season, it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice, public procedure requirements and the 30-day effective date requirements of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) is impracticable and contrary to the public interest and this amendment shall be effective upon filing of this document with the Director, Office of the Federal Register.

Paragraph (h) of § 722.226 of the acreage regulations for the 1964 and succeeding crops of upland cotton (28 F.R. 11041; 29 F.R. 2301, 5274, 5303, 5941) is amended by adding at the end thereof the following additional designated States and counties:

ALABAMA

Hale.

ARKANSAS

Arkansas.	Greene.
Clay.	Lee.
Craighead.	Phillips.
Crittenden.	Poinsett.
Cross.	

TENNESSEE

Lauderdale.

(Secs. 344(n), 375; 78 Stat. 177, 52 Stat. 66, as amended, 7 U.S.C. 1344(n), 1375)

Effective date. Date of filing this document with the Director, Office of the Federal Register.

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

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 64-4961; Filed, May 18, 1964; 8:49 a.m.]

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

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

PART 817—REQUIREMENTS RELATING TO BRINGING OR IMPORTING SUGAR OR LIQUID SUGAR INTO CONTINENTAL UNITED STATES

On pages 4676 through 4684 of the FEDERAL REGISTER of April 1, 1964, there was published a notice of proposed rule making to issue an amendment to Sugar Regulation 817, importation requirements for sugar and liquid sugar.

Interested persons were given 15 days within which to submit views or arguments for consideration in connection with the proposed changes.

After full consideration of all views and arguments submitted by interested persons the regulation as so published is hereby adopted without change.

Effective date. In accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 1003), this amendment shall become effective 30 days following the date of publication in the FEDERAL REGISTER.

Basis and purpose and bases and consideration. The regulations contained in §§ 817.1 through 817.12 are issued pursuant to section 403(a) of the Sugar Act of 1948, as amended (61 Stat. 922, as amended) hereinafter called the Act.

This revision of Sugar Regulation 817 supersedes the revision which became effective January 1, 1958, and amendments thereto. The purpose of this revision is to consolidate and clarify the regulation by deleting parts which are no longer applicable, correcting references to units of the Department, making appropriate changes in the delegation of authority and minor clarifying changes in wording. Also, procedural requirements are amended in the following respects and for the reasons given in the paragraphs that follow.

Provision is made in § 817.4(e) that letters of credit required in connection with Quota Set-Aside Agreements be valid for a period extending at least 60 days beyond the importation date stated in the applicable agreement. No time period was previously provided. The 60 day period is necessary to provide ample time for the submission of final documents required from importers before letters of credit may be terminated and will virtually eliminate the necessity of extending letters of credit and will decrease problems related thereto.

Provision is made in § 817.4(f)(2) and § 817.9(d) (1), (2), and (3) to require that direct-consumption sugar imported for a quota-exempt purpose be ultimately delivered to a person who will use the identical sugar, or an equivalent quantity, for the quota-exempt purpose for which it was imported. The purpose of this provision is to eliminate the previously permissive practice of selling imported quota-exempt direct-consumption sugar for quota purposes and substituting quota sugar to satisfy the required quota-exempt disposition of an equivalent quantity of sugar.

Provision is made in § 817.5 to permit Collectors of Customs to release, without further authorization, insignificant quantities of sugar in excess of the quantity authorized for release on a specific "Sugar Quota Clearance Record" (Form SU-3). Whenever applicable, this provision will serve to eliminate the time and expense of telephone calls, telegrams and correspondence and delays in making entries and obtaining the release of sugar, without adversely affecting the control of importations within quotas.

Pursuant to the authority vested in the Secretary of Agriculture by section 403 (a) of the Act, Part 817 (23 F.R. 671; 1239; 25 F.R. 2710; 26 F.R. 1705, 8660; 27 F.R. 6865, 7863, 10248; 28 F.R. 716, 1791, 1982, 3913) is revised and amended to read as follows:

Sec.
817.1 Purpose and persons affected.
817.2 Definitions.
817.3 Restrictions on importing sugar and liquid sugar.
817.4 Application by importer.
817.5 Release by a Collector.

AUTHORITY: The provisions of this Part 817 issued under sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interpret or apply secs. 101, 202, 205, 209, 211, 212; 61 Stat. 922, as amended, 924, as amended, 926, as amended, 928; 7 U.S.C. 1101, 1112, 1115, 1119, 1121, 1122.

§ 817.1 Purpose and persons affected.

(a) Under authority contained in the Sugar Act of 1948, as amended (61 Stat. 922, as amended) and subject to the provisions contained in Part 811 of this chapter, the regulations in this part establish the procedures applicable to (1) importing sugar and liquid sugar into the continental United States from all domestic offshore areas and foreign countries and (2) reporting the applicable evaluation provided for in Part 810 of this chapter and the subsequent processing and movement of imported sugar and liquid sugar.

(b) Persons affected by the provisions of this part include importers, mainland refiners, allottees of offshore domestic sugar quotas, shipping companies engaged in the transportation of sugar and liquid sugar to ports in the continental United States, persons otherwise engaged in the movement of sugar in interstate or foreign commerce and surety companies undertaking obligations with respect to imported sugar or liquid sugar.

§ 817.2 Definitions.

As used in this part:

(a) The term "Act" means the Sugar Act of 1948, as amended (61 Stat. 922).

(b) The term "person" means an individual, partnership, corporation, association, estate, trust, or other business enterprise or legal entity, and, wherever applicable, any unit, instrumentality, or agency of a government, domestic or foreign.

(c) The term "Department" means the United States Department of Agriculture.

(d) The term "Secretary" means the Secretary of Agriculture or any officer or employee of the Department to whom the Secretary has lawfully delegated the authority or to whom authority may hereafter be delegated to act in his stead.

(e) The term "Sugar Quota Group" means the Sugar Quota Group of the Policy and Program Appraisal Division, Agricultural Stabilization and Conservation Service of the Department, Washington 25, D.C., or any other organizational unit within the Department to which administration of the Quota and Allotment provisions of the Sugar Act may hereafter be delegated.

(f) The term "Collector" means the Collector of Customs, U.S. Bureau of Customs, for the District in which the port of entry is located or any officer of the Bureau of Customs designated to act in his stead.

(g) The terms "import," "importation" and "importing" mean the act of bringing sugar or liquid sugar into the continental United States (including Alaska) from either an insular domestic area or a foreign country. For purposes of the regulations of this part, the time of importation shall not be earlier than the time and date that a vessel or carrier arrives within the port limit of a Customs port or point of entry as shown by the log of the ship or other carrier with intent to therein unlade, except when such time and date is in conflict with official records of the Customs port of arrival in which event the time and date shown by Customs records shall govern.

(h) The term "importer" means any person who brings or imports sugar or liquid sugar into the continental United States from either an offshore domestic area or a foreign country including but not limited to the owner, consignor, consignee, transferee or purchaser of such sugar or the broker acting in behalf of such person.

(i) The term "refiner" means any person who subjects offshore sugar or liquid sugar to processes as provided in Part 810 of this subchapter.

(j) The terms "sugars," "sugar," "raw sugar," "direct-consumption sugar" and "liquid sugar" have the meanings ascribed to each in section 101 (b), (c), (d), (e), and (f), respectively, of the Act subject to the provisions of Part 810 of this subchapter with respect to the distinction between raw and direct-consumption sugar.

(k) The term "quota" means any quota, direct-consumption limitation within a quota, proration or allotment of either a quota or direct-consumption limitation, or any quantity authorized for purchase and importation from foreign countries established by the Secretary in Part 811 of this subchapter pursuant to the Act.

(l) The term "allotment" means any allotment of any quota made by the Secretary pursuant to section 205(a) of the Act.

§ 817.3 Restrictions on importing sugar and liquid sugar.

(a) Any person is hereby prohibited from importing at any one time more than 100 pounds of sugar or liquid sugar except pursuant to the provisions of this part.

(b) Sugar and liquid sugar shall be imported only at Customs ports of entry.

(c) Subsequent provisions of this part do not apply to operators of common carriers importing a quantity of sugar or liquid sugar no larger than reasonably required for consumption by passengers and crew to the termination of a trip beginning in an insular area or foreign country.

(d) A copy of the ship's manifest, bills of lading, or other shipping documents covering all sugar or liquid sugar in a shipment must be submitted to the Collector before delivery to the consignee of sugar or liquid sugar for direct-consumption or within 72 hours after the beginning of unlading of sugar or liquid sugar which is to be further refined.

(e) In any case in which the Collector is not authorized pursuant to § 817.5 to permit the release of any sugar or liquid sugar at the time of arrival at the port of entry, he shall take custody of such sugar or liquid sugar whether of domestic or foreign origin and shall retain custody, at the risk and expense of the consignee or owner, until authorized to permit release thereof in accordance with § 817.5. In taking and retaining custody pursuant to the regulations of this part of sugar or liquid sugar of foreign origin, the Collector shall be governed by the provisions of §§ 4.37, 4.38, 19.1 through 19.9 and 19.12 of Chapter I, Title 19, Code of Federal Regulations, which are made applicable to such custody by reference as fully as if set forth in full herein. In taking and retaining custody pursuant to the regulations of this part of sugar or liquid sugar of domestic origin, the Collector shall place and hold such sugar or liquid sugar in a public warehouse or in a private warehouse: *Provided*, That if sugar is retained in custody in a private warehouse, it shall be either (1) segregated from all other sugar or liquid sugar or (2) if commingled with other sugar, additions to or withdrawals from the unsegregated mass shall be made only in the presence of a Customs officer.

(f) (1) Any quantity of sugar or liquid sugar of any origin removed from a vessel or carrier and placed in the custody of a Collector or in a Foreign Trade Zone shall be reported within 24 hours from the time such sugar is removed from the carrier. Such report shall be made by the importer and shall furnish all information required pursuant to paragraph (a) of § 817.4. The report shall be made on appropriate copies of the "Sugar Quota Clearance Record" and must be submitted to the Collector for confirmation and transmittal to the Sugar Quota Group.

(2) Sugar may be brought into a Foreign Trade Zone for the purpose of manufacturing therein another product which is to be entered and consumed in the continental United States, only if such sugar can be charged to an applicable quota.

(g) Sugar released by a Collector pursuant to § 817.5 for further processing shall not be delivered for direct-consumption without prior authorization by the Secretary. The application for such authorization (change of purpose) must be made on appropriate copies of the "Sugar Quota Clearance Record," and must show all of the information specified in paragraph (a) of § 817.4 and shall be submitted to the Sugar Quota Group.

§ 817.4 Applications by importer.

(a) A separate application for specific authorization by the Secretary pursuant to § 817.6 for release of sugar by a collector must be submitted to the Sugar Quota Group as provided in this section on appropriate copies of Form SU-3 entitled "Sugar Quota Clearance Record" not more than 10 days prior to the departure date stated thereon, showing the following information regarding the sugar or liquid sugar to be delivered to a single refinery or importer from each cargo:

(1) Port and date of arrival: If the port is not known when the application is submitted, this information must be supplied before a Collector will be au-

thorized to release the sugar or liquid sugar.

(2) Name of the vessel or other specific identification of the carrier.

(3) Name of the producing area, the port of lading and the date the carrier is expected to depart from such port: If from Puerto Rico, or any area when the applicable quota or portion thereof is allotted, name of the processor of the sugar from sugarcane, and for direct-consumption sugar, the name of the refiner, if a person other than the processor.

(4) Name and address of the person to whom delivery is to be made from the importing carrier: If not known when an application is submitted, this information must be supplied before a Collector will be authorized to release the sugar or liquid sugar.

(5) Separate quantities in pounds if crystalline, or in gallons if liquid, to be imported as shown on the application: (i) in bags identified by a separate mark; (ii) for further processing; (iii) for direct-consumption; (iv) subject to a separate quota or allotment; and (v) for a purpose other than to fill a current quota. For sugar or liquid sugar not subject to allotments established pursuant to section 205(a) of the Act, the designation of separate quantities within the total to be imported which are identified by separate marks shall be shown on the report required pursuant to paragraph (g) of this section, if such information cannot be shown at the time the application is submitted.

(6) Name, address and authorized signature of the applicant.

(b) Any application made pursuant to paragraph (a) of this section constitutes a representation by the applicant that at the time the application is made:

(1) He has control of the quantity of sugar or liquid sugar which is subject to shipment as specified;

(2) Firm commitment has been made by the shipping company for shipment as described on the application; and

(3) The date of departure of the vessel or carrier stated on the application is (i) the date specified to the applicant or shipper by the Master, Owner or Agent of such vessel or carrier as the expected departure date, or (ii) the date the shipper expects the vessel to depart based on the date the vessel or carrier will be available for loading as specified by the Master, Owner or Agent of such vessel or carrier plus the normally required loading time.

(c) The application specified in paragraph (a) of this section shall be submitted to the Sugar Quota Group for the issuance of an authorization by the Secretary to the appropriate Collector for the release of sugar or liquid sugar as provided in § 817.5.

(d) The specific authorization by the Secretary required pursuant to § 817.5 may be issued prior to the receipt of an application on appropriate copies of the "Sugar Quota Clearance Record": *Provided*, That all of the information required pursuant to paragraph (a) of this section is transmitted to the Sugar Quota Group by telegram and that the required application is being mailed the same day.

(e)(1) Whenever an import fee is required to be paid in accordance with the provisions of section 213 of the Act and Sugar Regulation 811, application may be made to the Sugar Quota Group as provided in this subparagraph (1) for approval of the set-aside of quota for the importation of a specific quantity of sugar prior to the time when application is made for authorization for release of such sugar in accordance with paragraph (a) of this section if the applicant desires to fix the import fee at the rate in effect at the time of the application for such set-aside and desires to assure himself that the specified quantity of sugar will be authorized for release as required by § 817.5 within a quota established under Part 811 of this subchapter for foreign countries other than the quota established for the Republic of the Philippines pursuant to section 202(b) of the Act. Applications for set-aside submitted pursuant to this subparagraph (1) covering sugar to be imported within a quota proration established in Part 811 of this chapter for a specified foreign country, within a quota established for foreign countries as a group in Part 811 of this chapter, or within a quota deficit quantity established for allocation in Part 811 of this chapter may be approved by the Secretary, except as limited by any time periods specified in Part 811 of this chapter, not more than 95 days before scheduled sailing and not more than 140 days prior to the scheduled arrival in the continental United States of the quantity of sugar covered by the application. With each application submitted for approval pursuant to this subparagraph the applicant must represent that he has arranged for and within three business days after the date he executes the application (date of signature) will deposit with the Agricultural Stabilization and Conservation Service an irrevocable letter of credit acceptable to such Service from a bank in the United States in an amount not less than the amount determined by multiplying the total number of short tons of sugar covered by the application (commercial weight) by 2,100 and multiplying the product thereof by the applicable import fee per pound, raw value, in effect at the time such application for set-aside becomes eligible for approval as provided in § 817.6(b). The date of expiration of the letter of credit must not be earlier than 60 days after the date of importation stated in the set-aside agreement. An approved application for set-aside will be cancelled if within three business days after the date of execution (date of signature) of such application an acceptable letter of credit has not been received by the Agricultural Stabilization and Conservation Service or a wire notice from a United States bank of issuance of such letter of credit has not been received by the Agricultural Stabilization and Conservation Service. If an application is so cancelled, subsequent applications for set-aside submitted by such applicant will not be approved unless accompanied by an acceptable letter of credit or unless the applicant has furnished evidence satisfactory to the Secretary that the failure to comply with the requirements for the furnishing of an acceptable letter of credit with respect to the cancelled application was not due to fault of the applicant. If all or any part of the specific quantity of sugar for which an application for set-aside has been approved is not imported into the continental United States within the period ending 15 days after the date of importation stated in the application, the set-aside will be cancelled with respect to the unfilled portion thereof and the letter of credit will be drawn upon in the amount applicable to the quantity of sugar not imported within such period as represented by the difference between the set-aside quantity and the sum of (i) the quantity of sugar imported (commerical weight) and (ii) an allowance for normal shipping losses and normal loading variations equal to the smaller of eleven percent of the quantity imported (commercial weight) or five thousand tons: *Provided*, That, if the applicant within such period of time as the Secretary may prescribe furnishes evidence satisfactory to the Secretary that importation within such period was prevented by disasters at sea, acts of God, strikes so extensive and of such duration, or the occurrence of an insuperable and extraordinary interference which could not have been foreseen or prevented by the applicant's exercise of prudence, diligence, and care as to prevent such importation, the Secretary will refund to the applicant the amount collected under the letter of credit or will not draw on the letter of credit; if the applicant desires the Secretary to delay drawing on the letter of credit pending the applicant's submission and the Secretary's consideration of such evidence, the applicant must arrange for an extension of the letter of credit satisfactory to the Secretary. The applicant shall be liable for any amount for which the letter of credit is drawn upon as above provided and which is not paid in due course. Whenever an application for set-aside of quota is submitted for approval at a time when an import fee is required to be paid in accordance with the provisions of section 213 of the Act and Sugar Regulation 811, the application shall be made in triplicate on Form SU-7 entitled "Application for Set-Aside of Quota", to provide the following information and certification:

I, _____
(Name of applicant)
of _____
(Street address, City and State)
hereby certify that as owner, or as agent or broker for the owner, have under my sole control ____ short tons (commercial weight) of sugar in _____
(Name of country)
and I hereby make application for the set-aside of ____ short tons (commercial weight) within the quota for such country, or of ____ short tons (commercial weight) within the quota for foreign countries as a group established in § 811.__ of Sugar Regulation 811. I agree that in consideration of the approval of this application I will ship the quantity of sugar approved for set-aside pursuant to this application before _____ for importation into the continental United States, and will import such quantity into the continental United States on or before _____ in accordance with the provisions of Sugar Regulation 817. I further certify that I have arranged for and will de-

posit an irrevocable letter of credit by _____ issued by _____ (Date, see Note below) in the amount of $_____, expiring no earlier than 60 days after the importation date stated in this agreement, which authorizes the Agricultural Stabilization and Conservation Service to draw upon the letter of credit on the basis of a written statement signed by the Administrator, Agricultural Stabilization and Conservation Service of the Department of Agriculture, or his authorized representative, that the amount is due under the terms and conditions of this application and of Sugar Regulations 811 and 817.

Signed _____

Date _____

NOTE: Date to be shown in the space shall be a date not later than three business days subsequent to the date of signature of the application.

Approved as Set-Aside No. _____, for ____ short tons (commercial weight) on _____ by _____.
(Date)

(2) Whenever an import fee is not required to be paid in accordance with the provisions of section 213 of the Act and Sugar Regulation 811, application for set-aside of quota for the importation of a specified quantity of sugar may be made to the Sugar Quota Branch and approved as provided in this subparagraph (2). Such application for set-aside of quota shall be in the form of a Quota Set-Aside Application and Agreement (Form SU–8) as hereafter set forth. The submission of a Quota Set-Aside Application and Agreement does not relieve the applicant of the necessity of submitting an application for authorization for release of sugar as required under paragraph (a) of this section. Any application for set-aside of quota submitted pursuant to this subparagraph (2) covering a quantity of sugar to be imported within any quota established by Part 811 of this chapter for foreign countries as a group may be approved by the Secretary, except as limited by any time periods specified in Part 811 of this subchapter, not more than 265 days before the departure date and not more than 315 days prior to the importation date into the continental United States stated in the Quota Set-Aside Application and Agreement. Any application for set-aside of quota submitted pursuant to this subparagraph (2) covering a quantity of sugar to be imported within a quota proration established in Part 811 of this chapter for a specified foreign country or a quantity of sugar to be imported within a quota deficit quantity established for allocation in Part 811 of this chapter may be approved by the Secretary, except as limited by any time periods specified in Part 811 of this subchapter, not more than 95 days before the departure date and not more than 140 days prior to the importation date into the continental United States stated in the Set-Aside Application and Agreement. During the period from the date of approval of a Quota Set-Aside Application and Agreement to the date of importation stated therein, both dates inclusive, and subject to the terms and conditions of such Application and Agreement, the quota designated in the application shall be set aside to the extent of the quantity of sugar approved for quota set-aside under such Application and Agreement. If at the time of approval of a Quota Set-Aside Application and Agreement an import fee is not in effect, the quantity of sugar approved for set-aside under such Application and Agreement which is imported on or before the 15th day after the importation date stated on such Application and Agreement in accordance with the procedures and requirements of this Part and the terms and conditions of such Application and Agreement, shall not be subject to payment on an import fee. Quota Set-Aside Applications and Agreements submitted pursuant to this subparagraph (2) shall be submitted in triplicate on Form SU–8 to provide the following information and certification:

QUOTA SET-ASIDE APPLICATION AND AGREEMENT

I, _____ of _____,
(Name of applicant) (Street address)
_____, _____
(City) (State)

hereby certify that as owner, or as agent or broker for the owner, I have under my sole control ____ short tons (commercial weight) of sugar in _____, and I
(Name of country)

hereby make application under the provisions of § 817.4(e) (2) of Sugar Regulation 817 for the set-aside of ____ short tons (commercial weight) of the quota for such country or of ____ short tons (commercial weight) of the quota for foreign countries as a group established in § 811.__ of Sugar Regulation 811. This application is submitted for approval at a time when no import fee is required to be paid as a condition for importing sugar into the continental United States under the provisions of section 213 of the Sugar Act of 1948, as amended, and Sugar Regulation 811.

I agree that in consideration of the approval of this application I will ship the quantity of sugar approved for set-aside pursuant to this application before _____
(Date)

for importation into the continental United States, and will import such quantity into the continental United States on or before _____ in accordance with the provi-
(Date)

sions of this agreement and applicable provisions of Sugar Regulations 817 and 811, regardless of whether sugar quotas are suspended on or before such date of importation.

It is hereby agreed by and between the United States of America and the undersigned that the failure to import the quantity of sugar approved for set-aside of quota pursuant to this application will substantially damage the program established under the Sugar Act of 1948, as amended, for providing supplies of sugar to be consumed at prices that will not be excessive to consumers in the United States; that the amount of such damages is very difficult to accurately estimate; that the undersigned will pay liquidated damages to the United States of 0.50 cent per pound for each pound of sugar approved for set-aside of quota under this application which is not imported into the continental United States on or before the 15th day after the date of importation stated on this application, except that no liquidated damages shall be paid (1) for a quantity of sugar not imported which is within an allowance for normal shipping losses and normal loading variations equal to the smaller of eleven per centum of the quantity imported (commercial weight) or five thousand tons, and (2) for sugar not imported with respect to which the applicant, within a period of time prescribed by the Administrator, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, furnishes evidence satisfactory to the Administrator that importation within the period ending 15 days after the importation date stated in this application was prevented by disasters at sea, acts of God, strikes so extensive and of such duration or the occurrence of an insuperable and extraordinary interference which could not have been foreseen or prevented by the applicant's exercise of prudence, diligence, and care as to prevent such importation.

I further certify that I have arranged for and will deposit an irrevocable letter of credit by _____ expiring no earlier
(Date, see Note below)

than 60 days after the importation date stated in this agreement, issued by _____ in an amount not less than an amount determined by multiplying the total number of tons stated in this application by 2,000 and multiplying the product thereof by 0.5 cent. It is further agreed that such letter of credit shall authorize the Agricultural Stabilization and Conservation Service, United States Department of Agriculture, to draw upon the letter of credit on the basis of a written statement signed by the Administrator, Agricultural Stabilization and Conservation Service, or his authorized representative, which sets forth that a specified amount is due as liquidated damages under the terms and conditions of this Application and Agreement. It is further agreed that if such letter of credit as described above is not received by the Agricultural Stabilization and Conservation Service or a wire notice from a United States bank of the issuance of such letter of credit has not been received by the Agricultural Stabilization and Conservation Service within three business days after the date of execution by the applicant of this Application and Agreement, any approval of this Application and Agreement will be cancelled and this Application and Agreement shall be null and void.

Signed _____

Date _____

NOTE: Date to be shown in the space shall be a date not later than three business days subsequent to the date of signature of the Application.

Approved as Set-Aside No. _____, for ____ short tons (commercial weight), on _____, by _____.
(Date)

(f) (1) Any application made pursuant to this section for authorization for release, pursuant to § 817.5, of sugar to be imported within a quota for foreign countries shall contain the following certification by the applicant, except that the second or last sentence or both may be omitted if not applicable:

The applicant certifies that the sugar identified herein was produced from (sugarcane) (sugarbeets) grown in the country identified herein, and that this sugar is to be imported within the quota established in paragraph __ of § 811.__ of Sugar Regulation 811. The applicant states that the initial payment in the amount of $____ determined on the basis of the import fee provided in paragraph __ of § 811.__ of Sugar Regulation 811, is submitted with this application and affirms that this initial payment is made with full knowledge of the provision made in Sugar Regulation 811 for withholding refund of such payment with respect to sugar authorized for release pursuant to this application and not imported. The sugar covered by this application is being imported under application for set-aside number _____ approved _____, and such quantity (does) (does not) fully discharge the obligation to import under the terms of that set-aside agreement.

(2) Any application made pursuant to this section for a purpose stated in § 817.8 shall contain the applicant's agreement and certification as follows, except that the last sentence may be omitted if the sugar is to be further refined or improved in quality:

This application is made subject to the conditions of bond on Form SU–17 number _____
(Insert bond number, if already approved)
on which _____
(Insert name of bond principal)
principal, and _____ of
(Insert name of surety)
_____ is surety, under which
(Address of surety)
all of the sugar authorized on this application to be brought or imported into the continental United States is to be _____
_____
(Insert one of the purposes stated in paragraph (b) of § 817.8)

The applicant certifies that the sugar covered by this application was produced from sugarcane or sugarbeets grown in the sugar-producing country as identified on the application. The applicant further certifies that the sugar is not to be further refined and that the *identical* sugar will be *ultimately* delivered to the person who will use such sugar or an equivalent quantity, for the stated quota-exempt purpose.

(g) (1) Within 30 days after release by the Collector pursuant to § 817.5, of sugar or liquid sugar declared to be for further processing, the results of weights, samples and tests and the name of the person retaining the reserve portion of each sample as provided for in Part 810 of this subchapter shall be reported to the Sugar Quota Group on the applicable copy of the "Sugar Quota Clearance Record", Form SU–3, or a duplicate of such copy, together with information specified in paragraph (a) of this section. The period within which the report required pursuant to this paragraph must be made may be extended for good cause shown with respect to a specified shipment upon request to and approval by the Secretary.

(2) Within 60 days after release by the Collector pursuant to § 817.5 of sugar or liquid sugar declared to be for direct-consumption, the weight of such sugar actually imported into the continental United States and the polarization of such sugar shall be reported to the Sugar Quota Group on the applicable copy of the "Sugar Quota Clearance Record", Form SU–3, or a duplicate of such copy together with the information specified in paragraph (a) of this section. For the purpose of such report, the polarization of such sugar shall be reported as 100 degrees polarization unless the sugar is actually subjected in the continental United States to the applicable sampling, testing and evaluation as provided in §§ 810.6, 810.7 and 810.8 of this subchapter. For the purpose of such report, the weight reported on sugar imported from foreign countries shall be the weight of such sugar determined by the Collector of Customs at the time of unlading or entry of such sugar and on sugar brought into the continental United States from domestic areas shall be the weight of such sugar determined by the importer and the carrier of such sugar for purposes of settlement with the carrier.

§ 817.5 Release by a Collector.

A Collector of Customs may release sugar or liquid sugar imported from any area for any purpose only upon specific authorization by the Secretary pursuant to § 817.6 with respect to each application, required under § 817.4, except that the quantities for which no application is required pursuant to § 817.3 may be released by a Collector at any time. Unless instructed to the contrary on Form SU3–B, Collectors may release without further authorization, sugar in excess of the quantity authorized on a specific authorization, within tolerance not to exceed the smaller of one percent of the authorized quantity or 4,000 pounds.

§ 817.6 Specific authorization for release.

(a) *Time of issue and duration of validity.* Specific authorizations by the Secretary for release by a Collector will be issued no more than 5 days prior to the stated date of departure of the vessel or other carrier on which the sugar or liquid sugar is to be shipped. The authorization shall be valid for the period specified thereon, subject to extension by the Secretary for good cause. In case the port of arrival or the name of the receiver is not known when the application becomes eligible pursuant to paragraph (b) of this section, the authorization will not be transmitted to the collector until all the information required by paragraph (a) of § 817.4 is received in the Sugar Quota Group. No authorization shall be issued for the release of sugar imported from any foreign country except sugar imported from the Republic of the Philippines pursuant to § 811.4(b) of this chapter, unless the application covering such sugar is accompanied by the payment of the applicable fee as required by Part 811 of this chapter. In the event of unforeseen circumstances which require the submission of any application for the purpose of changing the dates or ports of departure or arrival, the identity of the vessel or carrier, or the identity of the receiver as shown on the original application covering sugar which has been authorized for release and on which the payment of a fee in accordance with Part 811 of this chapter has been made, such application shall be considered as an amendment to the original application and no additional fee will be required.

(b) *Order of eligibility of applications for authorizations for release of sugar and for the set-aside of quantities for future release.* The order of eligibility for authorization or approval of applications provided for in this paragraph is subject to such modifications as are specified in Part 811 of this chapter. An application on "Sugar Quota Clearance Record", Form SU–3, for authorization to a Collector for the release of sugar which is not being imported under an application for set-aside approved under § 817.4(e) shall become eligible for authorization at 12:01 a.m., on the fifth calendar day prior to the date stated on the application as the date of departure of the shipment of sugar from the area of origin, or at the time of receipt of the application, whichever time occurs later. An application for set-aside submitted pursuant to § 817.4(e) shall become eligible for approval at 12:01 a.m. on the first day that such application for set-aside may be approved as provided in § 817.4(e), or at the time of receipt of the application, whichever time occurs later. The Secretary shall authorize the release by the Collector of sugar not being imported under an application for set-aside and approve applications for set-aside in the same order as such applications for release or set-aside become eligible for authorization or approval. If an application for the release of sugar and an application for set-aside applicable to the same quota become eligible for authorization and approval at the same time, the application for release of sugar shall have priority. If two or more applications for the release of sugar applicable to the same quota become eligible for authorization at the same time, such applications shall be authorized in the order of the date of departure stated thereon, earliest first. If two or more such applications state the same dates of departure and the unfilled balance of the quota is less than the total quantity of sugar covered by such applications, the quantity authorized for release under each such application shall be determined by multiplying the quantity covered by each application by the percentage which the unfilled balance of the quota is of the total quantity covered by such applications. Applications for set-aside otherwise becoming eligible at the same time shall be approved in the order of the final date of importation stated thereon, earliest first. If two or more such applications applicable to the same quota state the same final dates of importation and the unfilled balance of such quota is less than the total quantity covered by such applications, the applications shall be approved in the order of the dates of shipment stated thereon, earliest first, and if the dates of importation and shipment stated on such applications are the same, the applications shall be returned unapproved to the applicants.

(c) *Substitution.* Release of a quantity of sugar or liquid sugar subject to a quota or allotment may be authorized by the Secretary after such quota or allotment has been filled: *Provided*, That, an equivalent quantity of sugar or liquid sugar previously released pursuant to § 817.5 within the same quota or allotment has been delivered into the custody of a Collector. The Collector shall retain custody of such equivalent quantity of sugar or liquid sugar in accordance with § 817.3(e) until released pursuant to § 817.5.

(d) *Importation for quota-exempt purposes.* Authorization may be issued by the Secretary on applications for release of sugar or liquid sugar in excess of the applicable quota and for the purposes stated in sections 211 and 212 of the Act subject to the limitations specified in those sections and the conditions established in § 817.8.

(e) *Extent of authorizations.* Except as provided in paragraphs (c) and (d) of this section, no authorization shall be issued pursuant to paragraph (a) of this section and no application for set-aside shall be approved as provided in § 817.4

(e) when the quantity of sugar or liquid sugar released for consumption in the continental United States, together with the quantity covered by valid authorizations for release or applications for set-aside issued or approved hereunder, equals the applicable quota.

(f) *Denial of authorizations and approval of applications for set-aside.* Authorizations on applications for release of sugar and approval of applications for set-aside may be denied if the applicant has failed to report in the manner and within the time prescribed in this part with respect to shipments previously imported or quantities covered by approved applications for set-aside and shipped to the continental United States.

§ 817.7 Applicable quota, quota proration, allocation, quantity and allotment.

(a) Sugar or liquid sugar imported other than as provided in § 817.8 shall be subject to any quota, proration of a quota or allocation for the area or country in which the sugar or liquid sugar was produced, as shown on the application provided for in § 817.4, except that application may be made to import sugar within the quantity available for foreign countries as a group, and except that if the Secretary determines that the sugar was produced in a country other than that shown on the application, such sugar shall be subject to any quota, proration or allocation for the country in which the sugar was produced.

(b) *Allotment.* (1) When the quota which is applicable pursuant to paragraph (a) of this section has been allotted pursuant to section 205(a) of the Act, the sugar imported pursuant to the application shall be subject to the allotment made to the person named thereon as the allottee if the application is made by (i) such allottee; (ii) a person authorized by the allottee by letter to the Sugar Quota Group to make such representations on behalf of the allottee for all or a specified portion of his allotment for the designated year, or (iii) an applicant who purchased the sugar from the allottee or a person holding an authorization under subdivision (ii) of this subparagraph. The quantity of sugar stated on an application as subject to the allottment of the allottee named thereon shall not exceed the supply of sugar processed by such allottee which was not previously marketed pursuant to Part 816 of this subchapter or previously imported or applied for pursuant to this part.

(2) Nothing in this paragraph shall preclude the Secretary from applying imported sugar or liquid sugar to fill the allotment of the allottee who processed such sugar or liquid sugar in any case where he determines that the foregoing provisions of this paragraph have been evaded, not complied with or are inapplicable. The term "processed" as used in this paragraph means the production of sugar from sugarcane or the production of direct-consumption sugar from raw sugar.

(c) *Quantity and time of effect.* (1) Each quantity authorized for release pursuant to § 817.6 and each quantity covered by an application for set-aside approved pursuant to § 817.4(e) shall be effective for filling the applicable quota as established in Part 811 of this subchapter at the time the applicable authorization is issued or application for set-aside is approved. For this purpose the raw value of the authorized quantity shall be estimated by considering the relationship between other authorized quantities for recent shipment from the same country or area and the raw values thereof determined as provided in Title I of the Act on the basis of weights and tests determined pursuant to Part 810 of this subchapter and such other factors as the Secretary deems applicable.

(2) Upon receipt of and on the basis of the report required pursuant to § 817.4 (g) for raw sugar or direct-consumption sugar covering an application initially given effect pursuant to subparagraph (1) of this paragraph, the quantity effective for filling the applicable quota shall be the quantity of sugar or liquid sugar imported pursuant to the authorization represented by either raw or direct-consumption sugar, determined as prescribed in Part 810 of this subchapter to the extent of its raw value, as defined in Title I of the Act and as finally computed from the weights and tests determined pursuant to Part 810 of this subchapter, except that the raw value of liquid sugar imported from Puerto Rico shall be computed by multiplying the total sugar content thereof by the factor 1.07.

(3) Whenever the Secretary determines that (i) a default in a condition of a bond accepted pursuant to § 817.9 has occurred or, (ii) a quantity of sugar or liquid sugar authorized for release for importation as raw sugar is direct-consumption sugar pursuant to § 810.5(c) of this subchapter, by virtue of its use for which authorization pursuant to § 817.3 (g) was not granted, or (iii) a quantity of sugar or liquid sugar has been imported without authorization for release as required pursuant to § 817.5, the quantity of sugar or liquid sugar involved in such default, change of purpose, or importation without authorization shall be applied to the applicable quota or allotment in effect for the year in which the importation occurred after all importations made in accordance with the regulations of this Part to which the same quota and allotment were applicable have been applied thereto.

§ 817.8 Authorization for purposes other than to fill current quotas.

(a) Upon fulfillment of the requirements of §§ 817.3 and 817.4 and the applicable provisions of this section and § 817.9, the authorization required pursuant to § 817.5 may be given to the Collector to release sugar or liquid sugar for importation for the purposes specified in this section without effect on a quota at the time of importation, except that sugar or liquid sugar produced from sugarcane grown in Cuba may not be imported pursuant to this section.

(b) Sugar or liquid sugar may be released for importation by or delivery to the principal on a bond accepted pursuant to § 817.9 to fulfill the following purposes:

(1) Exportations as sugar or liquid sugar within the provisions of section 313 of the Tariff Act of 1930, as amended, or direct shipment (otherwise than under the provisions of section 313 of the Tariff Act of 1930, as amended) as sugar or liquid sugar by the importer or refiner to a territory or possession of the United States, excluding the Virgin Islands. (Sugar shipped to Hawaii or Puerto Rico is subject to the provisions of section 211(c) of the Act and the applicable provisions of regulations of the Secretary establishing (i) sugar requirements and quotas for Hawaii and Puerto Rico, (ii) allotments of sugar quotas for Hawaii and Puerto Rico, and (iii) requirements relating to the marketing of sugar for consumption in Hawaii and Puerto Rico. Section 209(e) of the Act prohibits the importation into the Virgin Islands for consumption therein any sugar produced from sugarcane or sugarbeets grown in any area other than Puerto Rico, Hawaii or the continental United States.)

(2) Manufacture and exportation of other articles within the provisions of section 313 of the Tariff Act of 1930, as amended.

(3) Distillation of alcohol.

(4) Sugar for livestock feed or for the production of livestock feed. For the purposes of the regulations of this part: (i) "Livestock" shall mean horses, mules, cattle, swine, sheep, goats, poultry, and bees; (ii) "sugar for livestock feed" shall mean sugar used for feeding livestock by the person who received such sugar, excluding any sugar received as an ingredient of a mixture or product; (iii) "sugar for the production of livestock feed" small mean sugar, excluding any sugar contained as an ingredient of a mixture or product, put into a mixing or manufacturing process that produces only feed for livestock.

(c) The remaining portion of the single shipment of raw sugar of which a portion is authorized for importation pursuant to § 817.6 as the final quantity to fill the applicable quota but not to exceed the smaller of five percent of the applicable quota or 5,000 short tons, raw value, may be authorized for release for importation by or delivery to a refiner who is the principal on a bond accepted pursuant to § 817.9 under which the principal is obligated to hold the sugar so imported or an equivalent quantity at the refinery at which such sugar was received until release within the applicable quota or allotment is authorized by the Secretary.

(d) Whenever the Secretary has given public notice that such action will not interfere with the effective administration of the Act, raw sugar may be authorized for release for importation by or delivery to a refiner who is the principal on a bond accepted pursuant to § 817.9 under which the principal is obligated to hold the sugar or an equivalent quantity subject to such conditions as may be specified in such notice until release within the applicable quota or allotment is authorized by the Secretary.

(e) Upon fulfillment of the requirements of §§ 817.3 and 817.4 the authorization required pursuant to § 817.5 may

be issued to the Collector for the release of sugar or liquid sugar for purposes stated in section 212 of the Act other than those specified in paragraph (b) of this section, within the limitations specified in such section 212 of the Act.

§ 817.9 **Bonds to cover releases.**

(a) No authorization for the purposes specified in § 817.8 (b), (c), and (d) shall be issued nor shall a Notice of Delivery which covers the delivery of a quantity of sugar or liquid sugar to the principal of another bond be accepted until the Secretary has accepted a bond meeting the requirements of this section. The Secretary may accept a bond to cover importations which may be made during the period of time specified in the bond or for a specified importation.

(b) *Principal and surety.* Any person having an interest therein may be the principal on the bond covering sugar or liquid sugar to be exported with benefit of drawback of duty. Only the importer or refiner may be the principal on a bond to cover sugar or liquid sugar to be shipped to a territory or possession of the United States or used for distillation of alcohol, for livestock feed, or for the production of livestock feed. Only a refiner may be the principal on a bond covering sugar or liquid sugar to be imported for further processing as provided for in § 817.8 (c) and (d). The surety or sureties shall be among those listed by the Secretary of the Treasury as acceptable on Federal bonds.

(c) *Obligation*—(1) *Establishment and effective date.* The obligation under the bond shall be made effective and be established by: (i) The Secretary's issuance of the authorization required pursuant to § 817.5 for release of the sugar or liquid sugar by the Collector; or (ii) the Secretary's acceptance of a Notice of Delivery covering a quantity of sugar or liquid sugar delivered by the principal of a bond to the principal of another bond pursuant to subparagraph (1)(iii) of paragraph (d) of this section, such Notice of Delivery to be executed jointly by the principals of the two bonds involved on a form prescribed by the Secretary.

(2) *Monetary amount.* The monetary amount of the obligation under the bond shall not be less than the sum of the amounts applicable to all quantities of sugar or liquid sugar covered at any one time thereunder by virtue of the issuance of authorizations required pursuant to § 817.5 for release of sugar or liquid sugar by the Collector or acceptance of Notices of Delivery, and such obligations shall be effective whether or not the surety receives notice from the Secretary of the issuance of such an authorization or the acceptance of a Notice of Delivery. The monetary amount applicable to each quantity of sugar covered by each authorization for release of sugar by the Collector or by each Notice of Delivery, and made subject to a bond accepted under this Part shall be the "spot" quotation per pound of raw sugar deliverable on the New York Coffee and Sugar Exchange under Contract No. 7 as established by that Exchange for the last business day before the date of application to the Secretary for the issuance of such authorization, or before the delivery date or the last date of the delivery period shown on such Notice of Delivery multiplied by the weight in pounds of such quantity of sugar. The amount applicable to each quantity of liquid sugar covered by each authorization for release of liquid sugar by the Collector or by each Notice of Delivery shall be computed upon the basis of the same price per pound, ascertained as heretofore stated in this paragraph, multiplied by the pounds of the "total sugar content", as defined in section 101(i) of the Act, of such quantity of liquid sugar. The quantity of sugar or liquid sugar covered by each authorization required pursuant to § 817.5 for release by the Collector or by each Notice of Delivery shall be the quantity stated in the Notice of Delivery or in the application submitted on the Sugar Quota Clearance Record, or the quantity stated in the report made to and received by the Sugar Quota Group in accordance with § 817.4 (g) if differing from the quantity stated in the authorization for release of sugar or liquid sugar by the Collector.

(d) *Conditions.* Any bond accepted pursuant to this part shall provide for the following conditions to apply to sugar and liquid sugar authorized to be released by the Collector pursuant to the provisions of § 817.8.

(1) Consistent with the certification required pursuant to § 817.4(f)(2), the identical sugar, or the raw value equivalent of the sugar or liquid sugar, authorized under the bond to be imported for the purpose of exporting sugar or liquid sugar shall be:

(i) Exported within six months after the date of importation with drawback of duty subsequently allowed pursuant to section 313 of the Tariff Act of 1930, as amended, as evidenced by the reports of such exportation and allowance from the principal and the Collector of Customs, as provided for in paragraph (e) of this section;

(ii) Shipped within six months after the date of importation to a territory or possession of the United States other than the Virgin Islands as evidenced by the report by the principal of such shipment as provided for in paragraph (e) of this section, or

(iii) Delivered within six months after the date of importation to the principal on another bond accepted pursuant to this section.

(2) Consistent with the certification required pursuant to § 817.4(f)(2), the identical sugar, or the raw value equivalent of the sugar or liquid sugar, authorized under the bond to be imported, or authorized to be delivered subsequent to importation under another bond, for the manufacture of products to be exported, shall be exported in manufactured products within three years after the date of importation of the sugar or liquid sugar with drawback of duty subsequently allowed pursuant to section 313 of the Tariff Act of 1930, as amended, as evidenced by the reports of such exportation and allowance of drawback by the principal and the Collector, as provided for in paragraph (e) of this section.

(3) Consistent with the certification required pursuant to § 817.4(f)(2), the identical sugar, or the raw value equivalent of the sugar or liquid sugar, authorized under a bond to be imported for the distillation of alcohol or for livestock feed, or for the production of livestock feed, shall be so used within one year after the date of importation as subsequently evidenced by a certificate of use as provided for in paragraph (e) of this section. The use of sugar for livestock feed or the production of livestock feed shall be as provided in § 817.8(b)(4).

(4) The raw value equivalent of the raw sugar authorized under a bond to be imported by or delivered to a refiner pursuant to the provisions of § 817.8(c) shall be held at the refinery at which such sugar was received until release of such sugar or liquid sugar within the applicable quota is authorized by the Secretary.

(5) The raw value equivalent of the raw sugar authorized under a bond to be imported by or delivered to a refiner pursuant to the provisions of § 817.8(d) shall be held by the refiner subject to such conditions as may be specified in the public notice given by the Secretary authorizing the release for importation of sugar for the purpose specified in paragraph (d) of § 817.8.

(6) Any bond furnished pursuant to this part shall provide that the obligation established thereunder will remain in full force and effect until the Secretary notifies the principal and surety of release thereof. The Secretary may release all or any part of the monetary amount of the obligation of the bond which is applicable to the quantity of sugar or liquid sugar covered by an issued authorization for release thereof by a Collector or by an accepted Notice of Delivery with respect to which quantity either the applicable conditions set forth in subparagraphs (1) through (5) of this paragraph have been fulfilled, or another bond has been accepted: *Provided,* That, nothing in this section shall preclude the Secretary from: (i) Accepting evidence other than that provided for in subparagraphs (1), (2), and (3) of this paragraph to establish that any of the conditions provided in such subparagraphs have been fulfilled, or (ii) determining that any of the conditions provided in subparagraphs (1) through (5) of this paragraph have been fulfilled by virtue of the destruction or other disposition of sugar or liquid sugar having an effect for quota purposes as if the applicable conditions set forth in such subparagraphs have been fulfilled, or (iii) extending at his discretion the time for fulfillment of any of the conditions set forth in subparagraphs (1) through (5) of this paragraph upon the written request of and for good cause shown by the principal named on the bond and without notice to the surety on such bond.

(7) Upon default in any applicable condition heretofore set forth, and the expiration of any extension of time for fulfillment thereof that may be granted in writing by the Secretary, payment shall be made to the United States of America of a sum equal to the full amount of the obligation determined as

prescribed in paragraph (c) of this section which is applicable to the quantity of sugar or liquid sugar covered by an authorization for release of sugar or liquid sugar by the Collector or by a Notice of Delivery, and with respect to which quantity the default occurred in whole or in part.

(8) The payment or the acceptance of any payment made to the United States of America pursuant to this paragraph shall not be deemed to preclude or to constitute a waiver of recovery of any forfeiture, penalty or liability provided for by the Act or any other provision of law.

(e) *Reports of evidence that conditions of bond have been fulfilled.* (1) All principals on bonds given for the purpose specified in § 817.8(b) (1) or (2) shall, by the 10th of each month, submit a report to the Sugar Quota Group showing the following information: (i) With respect to allowances of drawback of duty for exportations for which drawback of duty was allowed in the month preceding the month in which the report is submitted, the identity, by number, of the bond to which the exported quantity of sugar should apply, the date of exportation of the sugar or liquid sugar, the quantity of sugar exported or used in the manufacture of the exported sugar or liquid sugar or the sugar or liquid sugar used in the manufacture of the exported articles, the port and date of entry or withdrawal of the sugar designated as a basis for drawback of duty and the consumption entry or warehouse withdrawal number, the country of origin of the sugar designated as a basis for drawback of duty, and the quantity and polarization or, if liquid sugar, the total sugar content of the designated liquid sugar on which drawback of duty was allowed; and (ii) with respect to sugar or liquid sugar shipped to a territory or possession of the United States within the preceding month; the identity, by number, of the bond to which the shipped quantity of sugar or liquid sugar should apply, the date of shipment and the destination of the sugar or liquid sugar, and the country or area of origin of the shipped sugar or liquid sugar.

(2) The principal on a bond given for a purpose specified in § 817.8(b) (3) or (4) shall transmit to the Sugar Quota Group no later than 30 days after the one year use period provided for in § 817.9(d)(3), certificates executed by the persons who used the sugar showing the following information on a form prescribed by the Secretary:

The undersigned certifies that between ----------, 19-- and ----------, 19--,
(Date) (Date)
he has used the following quantity or quantities of sugar for the purpose or purposes as stated below:

	(*Pounds*)
(1) Used to feed livestock	---------
(2) Used in the production of livestock feed:	
(a) For his subsequent use in feeding livestock	---------
(b) For subsequent sale to others for feeding livestock	---------
(3) Used for distillation of alcohol	---------

The undersigned further certifies that each quantity of sugar shown in this certificate of use does not include a quantity of sugar previously covered by another United States Department of Agriculture certificate of use; that any quantity of sugar shown on this certificate to have been used to feed livestock or for the production of livestock feed excludes any sugar contained as an ingredient of a mixture or product at the time such sugar was received and that such sugar was either fed to livestock by the person receiving it or was put into a mixing or manufacturing process that produces only feed for livestock; and that the term "livestock" as used throughout in this certificate means horses, mules, cattle, swine, sheep, goats, poultry and bees.

Each certificate shall be endorsed by the principal of the bond acknowledging that the use of the sugar, to which the certificate applies, is to apply to the fulfillment of the conditions of the bond on which he is the principal and the bond shall be identified on the endorsement.

(3) Each Collector of Customs shall, by the 10th of each month, report all allowances of drawback in the preceding month which were based on exportations of sugar or manufactured sugar-containing articles. Such report shall show the following information: The person who manufactured the exported product and the date of exportation; and, with respect to the sugar designated as a basis for the claim for drawback of duty, the date and port of entry or withdrawal, the consumption entry or warehouse withdrawal number (if warehouse withdrawal numbers of a separate series are not assigned, the warehouse entry number should be furnished), the country of origin, the quantity and polarization or, if liquid sugar, the total sugar content, on which drawback was allowed.

§ 817.10 [Reserved]

§ 817.11 Records and reports.

(a) For the purposes of this part, any quantities of sugar imported as crystalline sugar which are subsequently converted into and marketed as liquid sugar shall be reported subsequent to such conversion as the quantities of crystalline sugar so converted and the raw value thereof shall be determined as prescribed in paragraph (1), (2) or (3) of section 101(h) of the Act, applicable to the crystalline sugar so converted. Liquid sugar, exclusive of that identified as imported within a liquid sugar quota for which the quantities of converted crystalline sugar are unknown shall be reported in terms of the total sugar content and the raw value thereof shall be determined by multiplying the total sugar content by the factor 1.07.

(b) Each person subject to the provisions of this part shall keep and preserve, for a period of two years following the end of the calendar year in which the sugar or liquid sugar was imported into the continenal United States, an accurate record of the receipt, processing and movement of such sugar and liquid sugar and of all tests, gallonages and weights pertaining thereto, except that all records relating to the receipt and disposition of sugar or liquid sugar authorized for release pursuant to § 817.8 shall be kept and preserved for a period of two years following the end of the calendar year in which the sugar was disposed of pursuant to the requirements of § 817.9(d). Upon request by any authorized employee of the Department, such records shall be made freely available for examination by such employee during the regular working hours of any business day.

(c) Each person subject to the provisions of this part shall make application for authorizations provided for in this part and shall report information as and when required by the Secretary on forms specified by him and approved by the Bureau of the Budget under the Federal Reports Act of 1942. In addition to the applications, authorizations and reports otherwise specifically referred to in this part, this requirement shall include, but is not necessarily limited to, the information prescribed on Form SU-73 or Form SU-74 for refiners, or on Form SU-75 for other importers.

(d) Each person subject to the provisions of this part who applies for a set-aside which has been approved pursuant to § 817.4(e) shall report any quantity of sugar which has been shipped and which is to be imported into the continental United States under such application. Such report shall be made within two days after the date of departure of the sugar from the area of origin and shall show the date of departure, the quantity of sugar shipped and the expected date of arrival. An application for authorization for release of sugar as provided for in § 817.4(a) may be submitted within the same time limitation in lieu of the report required by this paragraph.

§ 817.12 Delegation of authority.

The Director, or Deputy Director, of the Sugar Policy Staff, or, the Director of the Policy and Program Appraisal Division (or any person in such division designated in writing by him), Agricultural Stabilization and Conservation Service of the Department, is hereby authorized to act on behalf of the Secretary in administering §§ 817.1 through 817.11 except as otherwise provided for in paragraph (e) of § 817.4 and paragraph (d) of § 817.8.

NOTE: The reporting and/or record-keeping requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

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

CHARLES S. MURPHY,
Acting Secretary.

[F.R. Doc. 64-4940; Filed, May 18, 1964; 8:46 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 243—DEPORTATION OF ALIENS IN THE UNITED STATES

Self-deportation

The following amendment to Chapter I of Title 8 of the Code of Federal Regulations is hereby prescribed:

Section 243.5 is amended to read as follows:

§ 243.5 Self-deportation.

A district director may permit an alien ordered deported to depart at his own expense to a destination of his own choice. Any alien who has departed from the United States while an order of deportation is outstanding shall be considered to have been deported in pursuance of law, except that an alien who departed before the expiration of the voluntary departure time granted in connection with an alternate order of deportation shall not be considered to have been so deported.

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

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

Dated: May 13, 1964.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 64-4955; Filed May 18, 1964; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

Subchapter C—Aircraft [New]

[Reg. Docket No. 1996]

AIRCRAFT REGISTRATION AND RECORDING OF AIRCRAFT TITLES AND SECURITY DOCUMENTS

This rule making action adds Parts 47 "Aircraft Registration" [New] and 49 "Recording of Aircraft Titles and Security Documents" [New] to Chapter I of Title 14 of the Code of Federal Regulations, and deletes current Parts 501, 502, 503, 504, and 505, and § 406.14 (c) and (d) from Chapter III of Title 14. It is based on notice of proposed rule making No. 63-39 (28 F.R. 10793).

The purpose of the new parts is to revise Parts 501 "Registration of Aircraft," 502 "Dealers' Aircraft Registration Certificates," 503 "Recordation of Aircraft Ownership," 504 "Recordation of Encumbrances against Specifically Identified Aircraft Engines and Propellers," and 505 "Recordation of Encumbrances Against Aircraft Engines, Propellers, Appliances, or Sparts Parts," of the regulations of the Administrator. The new parts reduce to two the number of these related regulations on registration and recordation. Also, in order to avoid issuance and then immediate reissuance in a recodified form, the revision is issued as a part of the program of the Federal Aviation Agency to recodify its regulatory material, in conformity with the "Outline and Analysis" for the proposed recodification contained in Draft Release No. 61-25, published in the FEDERAL REGISTER for November 15, 1961 (26 F.R. 10698).

In the new parts, provisions generally applicable to persons and transactions are brought together in one place, designated Subpart B in each part, to avoid redundancy. Substantively, the revision continues to permit operation of aircraft not last previously registered in a foreign country upon transmission of the registration application to the FAA (§ 47.31 (b)), and provides for the issuance of a temporary certificate of registration pending review of documents submitted and issuance of the permanent certificate. The revision also provides for increased registration and recordation fees, changes the procedures for special aircraft identification numbers, and introduces other changes designed to clarify the rules and implement their administration.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matters presented. Comments were received on several proposals. Thus, the date and time a conveyance is received by the FAA Aircraft Registry will be considered the effective date of filing for recordation (§ 49.19). This implements the provision of section 503(d) of the Federal Aviation Act of 1958 (49 U.S.C. 1403) that a recorded conveyance should have effect from the time of its filing for recordation. For the latter reason, the new Part 47 also provides that the FAA will consider an aircraft, except one last previously registered in a foreign country, to be registered under it when the required documents are received by the FAA Aircraft Registry (§ 47.39(a)). Several comments urged that the date of mailing or delivery, as provided under Part 501, should be continued as the controlling time. However, the Agency has determined that the new provision permits a more precise determination of priority.

This revision does not change the rule of Part 501 that aircraft last previously registered in a foreign country may not be operated prior to registration (§§ 47.31(b) and 47.39(b)). This applies, of course, only to aircraft brought into this country for registration and does not affect aircraft of foreign registration which are merely flown in and out of this country. The FAA considers as registered an aircraft previously registered in a foreign country, only after the required documents have been received and examined by the FAA Aircraft Registry and the duplicate of the temporary certificate returned to the applicant (§ 47.39(b)). One comment objected to this provision. However, the provision merely clarifies the pre-existing rule.

Some comments were adverse to the increases in fees. Upon further consideration it was found possible to reduce the fee for special identification numbers from $20 to $10, but otherwise the Agency adheres to its determination on the basis, stated in the notice, that these increases were derived from a consideration of the cost of the services involved as compared with the amounts of user charges collected for these activities. Opposition also was expressed to the bar against recording notices of Federal tax liens under new Part 49. This provision, is retained principally because, as stated in the notice of rule making, these notices are required to be filed elsewhere by the Internal Revenue Code.

In several instances, the suggestions made in comments have been adopted, at least in part. Thus, the reserve status of a special identification number reserved for later assignment may be renewed from year to year upon request accompanied each year by the fee for a special identification number (§ 47.15(h)). Also, the 30-day period specified in § 47.31(b) for temporary authorization to operate aircraft, upon transmission of an application for registration, is extended for such additional time as the applicant may need to begin carrying the temporary or regular certificate in the aircraft. This alleviates situations in which, for example, an aircraft is abroad and it is physically impossible to comply with the "carrying" requirement within the 30-day period. A number of other changes in language have been made, some stemming from comments received and others from the Agency's reconsideration of the provisions in the Notice, all without altering substantive meanings. Thus, it will not be necessary to attach a corporate seal to an application for registration made for a corporation; a certificte of a true copy may be made by the applicant or person submitting a conveyance for recordation (the sanction of section 1001 of Title 18 of the United States Code, punishment as for a felony, applies to use of a knowingly false copy in connection with registration or recordation); if a valid authorization to sign in behalf of a corporation already is on file with the FAA Aircraft Registry, a certificate need not accompany each document (§ 47.13(d)(2)); and the provision that registration expires upon the owner's death was changed to leave the deceased's registration in effect for 30 days after his death.

The Air Transport Association of America (ATA) requested a hearing on the issues raised in its comments. A meeting was held between representatives of ATA and Agency staff members at which these issues were discussed, and a summary report of the meeting was entered in the rule making docket.

The citation of form numbers has been changed from "Form FAA-818" (to give an example) to "FAA Form 818." At the same time, Parts A, B, and C of Form 500 have been redesignated Forms 500-1, 500-2, and 500-3, as appears in § 47.31(a). The part of Form 500 which consists of the final registration certificate is being omitted and the certificate will be furnished by the FAA Aircraft Registry. A new Form 3475 for assignment of special identification numbers is being

introduced. No substantive amendments are involved in these changes.

In consideration of the foregoing, effective August 18, 1964, Chapter III of Title 14 of the Code of Federal Regulations is amended by deleting Parts 501, 502, 503, 504, and 505, and § 406.14 (c) and (d), of the regulations of the Administrator, and Chapter I of that title is amended by adding Parts 47 [New] and 49 [New] of the Federal Aviation Regulations as hereinafter set forth.

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

N. E. HALABY,
Administrator.

PART 47—AIRCRAFT REGISTRATION [NEW]

Subpart A—Introduction

Subpart B—General

Subpart C—Owners' Certificates of Registration

Subpart D—Dealers' Aircraft Registration Certificates

AUTHORITY: The provisions of this Part 47 issued under secs. 313(a), 501, 503, 505, and 1102 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354, 1401, 1403, 1405, 1502), and the Convention on the International Recognition of Rights in Aircraft (4 U.S.T. 1830).

Subpart A—Introduction

§ 47.1 Applicability.

This part applies to the registration of aircraft required or permitted by section 501 of the Federal Aviation Act of 1958 (49 U.S.C. 1401). Subpart B of this part provides rules which govern, where applicable by their terms, all persons and transactions subject to this part. Subpart C of this part applies to registration of aircraft by owners other than manufacturers and dealers who are eligible for dealers' aircraft registration certificates under Subpart D of this part.

§ 47.3 Unlawful operation of unregistered aircraft.

(a) Except as provided by § 47.31(b), no person may operate any aircraft eligible for registration under this part, other than aircraft of the national-defense forces, unless that aircraft has been registered by its owner.

(b) Eligibility for registration is defined by section 501(b) of the Federal Aviation Act of 1958 (49 U.S.C. 1401) as follows:

(b) An aircraft shall be eligible for registration if, but only if—

(1) It is owned by a citizen of the United States and it is not registered under the laws of any foreign country; or

(2) It is an aircraft of the Federal Government, or of a State, Territory, or possession of the United States, or the District of Columbia, or of a political subdivision thereof.

Subpart B—General

§ 47.11 Applicants.

(a) A citizen of the United States or governmental unit that wishes to register an aircraft in this country must apply for a certificate of registration under this part. "Citizen of the United States" is defined by section 101(13) of the Federal Aviation Act of 1958 (49 U.S.C. 1301). Governmental units are those named in § 47.3(b) and Puerto Rico.

(b) An aircraft may be registered only by, and in the legal name of, its owner. However, section 501 of the Federal Aviation Act of 1958 (49 U.S.C. 1401) states that "registration shall not be evidence of ownership of aircraft in any proceeding in which such ownership by a particular person is, or may be, in issue." The FAA does not issue any certificate of ownership or endorse information with respect to ownership on certificates of registration. It issues the certificate of registration to the person who appears to be the owner on the basis of the evidence of ownership the applicant submits to it.

(c) For the purposes of this part, "owner" includes the buyer in possession, bailee, or lessee, of an aircraft under a contract of conditional sale, within the meaning of the definition of "conditional sale" in section 101(16) of the Federal Aviation Act of 1958 (49 U.S.C. 1301), and the assignee of the interest of such a person.

(d) When he applies for registration, the buyer, bailee, or lessee under a contract of conditional sale must submit the contract as proof of ownership, and the contract must be eligible for recording under § 49.17(d) of this chapter. When an assignee applies for registration, he must submit the original contract (unless it has already been recorded by the FAA) and his assignment from the original buyer, bailee, or lessee, or prior assignee thereof. The assignment also must be eligible for recording under § 49.17(d) of this chapter and must bear the assent in writing of the seller, bailor, or lessor under the contract of conditional sale, or his assignee.

(e) An applicant for registering an aircraft that he obtained by repossession must submit, as evidence of his ownership, a certificate of repossession on FAA Form 909, or its equivalent, executed by him, stating that the aircraft has been repossessed or otherwise seized under the financing agreement involved and applicable law. Unless the financing agreement has been previously recorded with the FAA, he must also submit the original or a true copy of it, imprinted on paper permanent in nature, to which is attached his certificate stating that the copy has been compared with the original and that it is a true copy. If the repossession was through foreclosure proceedings resulting in sale, he must also submit a bill of sale that is eligible for recording under Part 49 of this chapter, executed by the sheriff, auctioneer, or other authorized person responsible for conducting the sale and stating that the sale was made under applicable law.

(f) An applicant for registering an aircraft that he bought at a judicial sale or at a sale to satisfy a lien or charge must submit, as evidence of his ownership, a bill of sale that is eligible for recording under Part 49 of this chapter, executed by the sheriff, auctioneer, or other authorized person responsible for conducting the sale and stating that the sale was made under applicable law.

(g) An applicant for registering an aircraft, the title to which has been in controversy and has been determined by a court, must submit, as evidence of his ownership, a certified copy of the decision of the court.

(h) The administrator or executor of the estate of the deceased former owner of an aircraft may apply for registering it in his name as administrator or executor. He must submit with the application a certified copy of the letters of administration or letters testamentary appointing him administrator or executor.

(i) An applicant for registering an aircraft that he bought from the estate of a deceased former owner must submit, as evidence of his ownership, a bill of sale, executed for the estate and acknowledged by the administrator or executor, and a certified copy of the letters of administration or letters testamentary. However, if no executor or administrator has been or is to be appointed, the bill of sale must be executed and acknowledged by the heir-at-law of the deceased former owner and be accompanied by an affidavit of the seller that no application has been made for appointment of an administrator or executor, that so far as he can determine none will be made, and that, under the law of the jurisdiction having authority, he is the person entitled to the aircraft or has the right to dispose of it.

(j) The appointed guardian of the property of another person may apply for registering an aircraft in his name as guardian. He must submit with his application a certified copy of the order of the court appointing him guardian.

(k) The appointed trustee of property including an aircraft may apply for registering the aircraft in his name as trustee. He must submit with his application a certified copy of the order of the court appointing him trustee or, if he was appointed without order of a court, a complete copy of the trust instrument

naming him, imprinted on material permanent in nature, to which is attached his certificate stating that the copy has been compared with the original and that it is a true copy.

§ 47.13 Signatures, acknowledgments, and instruments made by representatives.

(a) The signature on an application for a certificate of registration or instrument submitted as evidence of ownership must be in ink.

(b) Any acknowledgment of a conveyance instrument must be made before a notary public or other officer authorized by the United States, a possession, Puerto Rico, a State, or the District of Columbia, to take acknowledgments of deeds. A formal acknowledgment is required. Neither an affidavit of good faith nor a jurat alone is acceptable.

(c) An application for registration, or for cancellation of registration, made by one or more persons doing business under a trade name must be executed by or on behalf of each person who shares title to the aircraft.

(d) An application for registration, or for cancellation of registration, made by a representative of the owner, must comply with the following:

(1) An application made by an agent must bear the names of both the applicant and the agent and indicate that the agent signs as agent or attorney-in-fact. It must be accompanied by a signed and acknowledged power of attorney or a true copy thereof, imprinted on paper permanent in nature, to which is attached the agent's certificate stating that the copy has been compared with the original and that it is a true copy of the power of attorney.

(2) An application made for a corporation must show on it the title of the signer's office. No person other than the president, a vice president, secretary, or treasurer of a corporation may sign the document in its behalf unless the document is accompanied by a copy of his authorization to sign from the board of directors of the corporation, certified as true by one of the officers named, or unless a valid authorization already is on file with the FAA Aircraft Registry.

(3) An application made for a partnership must show the full name of the partnership and the names of all of the general partners, and have the word "partner" following the signature of the person who signs for it.

(4) An application made for co-owners who are not engaged in business as partners must bear the signature of each person who shares title to the aircraft under that arrangement.

(e) A power of attorney or other evidence of a person's authority to execute a document for another submitted under this part is considered by the FAA to be valid for not more than two years after the date of its execution or, in the case of an instrument submitted before August 18, 1964, two years after that date.

§ 47.15 Identification number.

(a) An applicant for registering an aircraft must first obtain the identification number ("registration mark") he places on FAA Forms 500–1, 500–2, and 500–3. Sections 1.100 through 1.109 of Part 1 of this chapter describe and provide rules for the display and maintenance of this identification number. The identification number assigned to the aircraft remains with it unless the owner obtains a different number under paragraphs (d) through (g) of this section. If the aircraft was not last previously registered in a foreign country, the applicant must obtain the identification number, without charge, from the nearest FAA inspector in the field. However, he applies for a group of identification numbers as an aircraft manufacturer, or for a special identification number, under paragraph (c), (d), (e), (f), or (g) of this section. If the aircraft was last previously registered in a foreign country, the applicant must obtain the identification number, without charge, from the FAA Aircraft Registry. A U.S. identification number is assigned only after the foreign registration has been terminated or found to be invalid by the FAA Aircraft Registry.

(b) In addition to the prefix "N", the identification number does not exceed five symbols. These may all be digits, or one to four digits may be followed by one letter, or one to three digits may be followed by two letters. A number followed by a suffix letter that has been assigned to an aircraft is not assigned concurrently to another aircraft even with an additional suffix letter. For example, if number N100A is assigned, then that number with an additional suffix, such as "N100AB", is not concurrently assigned. However, if the owner requests, he may be permitted, without charge, to add a second suffix letter to an assigned one to three digit number followed by a letter.

(c) An aircraft manufacturer may apply to the FAA Aircraft Registry for a group of identification numbers sufficient in number to supply his estimated production for the ensuing 18 months. No charge is made for this series.

(d) Unassigned identification numbers are available as special identification numbers. However, identification numbers of one to three symbols are reserved for assignment to FAA-owned aircraft and other aircraft which will not accommodate a larger number. If the owner wants a special identification number, or if he wants to change the identification number of his aircraft, he may apply to the FAA Aircraft Registry, accompanying his request with the fee provided in § 47.17.

(e) Any application for an identification number of one to three symbols must be accompanied by a statement of an FAA inspector that the aircraft is of such structural configuration or design as to preclude the placing of a registration number of more than three symbols on either its fuselage or vertical tail surface.

(f) Assignment of a special identification number is made by the FAA Aircraft Registry on FAA Form 3475. The owner must complete and sign the receipt contained therein, acknowledge that he has affixed the number to his aircraft on the date designated, and return the original of that form to the FAA Aircraft Registry within five days after affixing the number. Upon receipt, the FAA provides to the owner a revised certificate of registration, together with a new certificate of airworthiness changed only to show the special identification number. The owner shall carry the duplicate of FAA Form 3475 in his aircraft together with the existing certificate of registration, if any, to serve as temporary proof of authority to operate the aircraft with the special identification number pending receipt of the revised certificates of registration and airworthiness, at which time the temporary authority expires.

(g) The owner of an aircraft to which a one to three symbol identification number was assigned before August 18, 1964, need not surrender that number. He may, before selling his aircraft, request the FAA Aircraft Registry to reassign that number to another aircraft owned by him or reserve it for later assignment, accompanying his request with the fee provided in § 47.17 for the number being reassigned or reserved. At the same time he must apply to the FAA Aircraft Registry for a new identification number for the aircraft being sold, accompanying his application with the fee provided in § 47.17 for a special identification number.

(h) The FAA holds a special identification number reserved for later assignment in a reserve status for no longer than one year. However, a number so reserved before August 18, 1964, will be held in a reserve status for one year after that date. In either case, the reserve status may be renewed from year to year upon request accompanied each year by the fee for a special identification number.

§ 47.17 Fees for registration.

(a) The fees for registering aircraft under this part are as follows:

(1) Registration of individual aircraft	$5.00
(2) Dealer's aircraft registration certificate	10.00
(3) Additional dealer's aircraft registration certificate issued to same dealer	2.00
(4) Special identification number (each number)	10.00
(5) Changed, reassigned, or reserved identification number	20.00
(6) Duplicate certificate of registration	2.00

(b) Each application must be accompanied by the proper fee, that may be paid by check or money order to the Federal Aviation Agency.

§ 47.19 FAA Aircraft Registry.

Except as provided in § 47.15(a), all applications, requests, notifications, and other communications transmitted to the FAA under this part must be mailed or delivered only to the FAA, Aircraft Registration Branch, Oklahoma City, Oklahoma, 73101, which is called the "FAA Aircraft Registry" elsewhere in this part.

Subpart C—Owners' Certificates of Registration

§ 47.31 Application for registration.

(a) Application for registration of an aircraft under this subpart is made by

sending to the FAA Aircraft Registry FAA Forms 500–1, 500–2, and 500–3 fully executed. The name of the applicant must be identical throughout FAA Forms 500–1, 500–2, and 500–3. It must be accompanied by the fee required by § 47.17. The applicant must submit—

(1) The original and a duplicate copy of FAA Form 500–1, "Temporary Certificate of Registration";

(2) The original of FAA Form 500–2, "Application for Registration"; and

(3) The original of FAA Form 500–3, "Bill of Sale," or other evidence of ownership authorized by §§ 47.33, 47.35, or 47.37.

(b) Upon transmitting his application for registration the applicant shall carry the duplicate copy of FAA Form 500–2 within the aircraft while operating it. From the date of transmission, this serves as temporary authorization to operate the aircraft, valid for not over 30 days after the date of execution, until he receives back FAA Form 500–1, Temporary Certificate of Registration, or the regular certificate of registration, and for such additional time as is necessary to begin carrying the temporary or regular certificate in the aircraft. However, this paragraph does not apply to an applicant under § 47.37 for registration of an aircraft last previously registered in a foreign country.

§ 47.33 Registration of aircraft not previously registered anywhere.

(a) A U.S. citizen who is the owner of an aircraft that has not been registered under the Federal Aviation Act of 1958 (49 U.S.C. 1301), or other law of the United States, or under foreign law, is entitled to have it registered under this part if he—

(1) Complies with §§ 47.11, 47.13, 47.15, and 47.17; and

(2) Submits with his application a conveyance on FAA Form 500–3 completed by the seller or an equivalent bill of sale, acknowledged in either case, or other proof of his ownership authorized by § 47.11. If, for good reason, the applicant cannot produce this proof, he must submit other evidence of ownership that is satisfactory to the Administrator. This evidence may be a verified instrument setting forth why he cannot produce the required conveyance or other proof, accompanied by whatever further evidence is available to prove the transaction.

(b) The owner of an amateur-built aircraft who applies for registration under paragraph (a) of this section must describe the aircraft by class (airplane, rotorcraft, glider or balloon), serial number, number of seats, type of power plant installed (piston, reciprocal, turbo-prop, ramjet, or turbine air generator), number of engines installed, and make, model, and serial number of each engine installed; and must state whether the aircraft is built for land or water operation. Also, he must submit as proof of ownership a verified instrument giving the FAA identification number and stating that the aircraft was built from parts and that he is the owner. If he built the aircraft from a kit, the applicant must also submit an acknowledged bill of sale from the manufacturer of the kit.

(c) The owner, other than the holder of the type certificate, of an aircraft which he assembles from parts to conform to the approved type design, must describe the aircraft and engine in the manner required by paragraph (b) of this section and also submit evidence of ownership satisfactory to the Administrator, such as acknowledged bills of sale, for all major components of the aircraft.

§ 47.35 Registration of aircraft last previously registered in the United States.

(a) A U.S. citizen who is the owner of an aircraft last previously registered under the Federal Aviation Act of 1958 (49 U.S.C. 1301), or other law of the United States, is entitled to have it registered under this part if he complies with §§ 47.11, 47.13, 47.15, and 47.17 and submits with his application a conveyance on FAA Form 500–3 completed by the seller or an equivalent bill of sale, acknowledged in either case, or other proof of his ownership authorized by § 47.11.

(1) If the applicant bought the aircraft from the last registered owner, the conveyance must be from that owner to him.

(2) If he did not buy the aircraft from the last registered owner, he must submit bills of sale or similar documents showing consecutive transactions from the last registered owner, through each intervening owner, to him.

(b) If, for good reason, the applicant cannot produce the evidence of ownership required by paragraph (a) of this section, he must submit other proof that is satisfactory to the Administrator. This evidence may be an verified instrument setting forth why he cannot produce the required conveyance or other proof, accompanied by whatever further evidence is available to prove the transaction.

§ 47.37 Registration of aircraft last previously registered in a foreign country.

(a) A U.S. citizen who is the owner of an aircraft last previously registered under the law of a foreign country is entitled to have it registered under this part if he—

(1) Complies with §§ 47.11, 47.13, 47.15, and 47.17;

(2) Submits with the application a bill of sale from the foreign seller or other proof satisfactory to the Administrator that he owns the aircraft; and

(3) Submits evidence satisfactory to the Administrator that—

(i) If the country in which the aircraft was registered has not ratified the Convention on the International Recognition of Rights in Aircraft (4 U.S.T. 1830), the foreign registration has ended or is invalid; or

(ii) If that country has ratified the Convention, the foreign registration has ended or is invalid, and each holder of a recorded right against the aircraft has been satisfied or has consented to the transfer, or ownership in the country of export has been ended by a sale in execution under the terms of the Convention.

(b) For the purposes of paragraph (a) (3) of this section, satisfactory evidence of termination of the foreign registration may consist of—

(1) A statement, by the official having jurisdiction over the national aircraft registry of the foreign country, that the registration has ended or is invalid, and showing that official's name and title and describing the aircraft by make, model, and serial number; or

(2) A final judgment or decree of a court of competent jurisdiction that determines, under the law of the country concerned, that the registration has in fact become invalid.

§ 47.39 Effective date of registration.

(a) The FAA considers an aircraft, except one last previously registered in a foreign country, to be registered under this subpart upon the date and at the time the documents required by § 47.33 or 47.35, whichever applies, are received by the FAA Aircraft Registry.

(b) The FAA considers an aircraft last previously registered in a foreign country to be registered under this subpart only after the documents required by § 47.37 have been received and examined by the FAA Aircraft Registry and the duplicate of FAA Form 500–1 has been returned to the applicant.

§ 47.41 Duration of registration and return of certificate of registration.

(a) Each certificate of registration issued by the FAA under this subpart is effective, unless suspended or revoked, until the date upon which—

(1) Subject to the Convention on the International Recognition of Rights in Aircraft when applicable, the aircraft is registered under the laws of a foreign country;

(2) The registration is canceled at the written request of the owner;

(3) The aircraft is totally destroyed or scrapped;

(4) Ownership of the aircraft is transferred;

(5) The registered owner loses his United States citizenship; or

(6) 30 days have elapsed since the registered owner's death.

(b) The certificate of registration, with the reverse side thereof completed, must be returned to the FAA Aircraft Registry—

(1) In case of registration under the laws of a foreign country, by the person who was the owner of the aircraft before that registration;

(2) Within 60 days after the former owner's death, by the administrator or executor of his estate, or by his heir-at-law if no administrator or executor has been or is to be appointed; or

(3) Upon the termination of the registration, by the holder of the certificate of registration in all other cases mentioned in paragraph (a) of this section.

§ 47.43 Invalid registration.

(a) The registration of an aircraft is invalid if, at the time it is made—

(1) The aircraft is registered in a foreign country;

(2) The applicant is not the owner;

(3) The applicant is not a citizen of the United States; or

(4) The applicant is a citizen of the United States, but his interest in the aircraft was created by a transaction that was not entered into in good faith and was made to avoid (with or without the owner's knowledge) compliance with section 501 of the Federal Aviation Act of 1958 (49 U.S.C. 1401), that prevents registration of an aircraft owned by a person who is not a citizen of the United States.

(b) Each holder of an invalid certificate of registration shall return it as soon as possible to the FAA Aircraft Registry.

§ 47.45 Notice of change of address.

Within 30 days after any change in his permanent mailing address, the registered owner of an aircraft shall notify the FAA Aircraft Registry of his new address. A revised certificate of registration thereupon is issued, without charge.

§ 47.47 Cancellation of registration for export purpose.

The registration of an aircraft is canceled for the purpose of export only upon the written request of the owner and, in the case of an aircraft under a contract of conditional sale, with the written consent of the conditional seller, bailor, or lessor, sent to the FAA Aircraft Registry. The request must state the registration number, describe the aircraft by make, model, and serial number, and state the country to which the aircraft will be exported. The FAA notifies that country of the cancellation by ordinary mail, or by airmail at the owner's request. The transmission of this notice by means other than ordinary mail or airmail must be arranged and paid for by the owner.

§ 47.49 Replacement of certificate.

(a) If a certificate of registration is lost, stolen, or mutilated, the person to whom it was issued may apply to the FAA Aircraft Registry for a duplicate certificate, accompanying his request with the fee required by § 47.17.

(b) If a person has applied for a duplicate certificate and needs to operate his aircraft before receiving it, the FAA Aircraft Registry, upon the owner's request, issues a temporary certificate, by a collect telegram, to be carried in the aircraft. This temporary certificate is valid until he receives the duplicate certificate.

Subpart D—Dealers' Aircraft Registration Certificates

§ 47.61 Applicability.

(a) This subpart applies to the registration of aircraft by manufacturers and dealers, so as to—

(1) Allow manufacturers to make required production flight checks; and

(2) Facilitate operating, demonstrating, and merchandising aircraft by the manufacturer or dealer without the burden of obtaining an individual certificate of registration for each aircraft with each transfer of ownership, as required by Subpart C of this part.

(b) A dealer's aircraft registration certificate is an alternative for the certificate of registration prescribed by Subpart C of this Part. A dealer may, under this subpart, obtain one or more dealers' aircraft registration certificates additional to his original certificate, and he may use such a certificate for any aircraft he owns.

§ 47.63 Application for registration.

Application for a dealer's aircraft registration certificate is made on FAA Form 1706, accompanied by the fee required by § 47.17.

§ 47.65 Eligibility.

To be eligible for a dealer's aircraft registration certificate, a person must have an established place of business in the United States and msut be substantially engaged in manufacturing or selling aircraft.

§ 47.67 Dealers' ownership of aircraft.

Before using his dealer's aircraft registration certificate for operating an aircraft, the holder of the certificate (other than a manufacturer) must send to the FAA Aircraft Registry evidence satisfactory to the Administrator that he is the owner of that aircraft. FAA Form 500–3 or its equivalent may be used for this purpose, and no recording fee is required.

§ 47.69 Limitations.

A dealer's aircraft registration certificate is valid only in connection with use of aircraft—

(a) By the owner of the aircraft to whom it was issued, his agent or employee, or a prospective buyer, and in the case of a dealer other than a manufacturer, only after he has complied with § 47.67;

(b) Within the United States;

(c) While a certificate is carried within the aircraft; and

(d) On a flight that is—

(1) For required flight tests; or

(2) In ordinary trade channels between any two or more of the following: the manufacturer, the seller, and the buyer from either of them; or

(3) For demonstration purposes necessary to sell the aircraft.

However, a prospective buyer may operate an aircraft for demonstration purposes only while he is under the direct supervision of the holder of the dealer's aircraft registration certificate or his agent.

§ 47.71 Duration of registration and notice of change of status.

(a) A dealer's aircraft registration certificate expires one year after the date on which it was issued. Each additional certificate expires upon the date of expiration of the original certificate.

(b) Immediately after any change in his name or his address or any change that affects his status as a citizen of the United States, or upon discontinuance of his business, the holder of a dealer's aircraft registration certificate shall notify the FAA Aircraft Registry of that change or discontinuance.

NOTE: The reporting and/or record-keeping requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

PART 49—RECORDING OF AIRCRAFT TITLES AND SECURITY DOCUMENTS [NEW]

Subpart A—Applicability

Subpart B—General

Subpart C—Aircraft Ownership and Encumbrances Against Aircraft

Subpart D—Encumbrances Against Specifically Identified Aircraft Engines and Propellers

Subpart E—Encumbrances Against Air Carrier Aircraft Engines, Propellers, Appliances, and Spare Parts

AUTHORITY: The provisions of this Part 49 issued under sec. 313(a), 501, 503, 505, and 1102 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354, 1401, 1403, 1405, 1502), and the Convention on the International Recognition of Rights in Aircraft (4 U.S.T. 1830).

Subpart A—Applicability

§ 49.1 Applicability.

(a) This part applies to the recording of certain conveyances affecting title to, or any interest in—

(1) Any aircraft registered under section 501 of the Federal Aviation Act of 1958 (49 U.S.C. 1401);

(2) Any specifically identified aircraft engine of 750 or more rated takeoff horsepower, or the equivalent of that horsepower;

(3) Any specifically identified aircraft propeller able to absorb 750 or more rated takeoff shaft horsepower; and

(4) Any aircraft engine, propeller, or appliance maintained by or for an air carrier certificated under section 604(b) of the Federal Aviation Act of 1958 (49 U.S.C. 1424(b)), for installation or use in an aircraft, aircraft engine, or propeller, or any spare part, maintained at a designated location or locations by or for such an air carrier.

(b) Subpart B of this part governs, where applicable by its terms, conveyances subject to this part.

Subpart B—General

§ 49.11 FAA Aircraft Registry.

To be eligible for recording, a conveyance must be sent to the FAA, Aircraft

Registration Branch, Oklahoma City, Oklahoma, 73101, which is called the "FAA Aircraft Registry" elsewhere in this part.

§ 49.13 Signatures and acknowledgments.

(a) The signature on any conveyance must be in ink.

(b) Conveyances made by or on behalf of one or more persons doing business under a trade name, or by an agent, corporation, partnership, co-owner or unincorporated association, must comply with the rules for applications for registration set forth in § 47.13 (c) and (d) of this chapter.

(c) A conveyance or other instrument recorded under this part must be acknowledged before a notary public or other officer authorized by the United States, a possession, Puerto Rico, a State, or the District of Columbia, to take acknowledgments of deeds. A formal acknowledgment is required. Neither an affidavit of good faith nor a jurat alone is acceptable. This paragraph does not apply to a notice of a charge arising out of a claim for salvage of an aircraft or for extraordinary expenses indispensable for preserving the aircraft, covered by § 49.37.

(d) A power of attorney or other evidence of a person's authority to execute a conveyance for another submitted under this part is considered by the FAA to be valid for not more than two years after the date of its execution or, in the case of an instrument submitted before August 18, 1964, two years after that date.

§ 49.15 Fees for recording.

(a) The fees charged for recording conveyances under this part are as follows:

(1) Conveyance of aircraft— for each aircraft listed therein	$5.00
(2) Conveyance, made for security purposes, of a specifically identified aircraft engine or propeller, or any assignment or amendment thereof, or supplement thereto, recorded under Subpart D— for each engine or propeller	5.00
(3) Conveyance, made for security purposes, of aircraft engines, propellers, appliances, or spare parts, maintained at a designated location or locations, or any assignment or amendment thereof, or supplement thereto, recorded under Subpart E— for the group of items at each location	5.00

(b) There is no fee for recording a bill of sale that accompanies an application for registration and the proper fee under Part 47 of this chapter.

(c) Each conveyance must be accompanied by the proper fee, that may be paid by check or money order to the Federal Aviation Agency.

§ 49.17 Conveyances recorded.

(a) Each instrument recorded under this part is a "conveyance" within the following definition in section 101(17) of the Federal Aviation Act of 1958 (49 U.S.C. 1301):

(17) "Conveyance" means a bill of sale, contract of conditional sale, mortgage, assignment of mortgage, or other instrument affecting title to, or interest in, property.

A notice of Federal tax lien is not recordable under this part, since it is required to be filed elsewhere by the Internal Revenue Code (26 U.S.C. 6321, 6323; 26 CFR 301.6321–1, 301.6323–1).

(b) The kinds of conveyances recorded under this part include those used as proof of ownership under § 47.11 of this chapter, if they are properly acknowledged.

(c) The recording of a conveyance is not a decision of the FAA that the instrument does, in fact, affect title to, or an interest in, the aircraft or other property it covers.

(d) The following rules apply to contracts of conditional sale, that are defined in section 101(16) of the Federal Aviation Act of 1958 (49 U.S.C. 1301), and assignments thereof:

(1) A contract of conditional sale may be recorded by either party to it. It must be signed and acknowledged by both parties.

(2) An assignment of the interest of the seller, bailor, or lessor under a contract of conditional sale must be signed and acknowledged by the assignor and, unless it is attached to and is a part of the contract itself, must contain a description of the contract, including the date of the contract, the names of the parties, the date of FAA recording, and the recorded document number.

(3) An assignment of the interest of the buyer, bailee, or lessee under a contract of conditional sale must clearly identify the original contract, must be signed and acknowledged by the assignor (original conditional buyer, bailee, or lessee, or his assignee), and must bear the assent in writing of the seller, bailor, or lessor under the contract of conditional sale, or his assignee. The description of the contract must include its date, the names of the parties, the date of FAA recording, and the recorded document number.

(4) An amendment of or a supplement to a contract of conditional sale that has been recorded by the FAA must meet the requirements for recording a contract of conditional sale and describe the original contract in enough detail to identify it, including its date, the names of the parties, the date of FAA recording, and the recorded document number.

(5) Immediately after the conditions of a contract of conditional sale for the passing of title to the conditional buyer, bailee, or lessee have been met, the holder of the conditional seller's, bailor's, or lessor's interest shall execute a release on FAA Form 818 provided to him by the FAA when he recorded the conveyance to him, or its equivalent, and send it to the FAA Aircraft Registry for recording.

(e) The following rules apply to chattel mortgages:

(1) A chattel mortgage must be signed and acknowledged by the mortgagor. If he is not the registered owner of the aircraft, the chattel mortgage must be accompanied by his application for registration, as prescribed in Part 47 of this chapter, unless—

(i) He holds a dealer's aircraft registration certificate and he submits documents proving his ownership as provided in § 47.67 of this chapter (if applicable);

(ii) He was the owner of the aircraft on the date the mortgage was executed, as shown by documents recorded by the FAA Aircraft Registry; or

(iii) He is the vendor, bailor, or lessor under a contract of conditional sale.

(2) The name of a co-signor may not appear in the mortgage as a mortgagor (owner). If a person other than the registered owner signs as co-signor, he must show the title "co-signor" under his signature.

(3) An assignment of a chattel mortgage must be signed and acknowledged by the mortgagee (assignor) and, unless it is attached to and is a part of the original mortgage, must describe the mortgage in enough detail to identify it, including its date, the names of the parties, the date of FAA recording, and the recorded document number.

(4) An amendment of or a supplement to a chattel mortgage that has been recorded by the FAA must meet the requirements for recording a chattel mortgage and describe the original mortgage in enough detail to identify it, including its date, the names of the parties, the date of FAA recording, and the recorded document number.

(5) Immediately after a debt secured by a chattel mortgage has been satisfied or any of the mortgaged aircraft have been released from the chattel mortgage, the holder shall execute a release on FAA Form 506 provided to him by the FAA when he recorded the conveyance made to him, or its equivalent, and shall send it to the FAA Aircraft Registry for recording. If the debt is secured by more than one aircraft and all of the collateral is released, the collateral need not be described in detail in the release document. However, the description of the mortgage must include its date, the names of the parties, the date of FAA recording, and the recorded document number.

§ 49.19 Effective date of filing for recordation.

A conveyance is filed for recordation upon the date and at the time it is received by the FAA Aircraft Registry.

§ 49.21 Return of original conveyance.

If a person submitting a conveyance for recording wants the original returned to him, he must submit a true copy with the original. After recording, the copy is kept by the FAA and the original is returned to the applicant stamped with the date and time of recording. The copy must be imprinted on paper permanent in nature, including dates, signatures, and acknowledgements, to which is attached a certificate of the person submitting the conveyance stating that the copy has been compared with the original and that it is a true copy.

Subpart C—Aircraft Ownership and Encumbrances Against Aircraft

§ 49.31 Applicability.

This subpart applies to the recording of the following kinds of conveyances:

(a) A bill of sale, contract of conditional sale, assignment of an interest under a contract of conditional sale,

mortgage, assignment of mortgage, lease, equipment trust, notice of tax lien or of other lien, or other instrument affecting title to, or any interest in, aircraft.

(b) A release, cancellation, discharge, or satisfaction of a conveyance named in paragraph (a) of this section.

§ 49.33 Eligibility for recording: general requirements.

A conveyance is eligible for recording under this subpart only if, in addition to the requirements of §§ 49.11, 49.13, and 49.17, the following requirements are met:

(a) It is in a form prescribed by, or acceptable to, the Administrator for that kind of conveyance;

(b) It describes the aircraft by make and model, manufacturer's serial number, and FAA registration number, or other detail that makes identification possible;

(c) It is an original document or a duplicate original of it, or if neither the original nor a duplicate original is available, a copy of a conveyance recorded under the laws of the United States, a possession, Puerto Rico, a State, or the District of Columbia, certified by the officer having custody of it;

(d) It affects aircraft registered under section 501 of the Federal Aviation Act of 1958 (49 U.S.C. 1401); and

(e) It is accompanied by the recording fee required by § 49.15, but there is no fee for recording a conveyance named in § 49.31(b).

§ 49.35 Eligibility for recording: ownership requirements.

If the seller of an aircraft is not shown on the records of the FAA as the owner of the aircraft, a conveyance, including a contract of conditional sale, submitted for recording under this subpart must be accompanied by bills of sale or similar documents showing consecutive transfers from the last registered owner, through each intervening owner, to the seller.

§ 49.37 Claims for salvage or extraordinary expenses.

The right to a charge arising out of a claim for compensation for salvage of an aircraft or for extraordinary expenses indispensable for preserving the aircraft in operations terminated in a foreign country that is a party to the Convention on the International Recognition of Rights in Aircraft (4 U.S.T. 1830) may be noted on the FAA record by filing notice thereof with the FAA Aircraft Registry within three months after the date of termination of the salvage or preservation operations.

Subpart D—Encumbrances Against Specifically Identified Aircraft Engines and Propellers

§ 49.41 Applicability.

This subpart applies to the recording of the following kinds of conveyances:

(a) A lease, mortgage, equipment trust, contract of conditional sale, notice of tax lien or of other lien, or other instrument executed for security purposes and affecting title to, or any interest in, a specifically identified aircraft engine of 750 or more rated takeoff horsepower, or the equivalent of that horsepower, or a specifically identified aircraft propeller capable of absorbing 750 or more rated takeoff shaft horsepower.

(b) An assignment or amendment of, or supplement to, an instrument named in paragraph (a) of this section.

(c) A release, cancellation, discharge, or satisfaction of a conveyance named in paragraph (a) or (b) of this section.

§ 49.43 Eligibility for recording: general requirements.

A conveyance is eligible for recording under this subpart only if, in addition to the requirements of §§ 49.11, 49.13, and 49.17, the following requirements are met:

(a) It affects and describes an aircraft engine or propeller to which this subpart applies, specifically identified by make, model, horsepower, and manufacturer's serial number; and

(b) It is accompanied by the recording fee required by § 49.15, but there is no fee for recording a conveyance named in § 49.41(c).

§ 49.45 Recording of releases, cancellations, discharges, and satisfactions: special requirements.

(a) A release, cancellation, discharge, or satisfaction of an encumbrance created by an instrument recorded under this subpart must be in a form equivalent to FAA Form 1991 and contain a description of the encumbrance, the recording information furnished to the holder at the time of recording, and the collateral released.

(b) If more than one engine or propeller, or both, are listed in an instrument, recorded under this subpart, that created an encumbrance thereon and all of them are released, they need not be listed by serial number, but the release, cancellation, discharge, or satisfaction must state that all of the encumbered engines or propellers are released. The original recorded document must be clearly identified by the names of the parties, the date of FAA recording, and the document date.

Subpart E—Encumbrances Against Air Carrier Aircraft Engines, Propellers, Appliances, and Spare Parts

§ 49.51 Applicability.

This subpart applies to the recording of the following kinds of conveyances:

(a) A lease, mortgage, equipment trust, contract of conditional sale, notice of tax lien or of other lien, or other instrument executed for security purposes and affecting title to, or any interest in, any aircraft engine, propeller, or appliance maintained by or for an air carrier certificated under section 604(b) of the Federal Aviation Act of 1958 (49 U.S.C. 1424(b)), for installation or use in aircraft, aircraft engines, or propellers, or any spare parts, maintained at a designated location or locations by or for such an air carrier.

(b) An assignment or amendment of, or supplement to, an instrument named in paragraph (a) of this section.

(c) A release, cancellation, discharge, or satisfaction of a conveyance named in paragraph (a) or (b) of this section.

§ 49.53 Eligibility for recording: general requirements.

(a) A conveyance is eligible for recording under this subpart only if, in addition to the requirements of §§ 49.11, 49.13, and 49.17, the following requirements are met:

(1) It affects any aircraft engine, propeller, appliance, or spare part, maintained at a designated location or locations by or for an air carrier certificated under section 604(b) of the Federal Aviation Act of 1958 (49 U.S.C. 1424(b));

(2) It contains or is accompanied by a statement by the mortgagor, conditional purchaser, lessee, or other similar party that is an air carrier certificated under that section;

(3) It specifically describes the location or locations of each aircraft engine, propeller, appliance, or spare part covered by it; and

(4) It is accompanied by the recording fee required by § 49.15, but there is no fee for recording a conveyance named in § 49.51(c).

(b) The conveyance need only describe generally, by type, the engines, propellers, appliances, or spare parts covered by it.

§ 49.55 Recording of releases, cancellations, discharges, and satisfactions: special requirements.

(a) A release, cancellation, discharge, or satisfaction of an encumbrance on all of the collateral listed in an instrument recorded under this subpart, or on all of the collateral at a particular location, must be in a form equivalent to FAA Form 1991, acknowledged by the holder of all of the collateral at the particular location, and contain a description of the encumbrance, the recording information furnished to the holder at the time of recording, and the location of the released collateral.

(b) If the encumbrance on collateral at all of the locations listed in an instrument recorded under this subpart is released, canceled, discharged, or satisfied, the locations need not be listed. However, the document must state that all of the collateral at all of the locations listed in the encumbrance has been so released, canceled, discharged, or satisfied. The original recorded document must be clearly identified by the names of the parties, the date of recording by the FAA, and the document number.

NOTE: The reporting and/or record-keeping requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

[F.R. Doc. 64-4942; Filed, May 18, 1964; 8:47 a.m.]

SUBCHAPTER K—ADMINISTRATIVE REGULATIONS

[Reg. Docket No. 1996; Amdt. 187-2]

PART 187—FEES FOR COPYING AND CERTIFYING FEDERAL AVIATION AGENCY RECORDS [NEW]

Increase of Fees for Registration of Aircraft

The purpose of this amendment is to set forth in Part 187 [New] of the Federal Aviation Regulations, "Fees for Copying and Certifying Federal Aviation Agency Records," the increased fee for a duplicate certificate of registration of aircraft.

On October 3, 1963, this Agency issued Notice of Proposed Rule Making No. 63-39 (28 F.R. 10793) in which it set forth a proposal for increased fees for registration of aircraft. A number of comments were received from interested persons, and due consideration has been given to all relevant matters presented.

Notice No. 63-39 proposed that the fee for a duplicate certificate of registration, increased from $1.00 to $2.00, be listed with the fees for registration in § 47.17 of Part 47 [New] of the Federal Aviation Regulations, "Aircraft Registration," and and that reference to this fee be added in § 187.3(b) of Part 187 [New], the Agency's general regulation prescribing fees for furnishing duplicates of documents filed with it.

Section 414.2(b) of Part 414 of the Regulations of the Administrator, as revised in 1959 (24 F.R. 6038), and before recodification as § 187.3(b), had been interpreted to provide fees per document for duplicate originals. These were brought into Part 187 [New] as fees for each page. In order to retain this interpretation, the part is amended to make the price apply to documents rather than pages. Since this amendment is clarifying in nature in this respect and merely restates the former substance of the regulation, notice and public procedure thereon are unnecessary, and the amendment may be made effective immediately.

In consideration of the foregoing, § 187.3(b) of Part 187 [New] of the Federal Aviation Regulations is amended effective August 18, 1964, to read as follows:

§ 187.3 Copy and search of records.

* * * * *

(b) The fees for searching records and furnishing duplicate original documents are as follows:

Airman certificate	$2.00
Medical certificate	2.00
Certificate of registration of aircraft (the fee set forth in § 47.17(a)(6) of this chapter)	2.00
Other documents	1.00

This amendment is issued under the authority of section 501 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1401), and section 501 of the Act of August 31, 1951 (5 U.S.C. 140).

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

N. E. HALABY,
Administrator.

[F.R. Doc. 64-4943; Filed, May 18, 1964; 8:48 a.m.]

Chapter III—Federal Aviation Agency

PART 406—CERTIFICATION PROCEDURES

PART 501—REGISTRATION OF AIRCRAFT

PART 502—DEALER'S AIRCRAFT REGISTRATION CERTIFICATES

PART 503—RECORDATION OF AIRCRAFT OWNERSHIP

PART 504—RECORDATION OF ENCUMBRANCES AGAINST SPECIFICALLY IDENTIFIED AIRCRAFT ENGINES AND PROPELLERS

PART 505—RECORDATION OF ENCUMBRANCES AGAINST AIRCRAFT ENGINES, PROPELLERS, APPLIANCES, OR SPARE PARTS

Deletion of Certain Regulations From Chapter

CROSS REFERENCE: For document deleting § 406.14 (c) and (d) and Parts 501-505 from Chapter III, Title 14, see F.R. Doc. 64-4942, *supra*.

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Tolerances for Residues of Carbaryl

A petition (PP 405) was filed with the Food and Drug Administration by Union Carbide Corporation, 270 Park Avenue, New York, N.Y., requesting the establishment of a tolerance of 100 parts per million for residues of the insecticide carbaryl in or on each of the raw agricultural commodities green fodder and straw of barley, oats, rye, and wheat and a tolerance of zero in or on grain of barley, oats, rye, and wheat.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which tolerances are being established.

Cattle studies show that residues of this insecticide at the tolerance level in feed are safe for the cattle and will not result in residues in meat or milk.

After consideration of the data submitted in the petition and other relevant material which show that the tolerances established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 2.90; 29 F.R. 471), § 120.169 (21 CFR 120.169; 28 F.R. 5374) is amended by adding tolerances of 100 parts per million in or on green fodder and straw of barley, oats, rye, and wheat and zero tolerances for the grains of barley, oats, rye, and wheat. As amended, the affected portions read as follows:

§ 120.169 Carbaryl; tolerances for residues.

* * * * *

100 parts per million in or on alfalfa, alfalfa hay, barley (green fodder and straw), bean forage, bean hay, clover, clover hay, corn fodder, corn forage, cotton forage, cowpea forage, cowpea hay, grass, grass hay, oats (green fodder and straw), peanut hay, peavines, rice straw, rye (green fodder and straw), sorghum forage, soybean forage, soybean hay, sugarbeet tops, wheat (green fodder and straw).

* * * * *

Zero in eggs and the following grains: Barley, oats, rye, wheat.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of signature.

(Sec. 408(d)(2) 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: May 7, 1964.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 64-4952; Filed, May 18, 1964; 8:48 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6735]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Disaster and Casualty Losses

On January 23, 1964, notice of proposed rule making with respect to the amendment of the Income Tax Regulations (26 CFR Part 1) to conform the regulations under section 165 of the Internal Revenue Code of 1954 to changes made by section 2 of the Act of March 31, 1962 (Public Law 87-426, 76 Stat. 51), and to make a clarifying change in the

regulations under section 461 of such Code was published in the FEDERAL REGISTER (29 F.R. 567). No objection to the rules proposed having been received during the 30-day period prescribed in the notice, the amendment of the regulations as proposed is hereby adopted, subject to the change set forth below:

Paragraph (e) of § 1.165–11, as set forth in the notice of proposed rule making, is revised.

[SEAL] MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

Approved: May 13, 1964.

Stanley S. Surrey,
Assistant Secretary of the Treasury.

In order to conform the Income Tax Regulations (26 CFR Part 1) under section 165 of the Internal Revenue Code of 1954 to section 2 of the Act of March 31, 1962 (Public Law 87–426, 76 Stat. 51), and to make a clarifying change in such regulations under section 461 of such Code, the regulations are amended as follows:

PARAGRAPH 1. Section 1.165 is amended by redesignating subsection (h) of section 165 as subsection (i), by adding after subsection (g) of section 165 a new subsection (h), and by revising the historical note. These amended and added provisions read as follows:

§ 1.165 Statutory provisions; disaster losses.

SEC. 165. *Losses.* * * *

(h) *Disaster losses.* Notwithstanding the provisions of subsection (a), any loss

(1) Attributable to a disaster which occurs during the period following the close of the taxable year and on or before the time prescribed by law for filing the income tax return for the taxable year (determined without regard to any extension of time), and

(2) Occurring in an area subsequently determined by the President of the United States to warrant assistance by the Federal Government under sections 1855–1855g of title 42,

at the election of the taxpayer, may be deducted for the taxable year immediately preceding the taxable year in which the disaster occurred. Such deduction shall not be in excess of so much of the loss as would have been deductible in the taxable year in which the casualty occurred. If an election is made under this subsection, the casualty resulting in the loss will be deemed to have occurred in the taxable year for which the deduction is claimed.

(i) *Cross references.* (1) For special rule for banks with respect to worthless securities, see section 582.

(2) For disallowance of deduction for worthlessness of securities to which subsection (g)(2)(C) applies, if issued by a political party or similar organization, see section 271.

(3) For special rule for losses on stock in a small business investment company, see section 1242.

(4) For special rule for losses of a small business investment company, see section 1243.

(5) For special rule for losses on small business stock, see section 1244.

[Sec. 165 as amended by secs. 7 and 57(c)(1), Technical Amendments Act 1958 (72 Stat. 1608, 1646); sec. 202(a), Small Business Tax Revision Act 1958 (72 Stat. 1676); sec. 2, Act of March 31, 1962 (Pub. Law 87–426, 76 Stat. 51)]

PAR. 2. Section 1.165–1 is amended by revising paragraph (b), paragraph (d)(1), and paragraph (e)(3). These amended provisions read as follows:

§ 1.165–1 Losses.

* * * * *

(b) *Nature of loss allowable.* To be allowable as a deduction under section 165(a), a loss must be evidenced by closed and completed transactions, fixed by identifiable events, and, except as otherwise provided in section 165(h) and § 1.165–11, relating to disaster losses, actually sustained during the taxable year. Only a bona fide loss is allowable. Substance and not mere form shall govern in determining a deductible loss.

* * * * *

(d) *Year of deduction.* (1) A loss shall be allowed as a deduction under section 165(a) only for the taxable year in which the loss is sustained. For this purpose, a loss shall be treated as sustained during the taxable year in which the loss occurs as evidenced by closed and completed transactions and as fixed by identifiable events occurring in such taxable year. For provisions relating to situations where a loss attributable to a disaster will be treated as sustained in the taxable year immediately preceding the taxable year in which the disaster actually occurred, see section 165(h) and § 1.165–11.

* * * * *

(e) *Limitation on losses of individuals.* * * *

(3) Losses of property not connected with a trade or business and not incurred in any transaction entered into for profit, if such losses arise from fire, storm, shipwreck, or other causalty, or from theft, and if the loss involved has not been allowed for estate tax purposes in the estate tax return. For additional provisions pertaining to the allowance of casualty and theft losses, see §§ 1.165–7 and 1.165–8, respectively. For special rules relating to an election by a taxpayer to deduct disaster losses in the taxable year immediately preceding the taxable year in which the casualty occurred, see section 165(h) and § 1.165–11.

PAR. 3. Paragraph (a)(1) of § 1.165–7 is amended to read as follows:

§ 1.165–7 Casualty losses.

(a) *In general—(1) Allowance of deduction.* Except as otherwise provided in paragraph (c) of this section, any loss arising from fire, storm, shipwreck, or other casualty is allowable as a deduction under section 165(a) for the taxable year in which the loss is sustained. However, see § 1.165–6, relating to farming losses, and § 1.165–11, relating to an election by a taxpayer to deduct disaster losses in the taxable year immediately preceding the taxable year in which the casualty occurred. The manner of determining the amount of a casualty loss allowable as a deduction in computing taxable income under section 63 is the same whether the loss has been incurrred in a trade or business or in any transaction entered into for profit, or whether it has been a loss of property not connected with a trade or business and not incurred in any transaction entered into for profit. The amount of a casualty loss shall be determined in accordance with paragraph (b) of this section. For other rules relating to the treatment of deductible casualty losses, see § 1.1231–1, relating to the involuntary conversion of property.

* * * * *

PAR. 4. There is added immediately after § 1.165–10 the following new section:

§ 1.165–11 Election in respect of losses attributable to a disaster.

(a) *In general.* Section 165(h) provides that a taxpayer who has sustained a disaster loss which is allowable as a deduction under section 165(a) may, under certain circumstances, elect to deduct such loss for the taxable year immediately preceding the taxable year in which the disaster actually occurred.

(b) *Loss subject to election.* The election provided by section 165(h) and this section applies only to a loss:

(1) Arising from a disaster resulting in a determination referred to in subparagraph (2) of this paragraph and occurring after December 31, 1961, and during the period following the close of a particular taxable year of the taxpayer and on or before the due date for filing the income tax return for that taxable year (determined without regard to any extension of time granted the taxpayer for filing such return),

(2) Occurring in an area subsequently determined by the President of the United States to warrant assistance by the Federal Government under sections 1855–1855g of title 42 of the United States Code, and

(3) Constituting a loss arising from fire, storm, shipwreck, or other casualty, and otherwise allowable as a deduction for the year in which the loss occurred under section 165(a) and those provisions of §§ 1.165–1 through 1.165–10 which are applicable to casualty losses.

(c) *Amount of loss to which election applies.* The amount of the loss to which section 165(h) and this section apply shall be the amount of the loss sustained during the period specified in paragraph (b)(1) of this section computed in accordance with the provisions of section 165 and those provisions of §§ 1.165–1 through 1.165–10 which are applicable to casualty losses. However, for purposes of making such computation, the period specified in paragraph (b)(1) of this section shall be deemed to be a taxable year.

(d) *Scope and effect of election.* An election made pursuant to section 165(h) and this section in respect of a loss arising from a particular disaster shall apply to the entire loss sustained by the taxpayer from such disaster during the period specified in paragraph (b)(1) of this section in the area specified in paragraph (b)(2) of this section. If such an election is made, the casualty to which the election relates will be deemed to have occurred in the taxable year immediately preceding the taxable year in which the casualty actually occurred, and the loss to which the election applies will be

deemed to have been sustained in such preceding taxable year.

(e) *Time and manner of making election.* An election to claim a disaster loss deduction for the taxable year immediately preceding the taxable year in which the disaster actually occurred must be made by filing a return, an amended return, or a claim for refund clearly showing that the election provided by section 165(h) has been made. In general, the return or claim should specify the date or dates of the disaster which gave rise to the loss, and the city, town, county and state in which the property which was damaged or destroyed was located at the time of the disaster. An election in respect of a loss arising from a particular disaster must be made on or before the later of (1) the fifteenth day of the third month following the month in which falls the date prescribed for the filing of the income tax return (determined without regard to any extension of time granted the taxpayer for filing such return) for the taxable year immediately preceding the taxable year in which the disaster actually occurred, or, (2) the due date for filing the income tax return (determined with regard to any extension of time granted the taxpayer for filing such return) for the taxable year immediately preceding the taxable year in which the disaster actually occurred. An election shall be irrevocable after such later date.

PAR. 5. Paragraph (a)(3)(iii) of § 1.461–1 is amended to read as follows:

§ 1.461–1 General rule for taxable year of deduction.

(a) *General rule.* * * *

(3) *Other factors which determine when deductions may be taken.* * * *

(iii) For special rules relating to certain deductions, see the following sections and the regulations thereunder: Section 1481, relating to accounting for amounts repaid in connection with renegotiation of a government contract; section 1341, relating to the computation of tax where the taxpayer repays a substantial amount received under a claim of right in a prior taxable year; section 165(e), relating to losses resulting from theft; and section 165(h), relating to an election of the year of deduction of disaster losses.

* * * * *

(Sec. 7805 of the Internal Revenue Code of 1954; 68A Stat. 917; 26 U.S.C. 7805)

[F.R. Doc. 64–4948; Filed, May 18, 1964; 8:48 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

Oregon and Washington

Pursuant to the provisions of Section 5 of the River and Harbor Act of August 13, 1894 (28 Stat. 362; 33 U.S.C. 499), § 203.750 is hereby amended with respect to paragraph (f)(1) to govern the operation of bridges across Willamette River at Portland, Oregon, effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 203.750 Willamette River at Portland, Oreg., Columbia River at Washcouver, Wash., and North Portland Harbor (Oregon Slough), Oreg.; bridges (highway and railroad): Signals.

* * * * *

(f) *Closed periods.* (1) The periods from 7:00 a.m. to 9:00 a.m. and 4:45 p.m. to 6:15 p.m. are hereby designated closed periods during which the drawspans of bridges carrying street traffic over Willamette River at Portland shall not be opened to navigation except as below provided, or when necessary to prevent accidents.

* * * * *

[Regs., May 4, 1964, 1507–32 (Willamette River, Oreg.)—ENGCW–ON] (Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

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

[F.R. Doc. 64–4929; Filed, May 18, 1964; 8:45 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 3—Department of Health, Education, and Welfare

PART 3–1—GENERAL

Part 1 of Chapter 3 of Title 41 of the Code of Federal Regulations is added as follows:

Sec.
3–1.000 Scope of part.

Subpart 3–1.1—Introduction

3–1.101 Scope of subpart.
3–1.102 Purpose and authority.
3–1.103 Relationship to the FPR.
3–1.104 Applicability.
3–1.105 Method of issuance.
3–1.106 Exclusions.
3–1.107 Arrangement.
3–1.107–1 General plan.
3–1.107–2 Numbering.
3–1.107–3 Citation.
3–1.108 Deviations.

AUTHORITY: The provisions of this Part 3–1 issued under 5 U.S.C. 22; and 40 U.S.C. 486(c).

§ 3–1.000 Scope of part.

This part establishes a system of procurement procedures applicable to procurements of personal property and nonpersonal services (including construction) by all offices and operating agencies of the Department of Health, Education, and Welfare (referred to herein as HEW). The system is based upon the Federal Property and Administrative Services Act of 1949, and the Federal Procurement Regulations (referred to herein as FPR). It describes the method by which HEW implements, supplements, and may deviate from the FPR and sets forth policies and procedures which implement and supplement Part 1–1 of the FPR.

Subpart 3–1.1—Introduction

§ 3–1.101 Scope of subpart.

This subpart sets forth introductory information pertaining to the HEW Procurement Regulations (herein identified as HEWPR). It explains the purpose of the HEWPR, authority under which they are issued, their relationship to the Federal Procurement Regulations System, applicability, method of issuance, exclusions, and arrangement. It, also, outlines procedures for implementing, supplementing, and deviating from the FPR.

§ 3–1.102 Purpose and authority.

HEWPR are issued to establish uniform policies and procedures for the procurement of personal property and nonpersonal services (including construction) by HEW. They are prescribed by the Administrative Assistant Secretary, under authority of 5 U.S.C. 22 and section 205(c) Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 486(c)), delegated by the Secretary.

§ 3–1.103 Relationship to the FPR.

(a) HEWPR implement, supplement, and may deviate from, in some instances, the FPR. Implementing material is that which expands upon or indicates the manner of compliance with related FPR material. Supplementing material is that for which there is no counterpart in the FPR. Deviating material is defined in § 1–1.009 of the FPR.

(b) Material published in the FPR which has Government-wide applicability, becomes effective throughout HEW upon the effective date cited in the particular FPR material. Such material generally will not be repeated, paraphrased, or otherwise stated in HEWPR except to the extent necessary to supplement, implement, or deviate from the FPR.

(c) Procurement instructions and procedures which are necessary to implement, supplement, or deviate from the FPR will be issued in the HEWPR by the Division of General Services, Office of Administration, when necessary to accomplish HEW-wide procurement objectives.

(d) Instructions and procedures which are necessary to implement and supplement the FPR and the HEWPR will be issued by the heads of operating agencies and staff offices or their designees.

§ 3–1.104 Applicability.

The FPR and HEWPR apply to all procurements of personal property and nonpersonal services (including construction) by HEW. Unless specified otherwise, these regulations apply to procurements within and outside the United States.

§ 3–1.105 Method of issuance.

All HEWPR material deemed necessary for the general public to understand basic and significant HEW procurement policies and procedures will be published in the FEDERAL REGISTER as Chapter 3 of Title 41, Code of Federal Regulations. These basic, plus more detailed, policies and procedures will be published in the HEWPR Manual for use by Departmental procuring activities and program offices. Copies of such manual material will be made available to the general public upon request.

§ 3–1.106 Exclusions.

(a) Certain HEW policies and procedures which come within the scope of the HEWPR may be excluded therefrom when there is justification therefor. These exclusions may include the following categories:

(1) Subject matter which bears a security classification.

(2) Policies or procedures which are expected to be effective for a period of less than six months.

(3) Policies or procedures which are effective on an experimental basis for a reasonable period.

(4) Policies and procedures pertaining to other functions of HEW as well as to procurement functions and there is need to make the issuance available simultaneously to all interested HEW employees.

(5) Speed of issuance is essential, numerous changes are required in the HEWPR, and the necessary changes must be made at a later date.

(b) Procurement policies, procedures, and instructions issued in other than FPR System format under paragraphs (a) (4) and (5) of this section will be published in the HEWPR at the earliest practicable date.

§ 3–1.107 Arrangement.

§ 3–1.107–1 General plan.

The HEWPR conform with the FPR with respect to divisional arrangement into parts, subparts, sections, subsections, and further subdivisions as necessary.

§ 3–1.107–2 Numbering.

(a) Material in the HEWPR which implements or deviates from related material in the FPR is captioned and numbered to correspond with such material in the FPR, except that while the first digit of the FPR number is 1, the first digit of the HEWPR number is 3. Material in the HEWPR which supplements the FPR will be assigned numbers 50 through 89 at the parts, subparts, sections, or subsections for which there is no counterpart material in the FPR. Where material in the FPR requires no implementation or deviation, there is no corresponding number in the HEWPR. Thus, there are gaps in the HEWPR sequence of numbers where the FPR, as written, are applicable to HEW procurement.

(b) Material issued by operating agencies and staff offices of HEW to complement the HEWPR will be identified by prefixes to the digit 3 part, subpart, section, and subsection. The following are the assigned prefixes:

Organization	*Prefix*
Department of HEW	(None)
Office of Secretary (Headquarters).	OS:
Office of Field Administration.	OFA:
Individual Regional Office	(Roman No.)
Public Health Service	PHS:
Office of the Surgeon General.	OSG:
Bureau of Medical Services	BMS:
Public Health Service—Con.	
Bureau of State Services	BSS:
National Institutes of Health.	NIH:
National Library of Medicine.	NLM:
Office of Education	OE:
Social Security Administration.	SSA:
Bureau of Hearings and Appeals.	HA:
Bureau of Federal Credit Unions.	FCU:
Food and Drug Administration.	FDA:
Vocational Rehabilitation Administration.	VRA:
Saint Elizabeths Hospital	SEH:
Welfare Administration	WA:
Bureau of Family Services	FS:
Children's Bureau	CB:

§ 3–1.107–3 Citation.

The HEWPR will be cited in the same manner as the FPR are cited. Thus, this section, in referring to divisions of the FPR System, should be cited as "section 3–1.107–3 of chapter 3." When the Official Code of Federal Regulations citation is used, this section should be cited as "41 CFR 3–1.107–3." Any section of the HEWPR may be identified informally, for purposes of brevity, as "HEWPR" followed by the section number, such as, "HEWPR 3–1.107–3."

§ 3–1.108 Deviations.

In the interest of establishing and maintaining uniformity to the greatest extent feasible, deviations from the FPR and the HEWPR shall be kept to a minimum and controlled as follows:

(a) Requests for deviations shall set forth clearly the nature of the required deviations and the circumstances warranting them.

(b) Heads of operating agencies and staff offices or their designees may approve one-time deviation requests which originate in their respective organizations, and a copy of the deviation request and approval will be placed in the contract file. A copy of each approved deviation, also, shall be forwarded to the Procurement and Supply Management Branch, Division of General Services, Office of Administration. That Branch will review deviations periodically for the purpose of either changing the HEWPR or recommending changes in the FPR.

(c) Where deviations from the FPR in classes of cases are considered necessary, requests for authority to deviate shall be submitted through administrative channels to the Chief, Procurement and Supply Management Branch, Division of General Services, Office of Administration, who will consider the submission jointly with the General Services Administration (GSA). Where circumstances preclude the obtaining of prior concurrence of GSA, the Director of General Services may authorize a deviation. In such an instance, the Chief, Procurement and Supply Management Branch shall inform the GSA of the deviation and the circumstances under which is was required.

This part shall become effective on the date of its publication in the FEDERAL REGISTER.

Dated: May 13, 1964.

RUFUS E. MILES, JR.,
Administrative Assistant Secretary.

[F.R. Doc. 64–4953; Filed, May 18, 1964; 8:48 a.m.]

Chapter 11—Coast Guard, Department of the Treasury

[CGFR 64–26]

MISCELLANEOUS AMENDMENTS TO PROCUREMENT REGULATIONS

Pursuant to authority vested in me as Commandant, United States Coast Guard by Treasury Department Order 167–17 (20 F.R. 4976) and Treasury Department Order 167–50 (28 F.R. 530) the following sections are hereby established under authority of 14 U.S.C. 633 and Chapter 137 of Title 10, U.S.C.

PART 11–1—GENERAL

Subpart 11–1.3—General Policies

§ 11–1.313 Records of contract actions.

Each procurement transaction file will be retained for at least six years after completion of contract, unless retired sooner under other proper disposal authority.

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

Subpart 11–1.6—Debarred and Ineligible Bidders

§ 11–1.606 Agency procedures.

(a) When the public interests warrant debarment of a firm or individual for any of the causes listed in § 1–1.605(a), Coast Guard Contracting Officers will submit a detailed report to the Commandant (FS) for review and action as necessary for effecting debarment.

(b) The Commandant (FS), U.S. Coast Guard, Washington 25, D.C., will be responsible for collecting and distributing debarment information to Coast Guard Contracting Officers and to other Government agencies as required.

(c) The notice of debarment on those debarments made under provisions of § 1–1.605(a), or the Buy American Act and any removals from such debarments by the Coast Guard shall be furnished to GSA by the Commandant (FS).

(d) The Commandant (FS) shall maintain the following list of debarred and ineligible bidders:

(1) GSA Refer list.

(2) Department of Labor circular letters.

(3) Master file of Coast Guard debarment actions.

(4) NAVEXOS P–1205.

(e) Any inquiry or administrative determinations required concerning any debarred bidder by Coast Guard Contracting Officers will be processed through the Commandant (FS).

(f) Due to its extensive coverage, Navy publication NAVEXOS P–1205 shall be

used as the official list of debarred, ineligible, and suspended contractors by Coast Guard Contracting Officers. Supplemental list will be promulgated by the Commandant (FS), when necessary, to furnish information regarding firms or individuals debarred by the Coast Guard or other agencies which are not included in NAVEXOS P–1205 but which are to be observed by the Coast Guard.

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

Subpart 11–1.10—Publicizing Procurement Actions

§ 11–1.1050 Publicizing award information.

(a) *Public information.* In order that information may be given to the public with respect to the larger unclassified contracts awarded, Contracting Officers will issue synopses of award data to their public information officers for release to newspapers, newscasters, and other public information media.

(b) *Bureau of Census.* The Commandant (ECV) will prepare and furnish to the Director, Bureau of Census, Washington 25, D.C., Construction Contract Award Information (Form 16–19) for all Coast Guard construction contracts awards of $25,000 or more.

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

Subpart 11–1.16—Report of Identical Bids

§ 11–1.1603–3 Submission of reports.

Identical bid reports required in § 1–1.1603–3 will be submitted with two additional copies to the Commandant (FS) for required distribution.

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

PART 11–2—PROCUREMENT BY FORMAL ADVERTISING

Subpart 11–2.2—Solicitation of Bids

Sec.

AUTHORITY: The provisions of this Subpart 11–2.2 issued under 14 U.S.C. 633, 10 U.S.C. Ch. 137.

§ 11–2.201 Preparation of invitations for bids.

(a) (1)–(21) See Chapter 1 of this title.

(22) The requirements of § 1–2.201 (a) (22) will be effected by including a statement in the invitation. Copies of any documents, clauses, plans, drawings and specifications which are incorporated by reference may be obtained from sources as specified or if not otherwise specified from the Contracting Officer. Failure to obtain the required information referred to herein will not relieve the successful bidder of any contractual obligation.

(23)–(49) See Chapter 1 of this title.

(50) A statement on the face of the invitation that "Bids Must Set Forth Full, Accurate, and Complete Information for Bids (Including Attachments). The Penalty for Making False Statements in Bids is Prescribed in 18 U.S.C. 1001."

(51) Unless contained elsewhere in the invitation, a statement as follows:

In the event of an inconsistency between provisions of this invitation for bids, the inconsistency shall be resolved by giving precedence in the following order:

(i) The schedule;

(ii) Terms and conditions of the invitations for bids;

(iii) General provisions;

(iv) Other provisions of the contract whether incorporated by reference or otherwise; and,

(v) Specifications.

(52) Invitations for bids which require the successful bidder to execute a separate award-type or long form contract shall contain a statement as follows:

The successful bidder will be required to execute a contract on _____, a copy of which is appended hereto for information.

(b) (1)–(4) See Chapter 1 of this title.

(5) In addition to the requirements set forth in § 1–2.201(b)(5) the procedure set forth in ASPR "32 CFR 1–1.302" shall govern in determining if delivery will be required f.o.b. origin or f.o.b. destination.

(6)–(49) See Chapter 1 of this Title.

(50) When minimum size of shipment requirements are appropriate, a provision substantially as follows:

MINIMUM SIZE OF SHIPMENT

The Government desires that the minimum size of shipment be carload or truckload lots. If the bidder is unable to tender delivery in carload or truckload lots, he may set forth below the minimum size of shipments he will tender for delivery:

(Minimum size of shipment to be completed by bidder.)

If the bidder does not indicate otherwise, he must tender delivery in carload or truckload lots. Bids will be evaluated to take into account the transportation costs to the Government. If delivery is tendered in smaller quantities than set forth above, the contract price shall be reduced by the difference between the actual cost of transportation and the cost the Government would have incurred had the minimum size of shipment been complied with.

(51) When the shipping weights (and dimensions, if applicable) of an item are a factor in determining transportation costs for bid evaluation, a provision substantially as follows:

GUARANTEED MAXIMUM SHIPPING WEIGHT (AND DIMENISONS, IF APPLICABLE)

Each bid will be evaluated to the destination specified by adding to the f.o.b. origin price all transportation costs to said destination. The guaranteed maximum shipping weight (and dimensions, if applicable) are required for determination of transportation costs. Bidder must state the weights (and dimensions, if applicable) in his bid or it will be rejected. If delivered items exceed the guaranteed maximum shipping weight (and dimensions, if applicable), the bidder agrees that the contract price shall be reduced by an amount equal to the difference between the transportation cost computed for evaluation purposes based on bidder's guaranteed maximum shipping weights (and dimensions, if applicable) and the transportation cost that should be used for bid evaluation purposes based on correct shipping data.

(52) *Real estate lease contracts.* Invitations for bids SF 33 inviting bids for acquisition of real property including land, buildings, etc., by lease will contain a provision that contracts awarded will be executed on SF 2, Real Estate Lease.

(53) *Ship repair invitations.* Invitations for bids for ship repair or conversion will contain a statement that: "Bid evaluation will be based only on those items accepted at time of award."

§ 11–2.201–50 Construction contracts.

For construction contracts the invitations for bids shall contain the following, in addition to information required in § 1–2.201(a).

(a) In contracts including the clause Performance of Work by the Contractor as set forth in § 11–7.602–4, a notice that, unless he has submitted such description with his bid, the successful bidder must furnish the Contracting Officer within __ days after awarding a description of the work which he intends to perform with his own organization (e.g., earthwork, paving, brickwork or roofing), the percentage of the total work this represents and the estimated cost thereof.

§ 11–2.203–3 Publicity in newspapers and trade journals.

(a) See Chapter 1 of this Title.

(b) *Paid advertisements.* Approval of the Commandant (FS–1) will be obtained prior to publication of any proposed procurement requiring payment for advertising from appropriate funds.

§ 11–2.204 Records of invitations for bids and records of bids.

In addition to the requirements of § 1–2.204 two copies of IFBs and proposed contract will be forwarded to Commandant (FS–1) at time of solicitation. Copies of IFBs for construction will include applicable plans and specifications.

§ 11–2.205–5 Release of bidders mailing lists.

Except as provided in § 1–2.205–5 the list of bidders provided with IFB or request proposals will not be released outside the Coast Guard. Upon written request, list may be released to other Government agencies upon the condition that lists will not be made available for inspection to anyone outside the Government.

Subpart 11–2.4—Opening of Bids and Award of Contract

Sec.

AUTHORITY: The provisions of this Subpart 11–2.4 issued under 14 U.S.C. 633, 10 U.S.C. Ch. 137.

§ 11–2.402 Opening of bids.

The bid opening procedures set forth in § 1–2.402 shall apply only to unclassified bids. Classified bids shall be opened in accordance with § 11–2.402–50.

§ 11–2.402–50 Classified bids.

The policies and procedures for opening classified bids shall conform to that for unclassified bids except that:

(a) The bid opening shall not be accessible to the general public.

(b) Openings may be witnessed and the results recorded by those bidders' representatives who were invited to bid on the procurement, provided such representative has been cleared from a security standpoint.

(c) Examination of bids shall be allowed only to those persons authorized to attend the bid opening.

(d) No public record shall be made of bids or bid prices received.

§ 11–2.403 Recording of bids.

In addition to the requirements of § 1–2.403, a copy of each bid received and recorded will be retained to support the abstract of bids.

§ 11–2.406 Mistakes in bids.

Request for determinations to be made by the heads of executive agencies in accordance with § 1–2.406 will be forwarded to the Commandant (F) for review and action as necessary.

§ 11–2.407–3 Discounts.

(a) See Chapter 1 of this title.

(b) Section 1–2.407–3(b) is modified to the extent that where bids, otherwise equal, offer the same discount rate, such bids will be treated as tie bids, bids offering a longer discount period than the minimum number of days specified in the invitation for bids will be evaluated on an equal basis with those offering the minimum number of days.

§ 11–2.407–7 Statement and certificate of award.

(a) Standard Form 1036 (Statement and Certificate of Award) will be prepared in accordance with § 1–2.407–7 for each Coast Guard contract. The original SF 1036 shall be forwarded with the original contract to the cognizant accounting office and a copy retained with the file copy of the contract at the contracting office.

§ 11–2.407–8 Protests against award.

(a) See Chapter 1 of this title.

(b) *Protests before award:* (1) See Chapter 1 of this title.

(2) If the written protest is received within the required time, the Contracting Officer will investigate the matter and decide whether the protest is, in his opinion, valid. It is the responsibility of the Contracting Officer in the first instance to decide, whenever possible, with the concurrence or advice of the local legal staff, if necessary, whether the protest has any valid basis and to take appropriate action on the protest. If his conclusion is affirmative, he will take necessary action to rectify the erroneous action. If his conclusion is negative or if he deems it desirable to obtain the views of higher authority, the Contracting Officer will make a written statement of his opinion in the matter supported by copies of all pertinent papers. Protests and statements will be submitted to the chief officer responsible for procurement for decision. The letter of transmittal should be forwarded via the most expeditious means and marked "Immediate Action—Protests Before Award." The letter of transmittal will include the following:

(i) Copy of IFB.

(ii) Copy of abstract of bids received.

(iii) Copy of the low bid or copy of the bid of the successful bidder to whom award has been made or is proposed to be made.

(iv) Copy of bids submitted by protester, if any.

(v) Current status of award or contract, if award has been made, showing whether award action has been suspended or stop work order issued.

(vi) Contracting Officer's statement of facts and circumstances. The Contracting Officer will discuss the merits of the protest and support evaluation thereof by citations from appropriate sections of this title or other authority.

(vii) Contracting Officer's conclusion and recommendations will be included and will be based upon the material discussed in the report. All facts brought out in the report will be supported by documentary evidence and will be included with the file and referenced in the report.

(viii) The file will be assembled in an orderly fashion including an index of the enclosures. Enclosures will be tabbed in alphabetical sequence. Submission of protests to the chief officer responsible for procurement under this section may be dispensed with by the Contracting Officer if he is satisfied that the protest is without any reasonable degree of foundation or that it was made solely to obstruct and hinder the Contracting Officer or otherwise successful bidder. In such cases except as modified in (*a*) and (*b*) of this subdivision (viii), the Contracting Officer on his own responsibility, or after asking such advice as he may desire, may disallow the protest. In such case, the Contracting Officer should reply to the protester in writing making a timely and complete answer to the allegation of the protesting bidder. A copy of the correspondence and explanatory remarks will be forwarded to the Commandant (F), for information.

(*a*) Where it is known that a protest against the making of an award has been lodged directly with the Comptroller General, a determination by the Contracting Officer to make awards under § 1–2.407–8(b)(3) must be approved by the chief officer responsible for procurement before the award is made.

(*b*) Notices of intent to make awards with appropriate justification will be furnished to the chief officer responsible for procurement for submittal to the Comptroller General. The chief officer responsible for procurement will advise the Contracting Officer forwarding the notice of intent whether the determinations to make award prior to decision of the Comptroller General is approved or disapproved.

(c) All protests after award will be forwarded to the chief officer responsible for procurement for appropriate action. The letter of transmittal will include the material listed in paragraph (b)(2) of this section.

§ 11–2.408 Information to bidders.

Bid rejection form (CG–3647) may be used to notify unsuccessful bidders.

PART 11–3—PROCUREMENT BY NEGOTIATION

Subpart 11–3.6—Small Purchases

§ 11–3.605–2 Standard Forms 147 and 148.

(a) Forms DD 1155, 1155r, 1155c, 1155c(1) and 1155s will be used in lieu of SF 147 and 148 prescribed in § 1–3.605–2.

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

PART 11–16—PROCUREMENT FORMS

Subpart 11–16.3—Purchase and Delivery Order Forms

§ 11–16.301–2 Order - invoice - voucher (SF 147 and 148).

In lieu of the provisions of § 1–16.301–2 forms DD 1155, 1155r, 1155c, 1155c(1) and 1155s are prescribed for use in accordance with § 1–3.605–2.

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

Dated: May 7, 1964.

[SEAL] E. J. ROLAND,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 64–4930; Filed, May 18, 1964; 8:45 a.m.]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

SUBCHAPTER D—GRANTS

PART 53—GRANTS FOR SURVEY, PLANNING AND CONSTRUCTION OF HOSPITAL AND MEDICAL FACILITIES

Nondiscrimination

The decision in Simkins v. Moses H. Cone Hospital, et al., 323 F. 2d 959 (1963), certiorari denied, March 2, 1964, has occasioned a reevaluation of the provisions of section 622(f) of the Public Health Service Act and the regulations implementing the requirement of a nondiscrimination assurance from applicants for Federal aid in the construction of hospitals and medical facilities as provided by that Act. The court declared that the "separate but equal" portion of the statute was unconstitutional and held that a hospital constructed with such Federal aid may not, on account of race or color, deny hospital admission to patients or hospital staff privileges to physicians and dentists. The amendment to the regulations as set forth below is adopted in the light of this decision.

In investigating an alleged instance of discrimination against an individual practitioner because of race, creed or color, the Surgeon General will give due consideration to conclusions based on a record developed by the hospital during the course of fair hearing procedures.

Notice of proposed rule making, public rule making procedures and postponement of effective date have been omitted in the issuance of the following amendment of this part, which relates solely to grants to public or other nonprofit agencies for the construction of public and other nonprofit hospitals and medical facilities.

Section 53.112 is hereby amended to read as follows:

§ 53.112 Nondiscrimination.

Before a construction application is recommended by a State agency for approval, the State agency shall obtain assurance from the applicant that all portions and services of the entire facility for the construction of which, or in connection with which, aid under the Federal Act is sought, will be made available without discrimination on account of race, creed, or color; and that no professionally qualified person will be discriminated against on account of race, creed, or color with respect to the privilege of professional practice in the facility.

(Sec. 215, 58 Stat. 690, as amended; 42 U.S.C. 216. Interpret or apply sec. 622, 60 Stat. 1042; sec. 653, 68 Stat. 463; 42 U.S.C. 291e, 291u)

This amendment was approved by the Federal Hospital Council on March 27, 1964.

Dated: May 12, 1964.

[SEAL] LUTHER L. TERRY,
Surgeon General.

Approved:

LUTHER L. TERRY,
Chairman, Federal Hospital Council.

Approved: May 13, 1964.

ANTHONY J. CELEBREZZE,
Secretary.

[F.R. Doc. 64-4954; Filed, May 18, 1964; 8:49 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

PART 6—PATENT REGULATIONS

Subpart A—Inventions by Employees

Corrections

In F.R. Doc. 64-221, revising Part 6 of Subtitle A of Title 43 of the Code of Federal Regulations, published at 29 F.R. 260 through 264, the following corrections are made:

(1) On page 260, change "of" in the 6th line of § 6.1(g) to "or";

(2) On page 261, the reference in § 6.2(d)(10)(ii) "§ 6.5(e)" should read "§ 6.2(e)"; a comma (,) should be added after the word "request" in the second line of § 6.2(e)(5); and

(3) On page 263, the words "an application for patent in any foreign country on any invention in which" in the 4th, 5th, and 6th lines of § 6.8(b) should be deleted.

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3394]

[Utah 88617]

UTAH

Partly Revoking Public Water Reserve No. 81

By virtue of the authority vested in the President by Section 1 of the Act of June 25, 1910 (35 Stat. 347; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 (17 F.R. 4831), of May 26, 1962, it is ordered as follows:

1. The Executive Order of November 26, 1921, creating Public Water Reserve No. 81, is hereby revoked so far as it affects the following-described lands:

SALT LAKE MERIDIAN

T. 16 S., R. 24 E.,
Sec. 6, lot 1.

Containing 40.44 acres.

2. Public Land Order No. 3326 of February 7, 1964, described the lands as being within Range 23 E. This order is intended to correct the error.

3. Until 10:00 a.m. on November 11, 1964, the State of Utah shall have a preferred right of application to select the lands as provided by subsection (c) of Section 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852). On and after that date and hour the lands shall become subject to application, petition, location, and selection generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications except preference rights applications from the State, received at or prior to 10:00 a.m. on November 11, 1964, shall be considered as simultaneously filed at that time.

4. The lands have been open to applications and offers under the mineral leasing laws and to location under the mining laws for metalliferous minerals. They will be open to location for nonmetalliferous minerals after 10:00 a.m. on November 11, 1964.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Salt Lake City, Utah.

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

MAY 13, 1964.

[F.R. Doc. 64-4932; Filed, May 18, 1964; 8:45 a.m.]

Proposed Rule Making

FEDERAL AVIATION AGENCY

[14 CFR Parts 37 [New], 514]

[Reg. Docket No. 5065; Notice 64–27]

TECHNICAL STANDARD ORDER AUTHORIZATIONS

Notice of Proposed Rule Making

The Federal Aviation Agency is considering a proposal to recodify present Part 514 of the regulations of the Administrator into Part 37 [New].

Interested persons are invited to participate in the proposed recodification by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before July 10, 1964, will be considered by the Administrator before taking action on the proposed recodification. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This proposal is a part of the program of the Federal Aviation Agency to recodify its regulatory material. The proposal conforms generally to the "Outline and Analysis" for the proposed recodification announced in Draft Release 61–25, published in the FEDERAL REGISTER on November 15, 1961 (26 F.R. 10698).

The object of Part 37 [New] is to restate existing regulations, not to make new ones. The pertinent provisions have been freely reworded and rearranged, subject to every precaution against disturbing existing rights, privileges, duties, or functions. In addition, in cases where well established administrative practice or construction has established authoritative interpretations, the revised language reflects the interpretations.

Each proposed recodified section is followed by a note citing the present section of the regulations upon which it is based. A cross-reference table has been placed at the end of Part 37 [New] to permit easy access from the old regulations to the new. Internal cross references to parts or sections that are not yet recodified contain a blank space for later insertion of the correct recodified number with the present number contained in brackets. When a part or section that is referred to in a cross reference is later recodified, the correct number will be inserted and the bracketed number will be dropped.

No substantive changes involving an increased burden on the public have been made in the regulations, the purpose of the recodification project being simply to streamline and clarify present regulatory language and to delete obsolete or redundant provisions. It should be noted that the definitions, abbreviations, and rules of construction contained in Part 1 [New] published in the FEDERAL REGISTER on May 15, 1962 (27 F.R. 4587) would apply to the proposed rules.

Part 514 of the regulations of the Administrator refers in several places to the "Chief, Engineering and Manufacturing Branch, Flight Standards Division" as the appropriate official to whom certain documents should be submitted. Due to a reorganization of function in certain regional offices of the Agency, the title of this position may vary. The final rule to be promulgated in this matter will conform to the regional organization titles in effect at that time.

Subpart B of Part 514, Technical Standard Orders, will remain unchanged by the recodification program, except to the extent that the sections therein will be renumbered to reflect the change in number of the regulation to Part 37 [New]. The TSO numbers, such as "TSO–C14a", "TSO–C15c", and "TSO–C16" will not be changed by the recodification.

When finally adopted, Part 37 [New] will include the substance of any applicable rules or amendments adopted and made effective during the period between the date of notice and the effective date of the final rule, and may also include applicable rules on which individual notices of proposed rule making have been issued and the comment period has expired, but which have not been heretofore adopted.

This proposal is made under the authority of § 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1421).

In consideration of the foregoing it is proposed to amend Chapter III of Title 14 of the Code of Federal Regulations by deleting Part 514 and to amend Chapter I by adding a Part 37 [New] reading as hereinafter set forth.

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

N. E. HALABY,
Administrator.

PART 37—TECHNICAL STANDARD ORDERS AUTHORIZATIONS

Subpart A—General

Sec.

Subpart B—Technical Standard Orders

[No change except for renumbering]

Subpart A—General

§ 37.1 Applicability.

(a) This part prescribes—

(1) Requirements for the issue of Technical Standard Order Authorizations; and

(2) Technical Standard Orders (hereafter referred to in this part as "TSOs") containing minimum performance and quality control standards for specified articles used on civil aircraft.

(b) The performance standards in each TSO are those that the Administrator finds necessary to ensure that the article concerned will operate satisfactorily or will accomplish satisfactorily its intended purpose under specified conditions.

(c) An article manufactured under a TSO authorization complies with the provisions of this chapter requiring that this article be approved.

(d) For the purposes of this part, a manufacturer is a person who controls the design and quality of an article produced (or to be produced, in the case of an application) under the TSO system (including the parts thereof and any processes or services related thereto that are procured from an outside source).

[Revision note: Based on § 514.1]

§ 37.3 TSO authorization required.

(a) Except as provided in paragraph (b) of this section, no person may identify an article with a TSO marking unless he holds a TSO authorization and the article meets applicable TSO standards.

(b) The holder of an FAA letter of acceptance of a statement of conformance issued for an article before July 1, 1962, may continue to manufacture that article without obtaining a TSO authorization, but shall comply with the requirements of §§ 37.7 through 37.21.

[Revision note: Based on § 514.2 (a) and (b)]

§ 37.5 Application and issue.

(a) *Application.* The manufacturer (or his authorized agent) must submit an application for a TSO authorization, together with the following documents, to the Chief, Engineering and Manufacturing Branch, Flight Standards Division, of the region in which the manufacturer is located:

(1) A statement of conformance certifying that the applicant has met the requirements of this subpart and that the article concerned meets the applicable performance standards of Subpart B of this part.

(2) Copies of the technical data required in the applicable performance standards of Subpart B of this part.

(3) A description of his quality control system in the detail specified in § ____ (present § 1.36) of this chapter.

In complying with this paragraph, the manufacturer may refer to current quality control data filed with the FAA as a part of a previous application. When a series of minor changes in accordance with § 37.11 is anticipated, the manufacturer may set forth in his application the basic model number of the article with open brackets after it to denote that suffix change letters will be added from time to time. The applicant, upon the request of the appropriate Chief, Engineering and Manufacturing Branch, must submit any additional information necessary to show compliance with the requirements of this part.

(b) *Issue.* On receipt of the application and other documents required by paragraph (a) of this section substantiating the manufacturer's compliance with the requirements of this part and his ability to produce duplicate articles under this part, the Administrator issues him a TSO authorization to identify his article with the applicable TSO marking.

[Revision note: Based on § 514.2 (less (a) and (b))]

§ 37.7 General rules governing holders of TSO authorizations.

Each manufacturer of an article for which a TSO authorization has been issued under this part must—

(a) Manufacture the article in accordance with the requirements of Subpart A of this part and the applicable requirements of Subpart B of this part;

(b) Conduct all required tests and inspections, and establish and maintain a quality control system adequate to ensure that the article meets the requirements of paragraph (a) of this section and is in condition for safe operation;

(c) Prepare and maintain, for each model of each article for which a TSO authorization has been issued, a current file of complete technical data and records in accordance with § 37.13; and

(d) Permanently and legibly mark each article to which this section applies with the following information:

(1) The name and address of the manufacturer.

(2) The name, type, or model designation of the article.

(3) The weight of the article to the nearest $\frac{1}{10}$ of a pound.

(4) The serial number or the date of manufacture of the article.

(5) The applicable TSO number.

[Revision note: Based on § 514.3]

§ 37.9 Approval for deviation.

(a) Each manufacturer who requests approval to deviate from any performance standard of Subpart B of this part must show that the standards from which a deviation is requested are compensated for by factors or design features providing an equivalent level of safety.

(b) The request for approval to deviate, together with all pertinent data, must be submitted to the Chief, Engineering and Manufacturing Branch, Flight Standards Division, of the region in which the manufacturer is located.

[Revision note: Based on § 514.4]

§ 37.11 Design changes.

(a) *Minor changes by the manufacturer holding the authorization.* The manufacturer of an article under an authorization issued under this part may make minor design changes (any change other than a major change) without further approval by the Administrator. In this case, the changed article keeps the original model number and the manufacturer shall forward to the appropriate Chief, Engineering and Manufacturing Branch, any revised data that is necessary for compliance with § 37.5(a).

(b) *Major changes by manufacturer holding the authorization.* Any design change by the manufacturer that is extensive enough to require a substantially complete investigation to determine compliance with Subpart B of this part is a major change. Before making such a change, the manufacturer must assign a new type or model designation to the article and apply for an authorization under § 37.5.

(c) *Changes by person other than manufacturer.* No design change by any person (other than the manufacturer who submitted the statement of conformance for the article) is eligible for approval under this part, unless the person seeking the approval is a manufacturer and applies under § 37.5(a).

[Revision note: Based on § 514.5]

§ 37.13 Record-keeping requirements.

(a) *Keeping of records.* Each manufacturer holding a TSO authorization under this part shall, for each article manufactured under that authorization, keep the following records at his factory:

(1) A complete and current technical data file for each type or model article, including design drawings and specifications.

(2) Complete and current inspection records showing that all inspections and tests required to assure compliance with this part have been properly done and documented.

(b) *Retention of records.* The manufacturer shall retain the records described in paragraph (a)(1) of this section until he no longer manufactures the article concerned under this part. At that time, he shall send copies of these records to the Administrator. The manufacturer shall retain the records described in paragraph (a)(2) of this section for a period of at least two years.

[Revision note: Based on § 514.6]

§ 37.15 FAA inspection.

Upon the request of the Administrator, each manufacturer of an article under a TSO authorization shall allow the Administrator to inspect—

(a) Any article manufactured under that authorization;

(b) The manufacturer's quality control inspections and tests;

(c) The manufacturing facilities; and

(d) The technical data files on that article.

[Revision note: Based on § 514.7]

§ 37.17 Manufacturing and design defects.

Whenever the investigation of an accident or service difficulty report shows that an article manufactured under a TSO authorization is unsafe because of a manufacturing or design defect, the manufacturer shall, upon the request of the Administrator, report to the Administrator the results of his investigation and any action, taken or proposed by the manufacturer, to correct that defect. If action is required to correct the defect in existing articles, the manufacturer shall submit to the appropriate Chief, Engineering and Manufacturing Branch, the data necessary for the issue of an appropriate airworthiness directive.

[Revision note: Based on § 514.8]

§ 37.19 Noncompliance.

The Administrator may, upon notice, withdraw the TSO authorization of any manufacturer who identifies with a TSO marking an article not meeting the applicable performance standards of this part.

[Revision note: Based on § 514.9]

§ 37.21 Transferability and duration.

An authorization issued under this part is not transferable and is effective until surrendered, or withdrawn or otherwise terminated by the Administrator.

[Revision note: Based on § 514.10]

Subpart B—Technical Standard Orders

(Subpart B has not been printed for the purposes of this circulation. It will contain present Subpart B of Part 514 with no change except for renumbering.)

DISTRIBUTION TABLE

Present section	*Revised section*
514.1	37.1
514.2 (a) and (b)	37.3
514.2 (less (a) and (b))	37.5
514.3	37.7
514.4	37.9
514.5	37.11
514.6	37.13
514.7	37.15
514.8	37.17
514.9	37.19
514.10	37.21

[F.R. Doc. 64-4928; Filed, May 18, 1964; 8:45 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Coast Guard

[CGFR 64–27]

EQUIPMENT, INSTALLATIONS, OR MATERIALS

Approval Notice

1. Various items of lifesaving, firefighting, and miscellaneous equipment, installations, and materials used on merchant vessels subject to Coast Guard inspection or on certain motorboats and other pleasure craft are required by law and various regulations in 46 CFR Chapter I to be of types approved by the Commandant, United States Coast Guard. The procedures governing the granting of approvals, and the cancellation, termination or withdrawal of approvals are set forth in 46 CFR 2.75–1 to 2.75–50, inclusive. For certain types of equipment, installations, and materials, specific specifications have been prescribed by the Commandant and are published in 46 CFR Parts 160 to 164, inclusive (Subchapter Q—Specifications), and detailed procedures for obtaining approvals are also described therein.

2. The Commandant's approval of a specific item is intended to provide a control over its quality. Therefore, such approval, applies only to the item constructed or installed in accordance with the applicable requirements and the details described in the specific approval. If a specific item when manufactured does not comply with the details in the approval, then such item is not considered to have the Commandant's approval, and the certificate of approval issued to the manufacturer does not apply to such modified item. For example, if an item is manufactured with changes in design or material not previously approved, the approval does not apply to such modified item.

3. After a manufacturer has submitted satisfactory evidence that a particular item complies with the applicable laws and regulations, a Certificate of Approval (Form CGHQ–10030) will be issued to the manufacturer certifying that the item specified complies with the applicable laws and regulations and approval is given, which will be in effect for a period of 5 years from the date given unless sooner canceled or suspended by proper authority.

4. The purpose of this document is to notify all concerned that certain approvals were granted or terminated, as described in this document, during the period from April 1, 1964 to April 9, 1964 (List Nos. 6–64, 7–64). These actions were taken in accordance with procedures set forth in 46 CFR 2.75–1 to 2.75–50, inclusive.

5. The delegations of authority for the Coast Guard's actions with respect to approvals may be found in section 632, of Title 14, U.S. Code, and in Treasury Department Orders 120 dated July 31, 1950 (15 F.R. 6521), 167–14 dated November 26, 1954 (19 F.R. 8026), 167–15 dated January 3, 1955 (20 F.R. 840), 167–20 dated June 18, 1956 (21 F.R. 4894), CGFR 56–28 dated July 24, 1956 (21 F.R. 5659), or 167–38 dated October 26, 1959 (24 F.R. 8857), and the statutory authority may be found in R.S. 4405, as amended, 4462, as amended, 4488, as amended, 4491, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 54 Stat. 346, as amended, sec. 3, 70 Stat. 152 (46 U.S.C. 375, 416, 481, 489, 367, 526p, 1333, 390b), sec. 4(e), 67 Stat. 462 (43 U.S.C. 1333(e)), or sec. 3(c), 68 Stat. 675 (50 U.S.C. 198), and implementing regulations in 46 CFR Chapter I or 33 CFR Chapter I.

6. In Part I of this document are listed the approvals granted which shall be in effect for a period of 5 years from the dates granted, unless sooner canceled or suspended by proper authority.

PART I—APPROVALS OF EQUIPMENT, INSTALLATIONS, OR MATERIALS

SIGNALS, DISTRESS, PISTOL-PROJECTED PARACHUTE RED FLARE

Approval No. 160.024/2/1, Aluminum Shell No. 52 pistol-projected parachute red flare distress signal, assembly dwg. No. MS–11 dated April 8, 1957, manufactured by Harvell-Kilgore Corp., Toone, Tennessee, effective April 3, 1964. (Formerly Kilgore, Inc., and Harvell-Kilgore Sales Corp.) (It supersedes Approval No. 160.024/2/1 dated April 23, 1962, to show change in name and address of manufacturer.)

SIGNAL PISTOLS FOR PARACHUTE RED FLARE DISTRESS SIGNALS

Approval No. 160.028/9/0, Kilgore Marine Signal Pistol, Model A, assembly dwg. No. MSP–1, Rev. 1 dated January 28, 1953, manufactured by Harvell-Kilgore Corporation, Toone, Tennessee, effective April 3, 1964. (It supersedes Approval No. 160.028/9/0 dated March 18, 1963, to show change of name and address of manufacturer.)

Approval No. 160.028/10/0, Kilgore Model B signal pistol, assembly dwg. No. SP–150 revised June 31, 1956, manufactured by Harvell-Kilgore Corporation, Toone, Tennessee, effective April 3, 1964. (It supersedes Approval No. 160.028/10/0 dated April 25, 1962, to show change of name and address of manufacturer.)

BUOYANT VESTS, KAPOK OR FIBROUS CLASS, ADULT AND CHILD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.047/408/0, Type I, Model AK–1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Grand Rapids Manufacturing Co., Inc., 420 Alabama Avenue NW., Grand Rapids 4, Michigan, effective April 6, 1964. (Formerly SAF–T–MATE Division, The Gunn Co., Inc.) (It supersedes Approval No. 160.047/408/0 dated July 12, 1961, to show change of name of manufacturer.)

Approval No. 160.047/409/0, Type I, Model CKM–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Grand Rapids Manufacturing Co., Inc., 420 Alabama Avenue NW., Grand Rapids 4, Michigan, effective April 6, 1964. (Formerly SAF–T–MATE Division, The Gunn Co., Inc.) (It supersedes Approval No. 160.047/409/0 dated July 12, 1961, to show change of name of manufacturer.)

Approval No. 160.047/410/0 Type I, Model CKS–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Grand Rapids Manufacturing Co., Inc., 420 Alabama Avenue NW., Grand Rapids 4, Michigan, effective April 6, 1964. (Formerly SAF–T–MATE Division, The Gunn Co., Inc.) (It supersedes Approval No. 160.047/410/0 dated July 12, 1961, to show change of name of manufacturer.)

BUOYANT CUSHIONS, KAPOK FIBROUS GLASS

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.048/87/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4(c)(1)(i), manufactured by Grand Rapids Manufacturing Co., Inc., 420 Alabama Avenue NW., Grand Rapids 4, Michigan, effective April 6, 1964. (Formerly SAF–T–MATE Division, The Gunn Co., Inc.) (It supersedes Approval No. 160.048/87/0 dated July 12, 1961, to show change of name of manufacturer.)

BUOYANT CUSHIONS, UNICELLULAR PLASTIC FOAM

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.049/27/0, group approval for rectangular and trapezoidal plastic foam buoyant cushions, U.S.C.G. Specification Subpart 160.049, sizes to be as per Table 160.049–4(c)(1), manufactured by Grand Rapids Manufacturing Co., Inc., 420 Alabama Avenue NW., Grand Rapids 4, Michigan, effective April 6, 1964. (Formerly SAF–T–HATE Division, The Gunn Co., Inc.) (It supersedes Approval No. 160.049/27/0 dated July 12, 1961, to show change of name of manufacturer.)

INFLATABLE LIFE RAFTS

Approval No. 160.051/1/0, inflatable life rate, 4-person capacity, identified by general arrangement dwg. No. SEC/MN/4001, Alt. 3 dated May 2, 1960, manufactured by C. J. Hendry Company, 139 Townsend Street, San Francisco, Calif., 94107, effective April 9, 1964. (Four-person capacity size not permitted on a cargo, passenger, or tank vessel engaged

in an international voyage: see 46 CFR 75.10–5(b)(4), 94.10–5(b)(3), or 33.01–30(f).) It supersedes Approval No. 160.051/1/0 dated November 18, 1960, to show change of name of manufacturer.)

Approval No. 160.051/2/0, inflatable life raft, 6-person capacity, identified by general arrangement dwg. No. SEC/MN/6001, Alt. 3 dated May 2, 1960, manufactured by C. J. Hendry Company, 139 Townsend Street, San Francisco, Calif., 94107, effective April 9, 1964. (It supersedes Approval No. 160.051/2/0 dated November 18, 1960, to show change of name of manufacturer.

Approval No. 160.051/3/0, inflatable life raft, 8-person capacity, identified by general arrangement dwg. No. SEC/MN/8001, Alt. 4 dated May 2, 1960, manufactured by C. J. Hendry Company, 139 Townsend Street, San Francisco, California, 94107, effective April 9, 1964. (It supersedes Approval No. 160.051/3/0 dated November 18, 1960, to show change of name of manufacturer.)

Approval No. 160.051/4/0, inflatable life raft, 10-person capacity, identified by general arrangement dwg. No. SEC/MN/10001, Alt. 4 dated May 2, 1960, manufactured by C. J. Hendry Company, 139 Townsend Street, San Francisco, California, 94107, effective April 9, 1964. (It supersedes Approval No. 160.051/4/0 dated November 18, 1960, to show change of name of manufacturer.)

Approval No. 160.051/5/0, inflatable life raft, 15-person capacity, identified by general arrangement dwg. No. SEC/MN/15001, Alt, 3 dated May 2, 1960, manfactured by C. J. Hendry Company, 139 Townsend Street, San Francisco, California, 94107, effective April 9, 1964. (It supersedes Approval No. 160.051/5/0 dated November 18, 1960, to show change of name of manufacturer.)

Approval No. 160.051/6/0, inflatable life raft, 25-person capacity, identified by general arrangement dwg. No. SEC/MN/25001, Alt. 2 dated May 2, 1960, manfactured by C. J. Hendry Company, 139 Townsend Street, San Francisco, California, 94107, effective April 9, 1964. (It supersedes Approval No. 160.051/6/0 dated November 18, 1960, to show change of name of manufacturer.)

Approval No. 160.051/10/0, inflatable life raft, 12-person capacity, identified by general arrangement dwg. No. SEC/MN/12001, Alt. 1 dated May 2, 1960, manufactured by C. J. Hendry Company, 139 Townsend Street, San Francisco, California, 94107, effective April 9, 1964. (It supersedes Approval No. 160.051/10/0 dated November 18, 1960, to show change of name of manufacturer.)

Approval No. 160.051/11/0, inflatable life raft, 20-person capacity identified by general arrangement dwg. No. SEC/MN/20001, Alt. 1 dated May 2, 1960, manufactured by C. J. Hendry Company, 139 Townsend Street, San Francisco, California, 94107, effective April 9, 1964. (It supersedes Approval No. 160.051/11/0 dated November 18, 1960, to show change of name of manufacturer.)

WORK VESTS, UNICELLULAR PLASTIC FOAM

Approval No. 160.053/8/0, Unicellular plastic foam work vest as per Military Specification MIL–L–17653A and U.S.C.G. Specification Subpart 160.053, manufactured by The Safegard Corp., Box 14037, P.O. Annex, Cincinnati, Ohio, effective April 1, 1964. (It supersedes Approval No. 160.053/8/0 dated August 21, 1960, to show change of address of manufacturer.)

Approval No. 160.053/9/0, unicellular plastic foam work vest as per Military Specification MIL–L–17653A and U.S.-C.G. Specification Subpart 160.053; manufactured by The Safegard Corp., Box 14037, P.O. Annex, Cincinnati, Ohio, for Safety First Supply Corp., 425 Magee Street, Pittsburgh 19, Pennsylvania, effective April 1, 1964. (It supersedes Approval No. 160.053/9/0 dated August 21, 1960, to show change of address of manufacturer.)

VALVES, PRESSURE-VACUUM RELIEF AND SPILL

Approval No. 162.017/97/0 6" pilot-operated relief valve (pressure only), Figure 4156–03–M, for propane, butane, and ammonia, at a minimum temperature of −60° F., a maximum set pressure of 4 p.s.i.g., and flow capacity as noted on S & J dwgs. EM–1056–1 dated 2–22–64, manufactured by Shand & Jurs Co., 2600 Eighth Street, Berkeley 10, California, effective April 1, 1964.

Dated: May 11, 1964.

[SEAL] G. A. KNUDSEN,
Rear Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 64–4931; Filed, May 18, 1964; 8:45 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Bureau Order 551, Amdt. 88]

AREA DIRECTORS

Redelegation of Authority With Respect to Leases and Permits

MAY 13, 1964.

Section 12 of Order 551 (an order by which the Commissioner of the Bureau of Indian Affairs redelegates authority to Bureau Area Directors), as amended, is further amended to read as follows:

SEC. 12. Leases and permits. All those matters set forth in 25 CFR Part 131 except the approval of leases which provide for a duration in excess of sixty-five years, inclusive of any provisions for extensions or renewals thereof at the option of the lessee.

JOHN O. CROW,
Deputy Commissioner.

[F.R. Doc. 64–4937; Filed, May 18, 1964; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. SA–378]

ACCIDENT OCCURRING NEAR ZEPHYR COVE, NEV.

Notice of Hearing

In the matter of investigation of accident involving aircraft of United States Registry N 86504, which occurred near Zephyr Cove, Nevada on March 1, 1964.

Notice is hereby given that an Accident Investigation Hearing on the above matter will be held commencing at 1:30 p.m. (local time) on June 2, 1964, in the Orchid Room of the Oakland Inn, Oakland, California.

Dated this 14th day of May 1964.

[SEAL] ROBERT L. ALLARD,
Hearing Officer.

[F.R. Doc. 64–4951; Filed, May 18, 1964; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 15346, 15347; FCC 64–402]

COPPER COUNTY BROADCASTING CO. (WMPL) AND UPPER MICHIGAN BROADCASTING CO. (WHDF)

Memorandum Opinion and Order Amending Issues

In re applications of Copper Country Broadcasting Company (WMPL), Hancock, Michigan, Docket No. 15346, File No. BP–15410; for construction permit.

In re application of the Upper Michigan Broadcasting Company (WHDF), Houghton, Michigan, Docket No. 15347, File No. BL–9076; for license to operate a standard broadcast station.

1. The Commission has before it for consideration (a) a petition for reconsideration and (b) a petition to enlarge issues, both filed by Copper Country Broadcasting Company (WMPL), and (c) pleadings filed ancillary to the above.[1]

2. Copper Country Broadcasting Company seeks authority to change the facilities of Radio Station WMPL, Hancock, Michigan, from 920 kilocycles, 1 kilowatt, daytime only, to 1400 kilocycles, 1 kilowatt-Local Sunset, 250 watts, unlimited time. This application is mutually exclusive with the license application in the nature of a renewal application filed by the Upper Michigan Broadcasting Company which has been operating Radio Station WHDF on 1400 kilocycles with 250 watts power, unlimited time, in Houghton, Michigan, since 1929.

3. By Memorandum Opinion and Order (FCC 64–159) released March 2, 1964, the Commission designated these applications for hearing in a consolidated proceeding. Copper Country, in timely fashion, has filed a petition for reconsideration of this designation order and a petition to enlarge issues. Each of these requests is discussed below:

PETITION FOR RECONSIDERATION

4. WHDF's last license expired on October 1, 1961, with no application for renewal having been filed by that date. Prior to such expiration, however, Upper Michigan requested and received author-

[1] Oppositions to the petition for reconsideration were filed on April 13, 1964, by the Upper Michigan Broadcasting Company (WHDF) and by the Broadcast Bureau. On this same date, WHDF filed a response to the petition to enlarge, and the Bureau filed comments thereon.

ity to continue operation until October 30, 1961. On several occasions thereafter, it received additional authorizations. On March 27, 1962, Upper Michigan tendered its renewal application. In view of the fact that such application was filed after the expiration date of the current license period, the Commission did not accept the application as one for renewal of license but instead accepted it on March 28, 1962, as a license application in the nature of a renewal application. This application and Copper Country's application, filed March 9, 1962, to change frequency to 1400 kilocycles, being mutually exclusive, were consolidated for hearing.

5. Copper Country seeks reconsideration of the Commission's hearing order claiming (a) that in the absence of an application for renewal of license filed by October 1, 1961, the license of Upper Michigan automatically terminated and the Commission had no authority to authorize Upper Michigan to continue operation past that date since section 308(a) of the Communications Act of 1934, as amended, specifically states that renewals may only be granted upon written application therefor and that admittedly no such application was on file when the Commission authorized Upper Michigan to operate beyond October 1, 1961; (b) that the Commission erred in accepting Upper Michigan's ultimately filed request for renewal as an application for license since such was filed on FCC Form 303 rather than upon Form 302, the customary license application form; and (c) that at the very least Upper Michigan should stand in no better position than the holder of an expired construction permit who would be required to make application upon FCC Form 301 and that, short of such a filing, Upper Michigan is not entitled to comparative consideration with Copper Country.

6. We find no merit in Copper Country's petition for reconsideration. In essence, Copper Country is requesting us to reconsider not our hearing order of March 2, 1964 (FCC 64–159), but our action of March 28, 1962, accepting the Upper Michigan application. Copper Country's petition for reconsideration should, therefore, in accordance with § 1.106(f) of our rules, have been filed within thirty days of our March 1962 action and is now approximately 23 months late with no good cause having been set forth for the delay. It is noted that Copper Country's application was then on file. Therefore, it would have had standing to file objections. Additionally, in answer to Copper Country's objection to our consideration of Upper Michigan's request for renewal, filed on FCC Form 303, as a license application in the nature of a renewal application, we point out that this matter falls within the administrative discretion expressly afforded us by section 4(i) of the Communications Act and § 1.3 of our rules. For the foregoing reasons, Copper Country's petition for reconsideration will be denied.

PETITION TO ENLARGE ISSUES

7. Issue 5 in this proceeding reads as follows:

To determine, in view of Copper Country Broadcasting Company's several failures to file ownership reports in the manner specified in § 1.615(c) of the Commission's rules, whether Copper Country Broadcasting Company has properly exercised licensee responsibility.

This issue was predicated upon the fact that certain stock transfers, in which no change in control took place, were reported to the Commission 220 days or more later than required by § 1.615(c) of our rules. Copper Country points out that the ownership report files of Station WHDF are replete with instances of failure to file ownership reports in timely fashion, with instances of delay in responding to Commission communications, and the delay in filing Upper Michigan's renewal application. Copper Country also requests an inquiry into whether Upper Michigan submitted correct information as required by the Commission's application forms. In this regard, Copper Country has reference to the fact that whereas Upper Michigan originally claimed to have broadcast 53.56 percent live programming during its last renewal period, on October 29, 1962, it filed and amendment showing the correct percentage figure to have been 12 percent.

8. Since the requested issue is similar in nature to issue 5 directed toward Copper Country, we believe that a full exploration of the facts in regard to both applicants is in order. We do not agree to the inclusion of an inquiry concerning the fact that Upper Michigan amended its renewal application to reflect a considerably smaller percentage of live programming. Since the good faith of Upper Michigan has not been questioned and since the amendment was merely corrective in nature, it is not believed that this matter has any bearing upon the question of Upper Michigan's licensee responsibility.

9. Accordingly, we shall add a new issue 6 to read as follows:

To determine, in view of Upper Michigan's several failures to file in timely fashion various ownership reports and applications as specified by the Commission's rules, and the delays in responding to Commission communications, whether Upper Michigan has properly exercised licensee responsibility.

Presently designated issues 6, 7 and 8 will be renumbered 7, 8 and 9, and an additional conclusionary issue will be added, designated issue 10, as follows:

To determine whether, on the basis of the evidence adduced under issues 5 and 6, supra, either of the applicants is qualified to be a licensee of this Commission.

Accordingly, it is ordered, This 6th day of May 1964, that petitioner's request for reconsideration is denied and that its petition to enlarge issues is granted to the extent indicated above.

Released: May 8, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[2]

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

[F.R. Doc. 64–4956; Filed, May 18, 1964; 8:49 a.m.]

[2] Commissioner Ford absent.

[Docket No. 15457; FCC 64M–406]

TRIANGLE PUBLICATION, INC. (RADIO AND TELEVISION DIVISION)

Order Scheduling Hearing

In re application of Triangle Publications, Inc. (Radio and Television Division), Johnstown, Pennsylvania, Docket No. 15457, File No. BPTTV–12; for construction permit for new VHF television broadcast translator station.

It is ordered, This 11th day of May 1964, that David I. Kraushaar will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on July 16, 1964, in Washington, D.C.: *And, it is further ordered,* That a prehearing conference in the proceeding will be convened by the presiding officer at 10:00 a.m., June 12, 1964.

Released: May 13, 1964.

FEDERAL COMMUNICATIONS COMMISSION,

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

[F.R. Doc. 64–4957; Filed, May 18, 1964; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

INDEPENDENT OCEAN FREIGHT FORWARDER APPLICATIONS

Notice of Revision

Notice is hereby given of changes in the following applications for independent ocean freight forwarder licenses issued pursuant to section 44, Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

GRANDFATHER APPLICANTS

Name and address

Buccino, Raul A. No. 695 (deceased), 39 Cortlandt Street, New York 7, N.Y. Withdrawn April 30, 1964.

Champion Forwarding Corp. No. 760, 90 West Broadway, New York, N.Y., 10007. Revoked April 27, 1964.

Fox Custom House Brokers, Inc. No. 633, 1617 Wrenford Road, Cleveland, Ohio, 44121. Dismissed April 3, 1964.

Hemisphere Shipping & Service Co. No. 336 (Efrain V. Garcia, d/b/a), 129 South Second Street, Philadelphia, Pa., 19106. Revoked April 13, 1964.

Pacific-Alaska Forwarders No. 673 (Rex Sears, d/b/a), 503 Colman Building, Seattle, Wash., 98104. Revoked April 27, 1964.

Thomson & Earle, Inc. No. 757, 1442 Land Title Building, care of Stoughton Sterling, Corner Broad and Sanson Streets, Philadelphia, Pa. Revoked April 13, 1964.

NON-GRANDFATHER APPLICANTS

Name and address

Dixie Forwarding Co., Inc. (late), 5621 Clinton Drive, Houston, Tex. Denied April 21, 1964.

Palm Beach Steamship Agency, Inc. (non), 130 East Port Road, Riviera Beach, Fla. Dismissed April 9, 1964.

Patrick & Graves (late) (L. H. Graves, d/b/a), 5621 Clinton Drive, Houston, Tex. Denied April 21, 1964.

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission, applications for licenses as independent ocean freight forwarders, pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any applicant should not receive a license are requested to communicate with the Director, Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C., 20573. Protests received within 60 days from the date of publication of this notice in the FEDERAL REGISTER will be considered.

NON-GRANDFATHER APPLICANTS

Name and address

Dupont Export-Import Co., Inc. (non), 228 St. Charles Street, New Orleans, La., 70130. Ernest W. Dupont, President-Treasurer; Mrs. E. W. Dupont, Secretary; Nadal Domenge, Vice President-Assistant Secretary.

Merjech & Co. (non) (Mario Merjech, d/b/a), 55 NW. 15th Street, Miami, Fla., 33136. Mario Merjech, Owner.

Moran Co., J. F. (non), 48 Custom House Street, Providence, R.I., 02903. Edward J. Moran, President-Treasurer and Director; Walter A. Finley, Vice President-Director; Eugene J. Sullivan, Secretary; Herbert S. Lowell, Assistant Secretary-Assistant Treasurer; Francis Robert Black, Assistant Treasurer.

Star Foreign Freight Forwarding, Inc. (non), 120 Pelham Road, New Rochelle, N.Y. (temporary address). Arnold Weber, President and Treasurer; Thelma Weber, Vice President-Secretary.

CHANGE FROM INDIVIDUAL TO CORPORATION

General Freight Service, Inc. No. 1000, 320 Southwest Stark Street, Portland, Oreg., 97204. Aubrey Robert Crommie, President; John Walter Critchlow, Vice President; David H. Blunt, Secretary.

Dated: May 14, 1964.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-4958; Filed, May 18, 1964; 8:45 a.m.]

CITY OF BRUNSWICK, GA., AND BRUNSWICK PORT AUTHORITY

Notice of Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814):

Agreement No. T-142, between the City of Brunswick, Georgia (City), and the Brunswick Port Authority (Port), provides that the Port operate certain docks, piers and equipment formerly operated by the City. In taking over the operation of the City's property and equipment Port agrees to issue a terminal tariff and collect all charges assessed for the use of the facility in accordance with the tariff. Such charges shall not be less than the lowest prevailing rate on the South Atlantic Seaboard, except by written consent of all parties to the agreement.

Interested parties may inspect the agreement and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C., 20573, or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should a hearing be desired.

Dated: May 14, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-4959; Filed, May 18, 1964; 8:45 a.m.]

ROCHESTER-MONROE COUNTY PORT AUTHORITY AND PITTSTON STEVEDORING CORP.

Notice of Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814):

Agreement No. T-128, between the Rochester-Monroe County Port Authority (Port), and Pittston Stevedoring Corporation (Pittston), provides for a 15-year lease of certain terminal property at Rochester, New York, to be used by Pittston in furnishing terminal, stevedoring and warehousing services to ocean vessels. Port retains the right to assess dockage against vessels berthed at the facility according to the rates and regulations contained in its tariffs. As compensation for the lease Pittston agrees to pay a fixed amount as specified within the agreement.

Interested parties may inspect the agreement and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C., 20573, or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should a hearing be desired.

Dated: May 14, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-4960; Filed, May 18, 1964; 8:45 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. RI64-720 etc.]

TEX-STAR OIL & GAS CORP. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

MAY 7, 1964.

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

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

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

The Commission orders:

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

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

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

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before June 24, 1964.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

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

APPENDIX "A"

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI64-720	Tex-Star Oil & Gas Corp., 2520 Fidelity Union Tower, Dallas 1, Tex., Attn: Mr. William L. Hutchison.	33	5	El Paso Natural Gas Co. (Martinez Unit, La Plata County, Colo.).	$3,600	4-9-64	[2] 5-10-64	10-10-64	13.0	[3 4] 14.0	
RI64-721	Tidewater Oil Co., P.O. Box 1404, Houston, Tex., 77001, Attn: Mr. A. M. Mouser.	76	5	Northern Natural Gas Co. (Eumont Field, Lea County, N. Mex.). (Permian Basin Area).	168	4-16-64	[2] 5-17-64	10-17-64	10.7010	[3 5] 11.7010	
	Tidewater Oil Co.	87	6	Texas Eastern Transmission Corp. (Chalk Hill Field, Rusk County, Tex.) (Texas R.R. Dist. No. 6).	66	4-15-64	[2] 5-16-64	10-16-64	[7] 14.6	[3 6] 15.6	
	do	12	9	Tennessee Gas Transmission Co. (East Bernard Field, Wharton County, Tex.) (R.R. Dist. No. 3).	2,885	4-15-64	[2] 5-16-64	10-16-64	[8 7] 14.6	[3 8 6] 15.6	
	do	9	12	Tennessee Gas Transmission Co. (Mustang Island Field, Nueces County, Tex.) (R.R. Dist. No. 4).	17,191	4-16-64	[2] 5-17-64	10-17-64	[8 7] 14.6	[3 8 6] 15.6	
	do	13	20	Tennessee Gas Transmission Co. (East Bay City Field, Matagorda County, Tex.) (R.R. Dist. No. 3).	45,607	4-16-64	[2] 5-17-64	10-17-64	[8 7] 14.6	[3 8 6] 15.6	
	do	21	15	Tennessee Gas Transmission Co. (Placedo Field, Victoria County, Tex.) (R.R. Dist. No. 2).	1,217	4-16-64	[2] 5-17-64	10-17-64	[8 7] 14.6	[3 8 6] 15.6	
	do	23	12	United Gas Pipe Line Co. (Red Fish Bay Field, Nueces County, Tex.) (R.R. Dist. No. 4).	10,290	4-16-64	[2] 5-17-64	10-17-64	[7] 14.6	[3 6] 15.6	
	do	64	9	Texas Eastern Transmission Corp. (Midway Field, San Patricio County, Tex.) (R.R. Dist. No. 4).	606	4-16-64	[2] 5-17-64	10-17-64	[7] 14.6	[3 6] 15.6	
	do	95	4	United Gas Pipe Line Co. (North La Ward Field, Jackson County, Tex.) (R.R. Dist. No. 2).	5,590	4-16-64	[2] 5-17-64	10-17-64	[7] 14.1792	[3 6] 15.1792	
RI64-722	Marshall R. Young Drilling Co. (Operator), et al., 2905 Continental National Bank Building, Fort Worth 2, Tex.	1	2	United Gas Pipe Line Co. (Ansley Field, Hancock County, Miss.).	3,750	4-13-64	[2] 6-14-64	11-14-64	20.5	[3 4] 21.0	RI61-499.
RI64-723	Louis H. Martin, et al., 1319 Dory Lane, Irving, Tex.	1	1	Cities Service Gas Co. (Hardtner Field, Barber County, Kans.).	800	4-14-64	[2] 5-15-64	10-15-64	[10] 12.0	[3 6 10] 13.0	
RI64-724	Sunac Petroleum Corp., 1100 Mercantile Continental Building, Dallas, Tex., 75201.	8	3	Northern Natural Gas Co. (Share Field, Ochiltree County, Tex.) (Texas R.R. Dist. No. 10).	2,461	4-14-64	[2] 5-15-64	10-15-64	[10] 16.5	[3 6 10] 17.5	
	do	7	2	Northern Natural Gas Co. (Horizon (Cleveland) Field, Hansford County, Tex.) (Texas R.R. Dist. No. 10).	1,841	4-15-64	[2] 5-16-64	10-16-64	[10] 16.5	[3 6 10] 17.5	
	do	2	3	Northern Natural Gas Co. (Hansford Field, Ochiltree County, Tex.) (Texas R.R. Dist. No. 10).	2,431	4-17-64	[2] 5-18-64	10-18-64	[10] 16.5	[3 6 10] 17.5	
	do	9	1	Northern Natural Gas Co. (Perryton Field, Ochiltree County, Tex.) (Texas R.R. Dist. No. 10).	4,180	4-17-64	[2] 5-18-64	10-18-64	[10] 16.5	[3 6 10] 17.5	
RI64-725	Panhandle Petroleum, Limited Partnership, 1100 Mercantile Continental Building, Dallas, Tex., 75201.	13	5	Northern Natural Gas Co. (Horizon (Cleveland) Field, Hansford County, Tex.) (Texas R.R. Dist. No. 10).	1,099	4-15-64	[2] 5-16-64	10-16-64	[10] 16.5	[3 6 10] 17.5	
	do	2	5	Northern Natural Gas Co., (Perryton and Hansford Fields, Ochiltree County, Tex.) (Texas R.R. Dist. No. 10).	2,010	4-15-64	[2] 5-16-64	10-16-64	[10] 16.5	[3 6 10] 17.5	
	do	8	4	Northern Natural Gas Co. (Guymon-Hugoton Field, Beaver County, Okla.). (Oklahoma-Panhandle Area) and (George Morran Field, Ochiltree County, Tex.) (Texas R.R. Dist. No. 10).	517	4-20-64	[2] 5-21-64	10-21-64	[10] 16.5	[3 6 10] 17.5	
RI64-726	Tidewater Oil Co. (Operator), et al. P.O. Box 1404, Houston, Tex., 77001.	57	11	Texas Eastern Transmission Corp. (Willow Springs Field, Gregg County, Tex.) (Texas R.R. Dist. No. 6).	4,002	4-15-64	[2] 5-16-64	10-16-64	[11 12] 14.6	[3 6 11] 15.6	
	do	11	15	Tennessee Gas Transmission Co. (Sublime Field, Colorado County, Tex.) (R.R. Dist. No. 3).	11,115	4-16-64	[2] 5-17-64	10-17-64	[7 8] 14.6	[3 8 6] 15.6	
	do	70	3	Natural Gas Pipeline Co. of America (Texam-Elms Field, Live Oak County, Tex., and Shaffer Ranch Area, Jim Wells and Duval Counties, Tex.) (R.R. Dist. Nos. 2 and 4).	17,247	4-16-64	[2] 5-17-64	10-17-64	[7] 14.5	[3 6] 15.5	
RI64-727	Sunac Petroleum Corp. (Operator), et al.	11	4	Colorado Interstate Gas Co. (Mocane Field, Beaver County, Okla.) (Oklahoma-Panhandle Area).	2,008	4-20-64	[9] 6-1-64	11-1-64	[10] 17.0	[3 6 10] 18.1	
RI64-728	Big Chief Drilling Co. P.O. Box 14837, Oklahoma City, Okla., 73114.	10	4	Northern Natural Gas Co. (Beaver County, Okla.) (Oklahoma-Panhandle Area).	1,551	4-17-64	[2] 5-18-64	10-18-64	16.5	[3 6] 17.5	RI61-48.
RI64-729	Kirby Production Co. (Operator), et al. P.O. Box 1745, Houston 1, Tex.	[13] 20 20	--- 1	Panhandle Eastern Pipe Line Co. (Hugoton Field, Grant County, Kans.).	4,030 ---	4-17-64 4-7-64	[2] 5-8-64 [2] 5-8-64	10-8-64 10-8-64	10.0 10.0	--- [6 14 15] 14.0	

See footnotes at end of table.

APPENDIX "A"—Continued

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI64-730	Texas Gas Producing Co. Meadows Building, Dallas, Tex.	3	14	Mississippi River Fuel Corp. (Woodlawn Field, Harrison County, Tex.) (R.R. Dist. No. 6).	$145	4-13-64	[2] 5-14-64	10-14-64	14.6392	[3] [5] 15.1440	RI60-459.
RI64-731	Richard M. Finder d/b/a Texkan Oil Co. (Operator), et al. c/o Tarpon Management Co. 1501 Wilson Tower Corpus Christi, Tex.	5	1	Valley Gas Transmission, Inc. (Alice Field, Jim Wells County, Tex.) (R.R. Dist. No. 4).	720	4-13-64	[2] 5-14-64	10-14-64	14.0	[3] [5] 15.0	
	do	6	1	Valley Gas Transmission, Inc. (Viboras Field, Brooks County, Tex.) (R.R. Dist. No. 4).	2,400	4-13-64	[2] 5-14-64	10-14-64	14.0	[3] [6] 15.0	
	do	7	1	Valley Gas Transmission, Inc. (Alta Mesa Field, Brooks County, Tex.) (R.R. Dist. No. 4).	1,920	4-13-64	[2] 5-14-64	10-14-64	14.0	[3] [6] 15.0	
RI64-732	Edwin L. Cox, 2100 Adolphus Tower, Dallas, Tex., 75202.	41	1	South Texas Natural Gas Gathering Co. (Yeary Field, Kleberg County, Tex.) (R.R. Dist. No. 4).	6,650	4- 7-64	[2] 5- 8-64	10- 8-64	[16] [18] 16.0	[6] [17] 17.0	

[2] The stated effective date is the first day after expiration of the required statutory notice.
[3] Periodic rate increase.
[4] Pressure base is 15.025 psia.
[5] The stated effective date is the effective date requested by Respondent.
[6] Pressure base is 14.65 psia.
[7] Rate is the result of a settlement offer approved by Commission order issued June 15, 1962, as modified by order issued July 11, 1962, in Docket No. G-13310, et al.
[8] Subject to a 0.21931 cent dehydration charge by buyer for nondehydrated gas.
[9] Includes 0.21931 cent dehydration allowance paid to seller for delivery of dehydrated gas.
[10] Subject to downward Btu adjustment.
[11] Price subject to deduction of 0.5 cent per Mcf by buyer for amortization of its facilities.
[12] Rate is the result of a settlement offer approved by Commission order issued June 15, 1962, as modified by order issued July 11, 1962, in Docket No. G-13310, et al.
[13] Supersedes Kirby Company FPC Gas Rate Schedule No. 8 insofar as it pertains to reduction from depths below the base of the Chase Group above the Morrowan Series.
[14] Renegotiated rate increase.
[15] For gas produced below the base of the Chase Group, but above the Morrowan Series.
[16] Cox is filing for initial contract rate from the certificated rate.
[17] Initial contract rate.
[18] Permanent certificate issued Mar. 23, 1964, in Docket No. CI62-621 at 16.0 cents per Mcf (Area ceiling for initial service), Opinion No. 422.

Tex-Star Oil & Gas Corporation requests an effective date of May 9, 1964; Lewis H. Martin, et al., requests an effective date of December 23, 1959; Texas Gas Producing Company requests an effective date of April 3, 1963, and Richard M. Finder d/b/a Texkan Oil Company and Richard M. Finder d/b/a Texkan Oil Company (Operator), et al., request an effective date of January 1, 1964, for their proposed rate increases. The producers, listed below, request waiver of the 30-day notice requirement to make their proposed rate increases effective as follows: Sunac Petroleum Corporation (Sunac) requests an effective date of July 1, 1963, for Supplement No. 3 to its FPC Gas Rate Schedule No. 8. Sunac and Panhandle Petroleum Limited Partnership (Panhandle) requests an effective date of September 1, 1963, for their proposed rate increases contained in Supplement No. 2 to Sunac's FPC Gas Rate Schedule No. 7, and Supplement No. 5 to Panhandle's FPC Gas Rate Schedule No. 13. Panhandle requests an effective date of January 1, 1964, for its rate increase contained in Supplements Nos. 5 and 4 to its FPC Gas Rate Schedules Nos. 2 and 8, respectively. Sunac also requests an effective date of January 1, 1964, for its rate increases contained in Supplements Nos. 3 and 1 to its FPC Gas Rate Schedules Nos. 2 and 9, respectively. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for the aforementioned producers' rate filings and such requests are denied. Big Chief Drilling Company (Big Chief) requests that should the Commission suspend its rate filing that the suspension period with respect thereto be shortened to one day. Good cause has not been shown for limiting to one day the suspension period with respect to Big Chief's rate filing and such request is denied.

The notice of change in rate filed by Edwin L. Cox (Cox) represents a change in rate from a certificated rate to the initial contract rate. Cox obtained a permanent certificate at an initial rate of 16.0 cents per Mcf as a result of orders issued in Opinion No. 422. The proposed rate of 17.0 cents per Mcf does not establish a new plateau for increased rates nor will it trigger rates in R.R. District No. 4.

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

[F.R. Doc. 64-4848; Filed, May 18, 1964; 8:45 a.m.]

[Docket Nos. RI64-718 etc.]

TEXKAN OIL CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

MAY 7, 1964.

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

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

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

The Commission orders:

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

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however*, That the supplements to the rate schedules filed by Respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.

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

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before June 29, 1964.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

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

APPENDIX "A"

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI64-718	Richard M. Finder d/b/a Texkan Oil Co. c/o Tarpon Management Co., 1501 Wilson Tower, Corpus Christi, Tex.	14	1	Valley Gas Transmission, Inc. (Southwest Pheasant Field Area, Matagorda County, Tex.) (R.R. Dist. No. 3).	$9,400	4-13-64	[1] 5-14-64	[2] 5-15-64	14.0	[4] [5] 15.0	
RI64-719	Richard M. Finder d/b/a Texkan Oil Co. (Operator), et al.	15	1	Valley Gas Transmission, Inc. (South Elsa Field, Hidalgo County, Tex.) (R.R. Dist. No. 4).	2,400	4-13-64	[1] 5-14-64	[2] 5-15-64	14.0	[4] [5] 15.0	

[1] The stated effective date is the first day after expiration of the required statutory notice.
[2] The suspension period is limited to one day.
[4] Periodic rate increase.
[5] Pressure base is 14.65 psia.

Richard M. Finder d/b/a Texkan Oil Company and Richard M. Finder d/b/a Texkan Oil Company (Operator), et al. (both referred to herein as Finder), request a retroactive effective date of January 1, 1964, for their proposed rate increases. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Finder's proposed rate filings and such requests are denied.

Finder's proposed increased rates and charges exceed the applicable area price level for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR Ch. I, Part 2, § 2.56). Finder's contracts were executed subsequent to September 28, 1960, the date of issuance of the Commission's aforementioned Statement of General Policy No. 61-1, as amended, and the proposed rates are below the applicable area ceiling for initial rates in their respective areas. Under the circumstances, we believe it to be in the public interest to suspend Finder's proposed increases for one day from date of expiration of the required statutory notice.

[F.R. Doc. 64-4847; Filed, May 18, 1964; 8:45 a.m.]

[Docket No. CP64-247]

MONTANA-DAKOTA UTILITIES CO.

Notice of Application

MAY 12, 1964.

Take note that on April 21, 1964, Montana-Dakota Utilities Co. (Montana-Dakota), a Delaware corporation, with its principal place of business in Minneapolis, Minnesota, filed an application in Docket No. CP64-247, pursuant to section 7(c) of the Natural Gas Act, for a certificate of public convenience and necessity authorizing it to construct and operate the facilities hereinafter described, and for a permit, pursuant to section 7(b) of the Natural Gas Act, to abandon the facilities hereinafter described, all as more fully described in the application on file with the Commission and open to public inspection.

Montana-Dakota proposes to construct and operate the following facilities:

1. Construct approximately 11.26 miles of 12¾" O.D. welded steel gas transmission main to loop 11.26 miles of existing 12¾" O.D. main, in Fallon County, Montana.

2. Construct approximately 2.36 miles of 4½" O.D., and 0.47 mile of 8⅝" O.D. welded steel gas transmission main lateral to replace an existing 8⅝" O.D. Dresser-coupled line serving the Fort Peck townsite, in Valley County, Montana.

3. Install two Ingersoll-Rand 6SVG, 330 HP, gas engine-driven compressors at the Baker Compressor Station, Fallon County, Montana. These Ingersoll-Rand Compressors will be installed in place of two Cooper Type 80, 170 HP compressors which are to be retired.

Montana-Dakota proposes to abandon the following facilities:

4. Remove and retire approximately 3.41 miles of 8⅝" O.D. gas transmission main, in Valley County, Montana, to be replaced with 8⅝" O.D. and 4½" O.D. main.

5. Remove and retire two Cooper Type 80, 170 HP gas engine-driven compressors at the Baker Compressor Station, Fallon County, Montana, to be replaced with two 330 HP compressors.

Montana-Dakota shows by its application that the proposed 11.26 miles of 12¾" O.D. loop line in Fallon County, Montana, is for the purpose of increasing delivery capacity of its transmission main system serving the South Dakota market area.

The proposed construction of the transmission main in Valley County, Montana, serving Fort Peck is for the purpose of replacing an 8⅝" O.D. line with 4½" O.D. line because of deterioration of the 8⅝" O.D. line and to relocate the line to shorten its length, and to improve access to the line for operation and maintenance. The change in size from 8⅝" to 4½" O.D. pipe is proposed for the reason that the annual gas requirements of Fort Peck are presently about one-fifth of the original requirements.

The proposed installation of two 330 horsepower compressor units at its Baker compressor station in Fallon County, Montana, is for the purpose of replacing two 170 horsepower units of obsolete design which cannot develop rated horsepower because of deterioration and age. Additional horsepower is required at the station to compress native gas and gas received from underground storage for serving system peak day firm market requirements.

The total estimated cost of the facilities to be constructed is $595,400, which will be financed through internally generated funds and short-term bank loans. The total estimated charge to retirement reserve of the facilities to be abandoned is $74,699.

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 with 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.

Protest 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 June 1, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-4933; Filed, May 18, 1964; 8:45 a.m.]

[Docket No. G-2721 etc.]

CITIES SERVICE OIL CO. ET AL.

Certificates of Public Necessity and Convenience

MAY 11, 1964.

Cities Service Oil Company (Successor to Cities Service Production Company), Docket Nos. G-2721, G-13228, G-4579, G-14355, G-10139, G-14356, G-11046, G-16854, G-11092, G-19707, G-12597, CI60-20; Cities Service Oil Company, Docket No. G-20396; Continental Oil Company, et al., Docket No. RI64-129.

Order amending orders issuing certificates of public convenience and necessity, substituting respondent, redesignating proceeding, and accepting agreement and undertaking for filing.

On December 19, 1963, as supplemented on January 3, 1964, Cities Service Oil Company filed in the above-docketed certificate proceedings an application pursuant to section 7(c) of the Natural Gas Act to amend the orders issuing certificates of public convenience and necessity in said dockets to Cities Service Production Company by substituting Cities Service Oil Company as certificate holder therein as a result of a merger, all as more fully set forth in the application.

The related FPC gas rate schedules of Cities Service Production Company have been redesignated as FPC gas rate schedules of Cities Service Oil Company as set forth in the Appendix hereto. The presently effective rate being collected pursuant to Cities Service Oil Company FPC Gas Rate Schedule No. 177, formerly Cities Service Production Company FPC Gas Rate Schedule No. 3, is in effect subject to refund in Docket No. G–20396. Cities Service Oil Company has filed a motion to be substituted as respondent in said proceeding and has filed an agreement and undertaking to assure the refund of any amounts collected above the amounts found to be just and reasonable in said proceeding.

Cities Service Production Company is a respondent in a proceeding on a show cause order in Docket No. RI64–129. Cities Service Oil Company has filed a motion to be substituted as respondent in said proceeding.

After due notice, no petition to intervene, notice of intervention, or protest to the granting of the application has been filed.

The Commission finds:

(1) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the orders issuing certificates of public convenience and necessity to Cities Service Production Company should be amended by substituting Cities Service Oil Company as certificate holder.

(2) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Cities Service Oil Company be substituted in lieu of Cities Service Production Company as respondent in the proceedings pending in Docket Nos. G–20396 and RI64–129, that said proceedings be redesignated accordingly, and that the agreement and undertaking submitted in Docket No. RI64–129 be accepted for filing.

The Commission orders:

(A) The orders issuing certificates of public convenience and necessity in Docket Nos. G–2721, G–4579, G–10139, G–11046, G–11092, G–12597, G–13228, G–14355, G–14356, G–16854, G–19707, and CI60–20 be and the same are hereby amended by substituting Cities Service Oil Company in lieu of Cities Service Production Company as certificate holder, and in all other respects said orders shall remain in full force and effect.

(B) Cities Service Oil Company be, and it is hereby substituted, in lieu of Cities Service Production Company as respondent in the proceedings pending in Docket Nos. G–20396 and RI64–129, said proceedings are redesignated accordingly, and the agreement and undertaking submitted in Docket No. G–20396 is accepted for filing.

(C) Cities Service Oil Company shall comply with the refunding and reporting procedure required by the Natural Gas Act and Section 154.102 of the Regulations thereunder, and the agreement and undertaking filed in Docket No. RI64–129 by Cities Service Oil Company shall remain in full force and effect until discharged by the Commission.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

APPENDIX

Docket No.	Cities Service Oil Co.		Cities Service Production Co.		Purchaser	Location
	Rate schedule	Supplement	Rate schedule	Supplement		
G–2721	176		1		United Fuel Gas Co.	Bourg Field, Terrebonne and Lafourche Parishes, La.
	176	1–18	1	1–18		
G–4579	177		3		El Paso Natural Gas Co.	Peyton Field, Pecos and Ward Counties.
	177	1–12	3	1–12		
G–10139	178		4		Tennessee Gas Transmission Co.	West Delta Area, Offshore Louisiana.
	178	1–9	4	1–9		
G–12597	[2] 179		[2] 5		Lone Star Gas Co.	Balfour No. 1 Gas Unit, Smith County, Tex.
	179	1 and 2	5	1 and 2		
G–11046 (G–15330).[1]	180		6		Tennessee Gas Transmission Co.	East and West Cameron and Vermilion Areas, Offshore Louisiana.
	180	1–15	6	1–15		
G–16854	[2] 181		[2] 7		Transcontinental Gas Pipeline Corp.	Chegby Field, St. James and Lafourche Parishes, La.
	181	1–3	7	1–3		
G–13228	[2] 182		[2] 8		Michigan Wisconsin Pipeline Co.	Laverne Field, Harper and Beaver Counties, Okla.
	182	1–5	8	1–5		
G–14356	183		9		Transcontinental Gas Pipeline Corp.	South Bourg Field, Terrebonne Parish, La.
	183	1–3	9	1–3		
G–11092	[2] 184		10		Florida Gas Transmission Co.	Bay Natchez Field, Assumption and Iberville Parishes, La.
	184	1–4	10	1–4		
CI60–20	[2] 185		[2] 11		Southern Natural Gas Co.	Fausse Point Field, Iberia and St. Martin Parishes, La.
	185	1	11	1		
G–19707	186		12		Tennessee Gas Transmission Co.	Grand Isle Block 47 Field, Offshore Louisiana.
	186	1–5	12	1–5		
G–14355	188		14		Transcontinental Gas Pipeline Corp.	Willow Woods Field, Terrebonne Parish.
	188	1 and 2	14	1 and 2		

[1] Supplement No. 3 to FPC Gas Rate Schedule No. 180 covers sales authorized in Docket No. G–15330.
[2] "(Operator), et al."

[F.R. Doc. 64–4885; Filed, May 18, 1964; 8:45 a.m.]

[Docket No. CP64–207]

MOUNTAIN FUEL SUPPLY CO.

Notice of Application

MAY 12, 1964.

Take notice that on March 19, 1964, as supplemented on April 3, 1964, Mountain Fuel Supply Company (Applicant), 180 East First South Street, Salt Lake City 10, Utah, filed in Docket No. CP64–207 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 6.3 miles of 24-inch pipeline between Wanship and Coalville, Utah, replacing the existing 16-inch pipeline in this location, 9.0 miles of 16-inch pipeline between Henefer and Morgan, Utah, replacing and relocating 11.5 miles of 14-inch pipeline between these towns, and 4.3 miles of 16-inch pipeline between Echo Reservoir and Coalville, Utah, replacing the existing 14-inch pipeline between these points, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The application states that the proposed facilities will advance Applicant's continuing program of reconditioning and upgrading its transmission system to permit Applicant to operate these pipelines at higher pressures with increased reliability. Also a part of the existing 14-inch pipeline in Weber Canyon must be relocated to make way for the further construction of Interstate Highway No. 80, along the bottom of Weber Canyon.

The estimated cost of the proposed facilities will be about $922,000. Applicant proposes to finance the project out of funds on hand and from short-term bank borrowings as may be required.

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 June 1, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-4934; Filed, May 18, 1964; 8:46 a.m.]

[Docket No. CP64-216]

UNITED GAS PIPE LINE CO.

Notice of Application

MAY 12, 1964.

Take notice that on March 25, 1964, United Gas Pipe Line Company (Applicant) filed an application in Docket No. CP64-216 pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity for authority to abandon and remove certain natural gas facilities previously used to deliver natural gas to J. M. Huber Corporation, all as more fully set forth in the application on file with the Commission and open for public inspection.

The facilities proposed for abandonment and removal are as follows: J. M. Huber Corporation facilities, consisting of a positive meter station located at Milepost 20.4 on the 8-inch Orange City Gate No. 2 line in the Benjamin Johnson Survey, Abstract 119, Orange County, Texas.

Applicant has been selling gas to such customer for use in the operations of certain gas lift compressors, Orange County, Texas. Applicant's contract for such service terminated November 1, 1963, and Applicant proposes to remove the facilities in order that they may be used at other locations when required.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 1, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-4935; Filed, May 18, 1964; 8:46 a.m.]

[Docket Nos. CI62-1506 etc.]

CONTINENTAL OIL CO.

Certificate of Public Convenience and Necessity; Gas Rate Schedules and Filings

MAY 12, 1964.

Continental Oil Company (successor to J. R. Frankel, et al. and to Berkshire Oil Company); Docket No. CI62-1506, et al., Docket No. RI60-334 (AR61-2, et al.).

Findings and order after statutory hearing, issuing certificate of public convenience and necessity, terminating certain certificate authorizations, making successor co-respondent in rate proceeding, accepting agreement and undertaking, accepting certain FPC gas rate filings and redesignating certain FPC gas rate filings.

On June 18, 1962, Continental Oil Company (Applicant) filed in Docket No. CI62-1506 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to continue the sale and delivery of natural gas to Arkansas Louisiana Gas Company from acreage in the East Haynesville Field, Claiborne Parish, Louisiana, which sale was originally authorized to be made by J. R. Frankel, et al. (Frankel) by order of the Commission issued October 24, 1956, in Docket No. G-4011 (Docket No. G-2603, et al.), all as more fully set forth in the application in subject Docket No. CI62-1506.

On September 6, 1961, Berkshire Oil Company (Berkshire) filed a motion to amend the aforesaid certificate order in Docket No. G-4011 (among others) by substituting Berkshire for Frankel as certificate holder therein. Berkshire, on November 2, 1961, assigned its assets and interests to Continental Oil Company, the Applicant in subject Docket No. CI62-1506.

The related rate schedule for the subject service was formerly Berkshire Oil Company FPC Gas Rate Schedule No. 2, as supplemented, and is now being redesignated as Continental Oil Company FPC Gas Rate Schedule No. 223, as supplemented. The current contract price is 13.4783 cents at 15.025 psia. (Supplement No. 10)

After due notice, no petition to intervene, notice of intervention or protest to the granting of the application in Docket No. CI62-1506 has been filed.

At a hearing held on May 7, 1964, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the application and exhibits, submitted in support of the authorization sought herein.

It appears that in granting certificate authorization to Continental Oil Company to succeed Berkshire Oil Company as certificate holder in Docket Nos. CI62-1504, CI62-1513 and CI62-1507 by Opinion No. 408 and accompanying order (Docket No. G-19246, et al., issued October 31, 1963), the related rate filings were not accepted and redesignated in the name of Continental, and the predecessor certificate authorizations in Docket Nos. G-13224, G-18391 and G-8125 were not terminated. This omission will be rectified hereinafter.

On November 29, 1963, Continental Oil Company filed a motion to be substituted for Berkshire as respondent in rate suspension Docket No. RI60-334[1] effective November 2, 1961, the date of acquisition of the assets and interests of Berkshire. This docket (included in the Area Rate Proceeding designated as Docket No. AR61-2, et al.) involves a proposed increase under the gas sales contract formerly designated as Berkshire Oil Company FPC Gas Rate Schedule No. 6, as supplemented, which should now be designated as Continental Oil Company FPC Gas Rate Schedule No. 227, as supplemented. Concurrently with its motion to be substituted for Berkshire as respondent in Docket No. RI60-334, Continental filed a related agreement and undertaking to assume, from and after November 2, 1961, all rights, obligations and liabilities in said pending rate proceeding (as well as the two rate proceedings referred to in Footnote 1 below).

It should be noted that by letter dated October 22, 1962, the attorneys for the former stockholders of Berkshire Oil Company, which company was dissolved and fully liquidated as of September 28, 1962, advised the Commission that said stockholders are ready, willing and able to meet obligations for which they may lawfully be found liable, irrespective of the corporate dissolution. The liability of these stockholders to make refunds in Docket No. RI60-334 extends only to the date on which Continental succeeded to the interests of Berkshire, November 2, 1961.[2]

Upon consideration of the record in Docket No. CI62-1506, the motion of Applicant to be substituted for Berkshire in Docket No. RI60-334 and the inadvertent omissions in Opinion No. 408 and accompanying order referred to above,

The Commission finds:

(1) Applicant, Continental Oil Company, a Delaware corporation having its principal place of business in Houston, Texas, is a "natural-gas company" within the meaning of the Natural Gas Act, as heretofore found by the Commission.

(2) The sale of natural gas hereinbefore described, as more fully described in the application in Docket No. CI62-1506, is being made in interstate commerce, subject to the jurisdiction of the Commission, and the continuation thereof by Applicant, together with the continued operation of any facilities subject to the jurisdiction of the Commission necessary therefor, is subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

[1] Continental's motion asked to be substituted for Berkshire in rate proceedings designated as Docket Nos. G-17671 and G-19948 in addition to RI60-334, but Continental's succession to Berkshire occurred after the locked-in periods involved in the former two dockets; hence the motion with respect to those two dockets is considered moot.

[2] For sake of convenience the proceeding will continue to be referred to as Berkshire Oil Company, Docket No. RI60-334.

(3) The sale of natural gas by Applicant as hereinbefore described, together with the continued operation of any facilities subject to the jurisdiction of the Commission necessary therefor, is required by the public convenience and necessity and a certificate therefor should be issued as hereafter ordered and conditioned.

(4) Applicant is able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(5) The certificate authorizations heretofore granted to predecessors of Applicant in Docket Nos. G–4011, G–8125, G–13224 and G–18391 should be terminated and the related rate filings redesignated in the name of Applicant and accepted for filing, as hereinafter ordered.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Continental Oil Company be made co-respondent with Berkshire Oil Company in the rate proceeding in Docket No. RI60–334, that said proceeding be redesignated accordingly and that the agreement and undertaking submitted by Continental Oil Company in said docket be accepted for filing.

The Commission orders:

(A) A certificate of public convenience and necessity be and the same is hereby issued, upon the terms and conditions of this order, authorizing the continued sale by Applicant, Continental Oil Company, of natural gas in interstate commerce for resale, together with the continued operation of any facilities subject to the jurisdiction of the Commission necessary for such sale, all as hereinbefore described and as more fully described in the application in Docket No. CI62–1506.

(B) The certificate granted in paragraph (A) above is not transferable and shall be effective only so long as Applicant continues 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 certificate 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 Applicant herein. 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 contract herein involved. Nor shall the grant of the certificate aforesaid for service to the particular customer involved imply approval of all of the terms of the aforesaid contract, particularly as to the cessation of service upon termination of said contract, as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificate aforesaid be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of the sale of natural gas subject to said certificate.

(D) The certificate authorizations heretofore granted to predecessors of Applicant in Docket Nos. G–4011, G–8125, G–13224 and G–18391 are hereby terminated.

(E) The related rate filings and supplements as indicated in the tabulation below are hereby redesignated and accepted, subject to the applicable Commission regulations under the Natural Gas Act, to be effective on November 2, 1961, the date of transfer of the producing properties by Berkshire Oil Company to Continental Oil Company:

Former docket No.	Former designation	Present docket No.	New designation	Supplement No.
G–13224	Berkshire Oil Co. FPC Gas Rate Schedule No. 1.	CI62–1504	Continental Oil Co. FPC Gas Rate Schedule No. 222 and Supplements 1–3, inclusive.	
			Assignment Description dated 6–11–62	4
			Notice of Succession dated 6–15–62	
G–4011	Berkshire FPC GRS No. 2 and Supplements 1–12, inclusive.	CI62–1506	Continental FPC GRS No. 223 and Supplements 1–12, inclusive.	
			Assignment Description dated 6–11–62	13
			Notice of Succession dated 6–15–62	
G–18391	Berkshire FPC GRS No. 3 and Supplements 1–3, inclusive.	CI62–1513	Continental FPC GRS No. 224 and Supplements 1–3, inclusive.	
			Assignment Description dated 6–11–62	4
			Notice of Succession dated 6–15–62	
G–8125	Berkshire FPC GRS No. 6 and Supplements 1–6, inclusive.	CI62–1507	Continental FPC GRS No. 227 and Supplements 1–6, inclusive.	
			Assignment Description dated 6–11–62	7
			Notice of Succession dated 6–15–62	

(F) Continental Oil Company be and is hereby made a co-respondent with Berkshire Oil Company in the rate proceeding in Docket No. RI60–334, said proceeding is redesignated accordingly and the agreement and undertaking filed on November 29, 1963, to assure refund of any amounts collected after November 2, 1961, which may be found excessive in that proceeding, is accepted for filing.

(G) Continental shall comply with the refunding and reporting procedure required by the Natural Gas Act and section 154.102 of the regulations thereunder and the agreement and undertaking assuming refund obligation in Docket No. RI60–334 shall remain in full force and effect until discharged by the Commission.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64–4936; Filed, May 18, 1964; 8:46 a.m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

ACTING REGIONAL DIRECTOR OF URBAN RENEWAL, REGION IV (CHICAGO)

Designation

The officers appointed to the following listed positions in Region IV (Chicago) are hereby designated to serve as Acting Regional Director of Urban Renewal, Region IV, during the absence of the Regional Director of Urban Renewal, with all the powers, functions, and duties delegated or assigned to the Regional Director of Urban Renewal, provided that no officer is authorized to serve as Acting Regional Director of Urban Renewal, unless all other officers whose titles precede his in this designation are unable to act by reason of absence:

1. Deputy Regional Director of Urban Renewal.
2. Chief, Operations Branch, Urban Renewal Division.
3. Special Assistant to Regional Director of Urban Renewal.
4. Assistant Regional Director for Special Programs, Urban Renewal Division.

This designation supersedes the designation effective September 28, 1962 (27 F.R. 9631, September 28, 1962).

(Housing and Home Finance Administrator's delegation effective May 4, 1962 (27 F.R. 4319, May 4, 1962))

Effective as of the 19th day of May 1964.

[SEAL] JOHN P. MCCOLLUM, *Regional Administrator, Region IV.*

[F.R. Doc. 64–4947; Filed, May 18, 1964; 8:48 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30–X, Disaster 2]

MANAGER, DISASTER FIELD OFFICE, SHREVEPORT, LA.

Rescinding of Delegation Relating to Financial Assistance Functions

Notice is hereby given that Delegation of Authority No. 30–X, Disaster 2 (29 F.R. 6106), is hereby rescinded in its entirety.

Effective date: May 8, 1964.

ROBERT E. WEST, *Regional Director, Dallas, Texas.*

[F.R. Doc. 64–4938; Filed, May 18, 1964; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 14, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 39014—*Joint motor-rail rates—Southern Motor Carriers.* Filed by Southern Motor Carriers Rate Conference, agent (No. 90), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in southern territory, on the one hand, and points in middle Atlantic and New England territories, on the other.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 16 to Southern Motor Carriers Rate Conference, agent, tariff MF–I.C.C. 1272.

FSA No. 39015—*Export grain from points in Southern Territory.* Filed by O. W. South, Jr., agent (No. A4514), for interested rail carriers. Rates on grain, in carloads, from points in southern territory, to South Atlantic, Virginia and Florida ports.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Supplement 147 to Southern Freight Association, agent, tariff I.C.C. S–182.

FSA No. 39016—*Soda Ash to Westover, Ga.* Filed by Southwestern Freight Bureau, agent (No. B–8544), for interested rail carriers. Rates on soda ash, in bulk, in covered hopper cars, in carloads, from Baldwin, Ark., Lake Charles and W. Lake Charles, La., Corpus Christi, Freeport, Houston and Port Neches, Tex., to Westover, Ga.

Grounds for relief: Market competition.

Tariffs: Supplements 39, 137 and 29 to Southwestern Freight Bureau, agent, tariffs I.C.C. 4529, 4450 and 4534, respectively.

FSA No. 39017—*Liquid caustic soda to Phelps, Ga., and Etowah, Tenn.* Filed by Southwestern Freight Bureau, agent (No. B–8543), for interested rail carriers. Rates on liquid caustic soda, in tank-car loads, from points in Louisiana and Texas, also Baldwin, Ark., to Phelps, Ga., and Etowah, Tenn.

Grounds for relief: Market competition.

Tariffs: Supplements 39, 137 and 29 to Southwestern Freight Bureau, agent, tariffs I.C.C. 4529, 4450 and 4534, respectively.

FSA No. 39018—*Substituted service—Central States Territory.* Filed by Central States Motor Freight Bureau, Inc., agent (No. 77), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars, between points in central states, middlewest, southwestern, Rocky Mountains and Pacific territories, on the one hand, and points in central states, middle Atlantic and New England territories, on the other.

Grounds for relief: Motor-truck competition.

Tariff: Central States Motor Freight Bureau, Inc., agent, tariff MF–I.C.C. 1102.

By the Commission.

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

[F.R. Doc. 64–4945; Filed, May 18, 1964; 8:48 a.m.]

[Notice 985]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 14, 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 65795. (Republication) By order of May 12, 1964, the Transfer Board approved the reinstatement of the prior order of April 29, 1963, transferring to Vick Truck Line, Inc., 1103 East Main Street, Eagle Lake, Texas of Certificate in No. MC 120997 (Sub-No. 1) issued July 25, 1962 to M. L. Briscoe, doing business as Vick Truck Line, 708 South McCarty, Eagle Lake, Texas, authorizing the transportation of general commodities, excluding household goods and commodities in bulk, over regular routes, between Houston, Texas and Eagle Lake, Texas, serving all intermediate points west of Rosenberg, Texas.

No. MC–FC 66481. By order of May 12, 1964, the Transfer Board approved the transfer to Earl Brooks, doing business as Brooks Truck Line of a portion of Certificate in No. MC 97369 (Sub-No. 4), acquired by Navajo Freight Lines, Inc., Denver, Colo., pursuant to MC–F 8262, assigned Docket No. MC 76032 (Sub-No. 182), authorizing the transportation of general commodities, excluding household goods and commodities in bulk, serving ballistic missile and launching sites, and supply points therefor located in Cedar, Vernon, Bates, Cass, Johnson, Lafayette, Saline, Cooper, Moniteau, Morgan, Benton, Henry, St. Clair, and Pettis Counties, Mo., as intermediate or off-route points in connection with carrier's regular-route operations authorized herein; between Kansas City, Mo., and Holton, Kans., serving the intermediate point of Birmingham, Kans., intermediate and off-route points in the Kansas City, Mo.-Kansas City, Kans., Commercial Zone, as defined by the Commission, and the off-route points of Denison, Circleville, Soldier, Havensville, Onaga, Mayetta, and Hoyt, Kans.; and from Kansas City, Mo., over U.S. Highway 40 to St. Louis, and return over the same route. Lee Reeder, 1221 Baltimore Avenue, Kansas City 5, Missouri, attorney for applicants.

No. MC–FC 66737. By order of May 12, 1964, the Transfer Board, on reconsideration, approved the transfer to Vanguard Transportation Incorporated, Avenel, N.J., of the operating rights in Certificate in No. MC 124151, issued June 26, 1962, to John D. Holmes, Jr., doing business as Vanguard Transportation Company, Avenel, N.J., authorizing the transportation, over irregular routes, of: Petroleum products, of various kinds and types, in bulk, in tank vehicles, between points in New York, New Jersey, Connecticut, and Pennsylvania. William D. Traub, 10 East 40th Street, New York 15, N.Y., representative for applicants.

No. MC–FC 66763. By order of May 11, 1964, the Transfer Board approved the transfer to Teton Freight Lines, Inc., First Street at Main, Riverton, Wyoming, of Certificate in No. MC 114535, issued October 29, 1963, to Charles Summerlin, doing business as Teton Transportation Company, First Street at Main, Riverton, Wyo., authorizing the transportation, over regular routes, of passengers and their baggage, and express, newspapers, and mail in the same vehicle with passengers, between Shoshoni, Wyo., and Lander, Wyo., serving all intermediate points; between Lander, Wyo., and Pilot Butte Oil Field, Wyo., a point on U.S. Highway 26 approximately five miles east of junction U.S. Highways 287 and 26, serving all intermediate points; between Lander, Wyo., and Rock Springs, Wyo., serving all intermediate points except those between Farson and Rock Springs, including Farson, which service is restricted to the pickup and discharge of passengers, baggage of passengers, newspapers, express, and mail, all in the same vehicle, destined to or from points between Lander and Farson, including Lander; and between Perrin, Wyo., and Rawlins, Wyo., serving all intermediate points except those between Muddy Gap and Rawlings, Wyo.

No. MC–FC 66856. By order of May 11, 1964, the Transfer Board approved the transfer to Murphy Transportation, Inc., Maywood, Calif., of Certificate in No. MC 114921, issued June 2, 1955, to Mrs. Frank Murphy, doing business as Murphy Transportation, Maywood, Calif., authorizing the transportation of general commodities, excluding household goods and commodities in bulk, over irregular routes, between points in the Los Angeles Harbor

commercial zone, on the one hand, and, on the other, points in the Los Angeles Commercial Zone, as those zones have been defined in Los Angeles Commercial Zone, 3 M.C.C. 248. Arthur H. Glanz, 639 South Spring Street, Los Angeles, California, 90014, attorney for applicants.

No. MC–FC 66863. By order of May 11, 1964, the Transfer Board approved the transfer to C-Line Express, a Corporation, 525 Silverado Trail, Napa, Calif., of the "claimed grandfather-proviso" operating rights as described in the appendix to the order of the Commission, Operating Rights Board No. 2, entered February 20, 1964, in the proceeding No. MC 99808 (Sub-No. 2), covering operations conducted solely within the State of California, supported by appropriate Certificates issued by the Public Utilities Commission of the State of California, to Robert Pieri, doing business as C-Line Express, 525 Silverado Trail, Napa, California.

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

[F.R. Doc. 64–4946; Filed, May 18, 1964; 8:48 a.m.]

CUMULATIVE CODIFICATION GUIDE—MAY

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during May.

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3 CFR

5 CFR

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7 CFR

7 CFR—Continued

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