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Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3516

RED CROSS MONTH, 1963

By the President of the United States of America

A Proclamation

WHEREAS the American National Red Cross serves as a voluntary auxiliary to the Government of the United States in matters vitally affecting the welfare of the American people, both in time of peace and in national emergencies; and

WHEREAS such Red Cross services as the Blood Program, Disaster Services, First Aid and Nursing Services, and the many other programs of its trained volunteers must be maintained at maximum effectiveness at all times; and

WHEREAS, by virtue of the responsibility vested in the American Red Cross by its congressional charter, it also acts as a medium of communication between the people of the United States and their Armed Forces and in matters of voluntary relief affecting our servicemen and women and their families; and

WHEREAS these essential services to the Government of the United States and the American people are made possible by the 45,000,000 members and volunteers of 3,600 Red Cross chapters throughout the Nation; and

WHEREAS the United States of America is a member of the International Red Cross family through adherence to the Red Cross Treaty of Geneva which this Government signed in 1882; and

WHEREAS this great international movement, founded at Geneva in 1863, observes its centenary this year; and

WHEREAS the American Red Cross, as a member of the League of Red Cross Societies and in cooperation with the League, has assisted in many of the great international relief programs of our times, bringing the means of existence and hope to millions of victims of war, civil strife, disaster, and epidemic; and, acting under the provisions of the Geneva Conventions, has furnished volunteer aid to the sick and wounded of armies in time of war and has protected prisoners of war:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America and Honorary Chairman of the American National Red Cross, do hereby designate March 1963 as Red Cross Month; and I urge all Americans to honor the American Red Cross by participating in, and strengthening, its work.

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

DONE at the City of Washington this First day of February in the year of our Lord nineteen hundred and sixty-three, and [SEAL] of the Independence of the United States of America the one hundred and eighty-seventh.

JOHN F. KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 63-1360; Filed, Feb. 4, 1963; 10:20 a.m.]

Rules and Regulations

Title 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

[Amdt. 11]

PART 5—DETERMINATION OF PARITY PRICES

Buckwheat

Since monthly price estimates for buckwheat were discontinued by this Department beginning with the 1962 crop, it is hereby determined that it is no longer practicable to use a calendar year basis in determining average prices received by farmers for buckwheat for purposes of calculating the adjusted base prices of buckwheat for use in making parity calculations. Accordingly, the regulations of the Secretary of Agriculture with respect to the determination of parity prices (21 F.R. 761, as amended; 7 CFR 5.1–5.6) are amended as hereinafter specified in order to designate buckwheat as a commodity for which marketing season average prices will be used for the purpose of calculating adjusted base prices.

In § 5.2, the paragraph under the centerhead "Other Commodities" is amended by adding "buckwheat;" after "hops;".

(Sec. 301, 52 Stat. 38, as amended; 7 U.S.C. 1301)

Done at Washington, D.C., this 31st day of January 1963.

ORVILLE L. FREEMAN,
Secretary of Agriculture.

[F.R. Doc. 63–1261; Filed, Feb. 4, 1963; 8:48 a.m.]

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

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 811, Amdt. 2]

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

Requirements, Quotas and Quota Deficits for 1963

Basis and purpose and statement of bases and considerations. This amendment is issued pursuant to the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 922, as amended), hereinafter referred to as the "Act". The purpose of the amendment is to increase the quantity of sugar authorized for purchase and importation from foreign countries as a group (global quota) pursuant to section 202(c)(4)(A) of the Act. A total of 1,504,341 short tons, raw value, of sugar is available for authorization for purchase and importation from foreign countries as a group within the total of quotas for the calendar year 1963 established on December 7, 1962 (27 F.R. 12340). Of this total quantity, 750,000 short tons, raw value, was authorized on December 7, 1962, for purchase and importation by May 31, 1963. On January 23, 1963, Sugar Regulation 811 was amended (28 F.R. 715) to extend the period for importation to September 30, 1963, on the portion of the 750,000 tons that was not committed under applications approved prior to the amendment. The entire 750,000 tons has now been committed under approved applications for set-aside of quota. Since additional quantities of sugar are needed to meet the requirements of this market during the period ending September 30, 1963, the quantity authorized for purchase and importation is increased by 350,000 tons to 1,100,000 short tons, raw value.

Effective date. This amendment authorizes the purchase and importation of an additional 350,000 tons of sugar from foreign countries as a group. In order to obtain needed supplies of sugar imports without delay and to promote orderly marketing, it is essential that all persons selling and purchasing sugar for consumption in the continental United States be informed as soon as possible of this increase in marketing opportunities. Therefore, it is hereby determined and found that compliance with the notice, procedure and effective date requirements of the Administrative Procedure Act is unnecessary, impracticable and contrary to the public interest and the amendment herein shall become effective when filed for public inspection in the Office of the Federal Register.

By virtue of the authority vested in the Secretary of Agriculture by the Act, Part 811 of this chapter is hereby amended by amending paragraph (e) of § 811.13 and paragraph (b) of § 811.17 as follows:

1. Paragraph (e) of § 811.13 is amended to read:

§ 811.13 Quotas for foreign countries.

* * * * *

(e) For the calendar year 1963 the quantity of sugar available for authorization for purchase and importation from foreign countries as a group, in addition to the quantities established as the quota for the Republic of the Philippines in paragraph (b) of this section and the quota prorations or allocations for individual foreign countries in paragraph (c) of this section, is 1,504,341 short tons, raw value. Of this total quantity 1,100,000 short tons, raw value, shall be authorized at this time for purchase and importation from foreign countries as a group on the following basis:

(1) The quantity of 750,000 short tons, raw value, may be authorized for purchase and importation during the period January 1 through May 31, 1963, pursuant to proposals received on or before December 20, 1962, and subsequently accepted as provided for in § 811.17. This quantity is being made available for authorization for purchase and importation for purposes of giving special consideration to Western Hemisphere countries and to those countries purchasing United States agricultural commodities.

(2) Any part of the total quantity of 1,100,000 short tons, raw value, not committed under proposals accepted pursuant to subparagraph (1) of this paragraph may be authorized for purchase and importation during the period January 1, 1963, through September 30, 1963, in accordance with the procedures set forth in Part 817 of this chapter: *Provided,* That, whenever the unfilled balance of the quantity that may be authorized for purchase and importation under this subparagraph (2) is less than the total quantity covered by applications that are eligible at any one time for approval under the provisions of § 817.6(b), the procedures provided for in § 817.6(b) shall be modified to give priority among such applications, first to applications covering sugar to be imported from Western Hemisphere countries which are accompanied by proposals to purchase United States agricultural commodities, second to applications covering sugar to be imported from Western Hemisphere countries and third to applications covering sugar to be imported from countries other than in the Western Hemisphere which are accompanied by proposals to purchase United States agricultural commodities.

(3) It is hereby found that the total quantity of 1,100,000 short tons, raw value, may not be reasonably available as raw sugar to supply our requirements during such period. Accordingly, sugar testing in excess of 99 degrees polarization and raw sugar may be authorized for release within the quantity of 1,100,000 short tons, raw value, all of such quantity to be further refined or improved in quality in the United States in accordance with the requirements of Part 810. Sugar may be authorized for purchase and importation within the quantity of 1,100,000 short tons, raw value, established in this paragraph only from countries with which the United States is in diplomatic relations and from countries that had in the calendar year 1962 aggregate exports of sugar to countries other than the United States equal to or in excess of aggregate imports.

§ 811.17 [Amendment]

2. Paragraph (b) of § 811.17 is amended by deleting from the first sentence thereof the words: "shall be received on or before the date for submission of such proposals as specified in paragraph (e) of § 811.13 and".

(Sec. 403, 61 Stat. 932, 7 U.S.C. 1153. Interprets or applies sec. 202; 61 Stat. 924, as amended; 7 U.S.C. 1112)

Issued at Washington, D.C., this 31st day of January 1963.

CHARLES S. MURPHY,
Acting Secretary.

[F.R. Doc. 63-1262; Filed, Feb. 1, 1963; 12:31 p.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[1961 C.C.C. Grain Price Support Reseal Loan Bulletin, Amdt. 1]

PART 1421—GRAINS AND RELATED COMMODITIES

Subpart—1961-Crop Reseal Loan Programs for Barley, Corn, Grain Sorghums, Oats, Soybeans, and Wheat

The regulations issued by Commodity Credit Corporation published in 27 F.R. 5077 and containing specific requirements of the 1961-crop reseal programs for barley, corn, grain sorghums, oats, soybeans and wheat are amended as follows:

Section 1421.1735(b)(1) relating to storage payments is corrected to change the date of "July 31, 1963 for wheat" to read "March 31, 1963 for wheat."

Section 1421.1735(b)(4) is amended to provide a storage payment for the 1963-64 reseal period on corn and wheat under a two-year reseal program, and a new subparagraph (5) is added. Subparagraphs (4) and (5) read as follows:

§ 1421.1735 Storage payments.

* * * * *

(b) * * *

(4) *Storage payment for full 1963-64 reseal period.* A storage payment of 14 cents per bushel for the 1963-64 reseal period will be made to the producer on the quantity involved if he (i) redeems the commodity from loans in the period beginning March 31, 1964, and ending 60 days thereafter for wheat or in the period beginning July 31, 1964, and ending 60 days thereafter for corn, or (ii) delivers the commodity to CCC in the period beginning March 31, 1964, and ending 60 days thereafter for wheat or in the period beginning July 31, 1964, and ending 60 days thereafter for corn; or (iii) delivers the commodity prior to March 31, 1964, for wheat or July 31, 1964, for corn pursuant to CCC's demand and for the sole convenience of CCC. Storage payments will be made at settlement time or if the commodity is eligible for extended reseal the payment will be made at the time of extension.

(5) *Prorated storage payment for 1963-64 reseal period.* A storage payment for the 1963-64 reseal period determined by prorating the yearly rate according to the length of time the commodity was in store beginning 60 days subsequent to the maturity date applicable to regular loans in the area for the 1962-crop of the commodity will be made to the producer in the case of: (i) Losses assumed by CCC, (ii) redemptions prior to March 31, 1964, for wheat and July 31, 1964, for corn, or (iii) deliveries to CCC prior to March 31, 1964, for wheat and July 31, 1964, for corn pursuant to CCC's demand but not for the sole convenience of CCC or upon request of the producer and with approval of CCC. The prorated storage payment will be computed at the daily rate of $0.00046 per bushel but shall not exceed 14 cents per bushel. In the case of losses assumed by CCC, the period for computing the storage payment shall end on the date of the loss and in the case of redemptions, on the date of repayment.

(Secs. 4 and 5, 62 Stat. 1070, as amended; secs. 101, 105, 301, 401, 63 Stat. 1051 ,as amended; 15 U.S.C. 714 b and c; 7 U.S.C. 1421, 1441, 1447)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on January 30, 1963.

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

[F.R. Doc. 63-1244; Filed, Feb. 4, 1963; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 62-WA-129]

PART 75—ESTABLISHMENT OF JET ROUTES [NEW]

Jet Advisory Areas

The purpose of this amendment to § 75.15 is to clarify the extent of terminal radar and nonradar jet advisory areas and to incorporate a change in the extent of jet advisory areas (27 F.R. 5603) which was not included in the new Part 75 [New].

Since this amendment is editorial in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and it may be made effective upon publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following action is taken:

In § 75.15 (28 F.R. 19-50), the following changes are made:

1. Paragraph (a) is changed to read:

(a) Jet advisory areas consist of airspace within the continental control area, as designated in Subpart C of this part.

2. In paragraph (c), "jet route segment," is deleted.

3. Paragraph (d) is changed to read:

(d) Nonradar jet advisory areas consist of areas within which jet advisory service is provided on a procedural basis without the use of radar. Unless otherwise designated, each of them includes the area within 16 miles on each side of the jet route segment from flight level 270 through flight level 310, inclusive, and from flight level 370 through flight level 390, inclusive.

4. Paragraph (e) is changed to read:

(e) Jet advisory areas do not include the airspace within positive control areas, prohibited areas, or restricted areas except restricted area military climb corridors and those restricted areas specified in Subpart E of Part 71 of this chapter.

5. In paragraph (f) "jet route segments" is deleted.

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

This amendment is effective upon date of publication in the FEDERAL REGISTER.

Issued in Washington, D.C., on January 29, 1963.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 63-1229; Filed, Feb. 4, 1963; 8:46 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 1421; Amdt. 532]

PART 507—AIRWORTHINESS DIRECTIVES

Boeing 707/720 Series Aircraft and Douglas DC-8-50 Series Aircraft

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring installation of an engine oil filter differential pressure warning system on certain Boeing 707/720 and Douglas DC-8 airplanes was published in 27 F.R. 10125.

Interested persons have been afforded an opportunity to participate in the making of the amendment. There were no objections to the basic objective of the directive, however, alternate means of complying with the objective were proposed. The objective of the directive as originally proposed was to provide a means of indicating to the flight crew when the engine main oil filter has become clogged with foreign matter (carbon or metal particles) thereby permitting the engine to be shutdown to a power-off windmilling condition before serious mechanical damage affecting safety of flight can occur as a result of lubrication failure to mainshaft bearings due to clogging of bearing screens by foreign matter having bypassed the filter.

Two operators proposed that airborne engine vibration indicators on each engine would give warning of incipient damage to engines from such a cause as lubrication failure of mainshaft bearings and that such warning would occur in time to permit engine shutdown before destructive damage of a violent nature would occur. One operator reported that one such incident of a bearing lubrication failure had been detected in the initial stage by vibration indicators already in use.

The Agency recognizes the worth of engine vibration indicators in detecting incipient engine damage affecting the rotating balance of the engine from any cause. The state of the art in the use of these indicators is constantly improving. On this basis the Agency is

willing to consider the effectiveness of vibration indicators in accomplishing the objective of the directive, and the final directive has been amended to permit objective consideration of these devices for this purpose. However, the one successful bearing failure detection incident noted is not considered sufficient to justify acceptance of vibration indicators as being fully equivalent to the oil filter differential pressure warning system without further substantiation. The directive therefore indicates that adequate substantiation for these devices would be required to establish equivalency with the differential pressure system. A statement of the objective in general terms has been included in the directive for clarity in connection with equivalent means of compliance with the filter differential pressure sensing system.

Two other operators proposed the installation of an additional filter in the oil scavenge system upstream of the oil cooler. This filter would be provided with a visual indicator which would indicate when the filter was clogged to the degree that oil was being bypassed. One operator indicated a frequency of occurrence of carbon accumulation in the oil cooler such as to cause oil over-temperature and require engine shutdowns. In these cases all carbon had been trapped in the oil cooler and very little had been caught in the engine oil filter. The additional filter serves to catch carbon before it passes into the oil cooler and reduces oil cooling.

The Agency is presently evaluating this additional filter from the standpoint of complying with the objectives of the directive. It has not yet been shown that a sudden influx of carbon resulting from thermal decomposition of oil from some source within the engine would not fill up the oil cooler and both filters in a short period of time, thereby creating the need for the filter pressure drop warning system. In the serious engine failure incident which gave rise to this directive, it appeared that excessive carbon accumulation sufficient to clog the oil filter occurred over a short period of time. However, the directive now permits consideration of this additional oil filter as an equivalent means of compliance with the objective, if adequate substantiation can be presented.

One operator indicated interest in a new type of turbine engine oil with improved thermal and oxidative stability characteristics over currently used turbine oils. It was indicated that such oil should eliminate carbon formation in the oil system. At the present time the Agency does not have information to substantiate that such oil would not be subject to carbonization under aggravated conditions such as turbine seal leakage. This same operator stated that a number of engine service bulletin modifications were being incorporated in his engines which are aimed at reduction of carbon formation within the engine. There is at present no evidence to indicate that these modifications will accomplish in an equivalent manner the objectives of the directive. However, under the equivalency paragraph in the directive such measures may be given consideration.

Various comments were made that the installation of the differential pressure sensing system would result in false warnings of filter clogging due to electrical malfunction of the differential pressure switch. While the Agency recognizes the possibility of false signal occurrences, it is considered that this factor does not outweigh the need for a protective system for the engines.

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

BOEING AND DOUGLAS. Applies to Boeing Models 707-100B, 707-300B, and 720-000B Series aircraft, and to Douglas DC-8-50 Series aircraft with Pratt & Whitney JT3D Series engines.

Compliance required within the next 4,000 hours' time in service after the effective date of this AD, unless already accomplished.

Clogging of engine main oil filters by foreign matter has caused lubrication system malfunctions which have resulted in engine mechanical failures affecting safety of flight. To prevent such failures, accomplish the following:

(a) For Pratt & Whitney JT3D Series engines with serial numbers listed in Pratt & Whitney Engine Service Bulletin No. 327 dated January 8, 1962:

(1) Modify the engine oil filter assembly to provide for the installation of a differential pressure switch between the bypass port and the filter drain port, and provide an additional spring in the bypass valve to increase the pressure at which bypass occurs, in accordance with Service Bulletin No. 327, or FAA approved equivalent.

(2) Install a pressure switch across the engine main oil system filter, set to be actuated when the differential pressure between the inlet and outlet ports reaches a value of approximately 50 p.s.i. This change shall be accomplished in accordance with Boeing Service Bulletin No. 1586 dated April 11, 1962, for Boeing aircraft, and in accordance with Douglas Service Bulletin No. 79-11 (to be issued later) for DC-8 aircraft, or FAA-approved equivalent. Prior or concurrent incorporation of (a)(1) is required with this change.

(b) For Boeing Models 707-100B, 707-300B, and 720-000B Series aircraft with serial numbers listed in Boeing Service Bulletin No. 1586 dated April 11, 1962, and for Douglas DC-8-50 Series aircraft listed in Douglas Service Bulletin DC-8 No. 79-11 (to be issued later):

(1) Provide means in the cockpit to give corresponding indication of the actuation of the differential pressure switch on each engine in accordance with Boeing Service Bulletin No. 1586 for Boeing aircraft, and in accordance with Douglas Service Bulletin 79-11 for DC-8 aircraft, or FAA approved equivalent.

NOTE: Any person may submit an equivalent means of compliance with the objective of this directive. Such equivalent means shall be submitted to FAA, Western Region, Attention, Chief, Engineering and Manufacturing Branch, for evaluation and approval. Adequate substantiation of equivalency will be required. If approved, the equivalent means, when accomplished, shall be deemed as compliance with (a) and (b). The objective of this directive is to provide means of preventing serious mechanical damage to engines which would affect safety of flight as a result of lubrication failure of engine main bearings.

(c) When the modifications prescribed in (a) and (b) are accomplished or when an equivalent means of compliance is approved and accomplished, the engine oil filter inspections prescribed by AD 61-24-1 are no longer required.

(d) Appropriate revisions to the FAA Airplane Flight Manual covering procedures required in connection with devices installed shall be prepared and submitted to FAA, Western Region, Attention, Chief, Engineering and Manufacturing Branch, for approval.

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

This amendment shall become effective March 7, 1963.

Issued in Washington, D.C., on January 30, 1963.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 63-1228; Filed, Feb. 4, 1963; 8:46 a.m.]

[Reg. Docket No. 1260; Amdt. 62]

PART 514—TECHNICAL STANDARD ORDERS FOR AIRCRAFT MATERIALS, PARTS, PROCESSES AND APPLIANCES

Fuel Drain Valves—TSO-C76

A proposed new § 514.82 establishing minimum performance standards for fuel drain valves to be used on civil aircraft of the United States, was published in 27 F.R. 5990, and circulated as regulations of the Administrator Draft Release No. 62-30 dated June 19, 1962.

Interested persons have been afforded an opportunity to participate in the making of the amendment. One organization stated that it believes that the service records do not show a need for the standards with regard to turbine-powered transport aircraft and to airplanes type certificated under Part 3 of the Civil Air Regulations. In addition, a question was raised as to whether the issuance of the standard would be a change in the policy of approving equipment on aircraft. The Agency has determined there is a need for this standard in order to specify the minimum requirements for this type valve when used in complying with the fuel system drain requirements of all airworthiness parts. There is no change in the Agency policy of approving equipment as part of the aircraft. This TSO provides one means for approval of fuel drain valves which are to be used on Civil aircraft. The aircraft designer has, and will retain, the option of using TSO approved parts or other draining provisions on aircraft type certificated under Part 3 and on turbine-powered aircraft as well as on all other types of aircraft, as long as the fuel drain provisions comply with the applicable Civil Air Regulations.

One manufacturer recommended that the valve be designed to operate using the manufacturer's opening tool only. This is considered unnecessarily restrictive and the manufacturer may design his valve to use his own or any standard opening device, so long as the valve meets the FAA Standard. Another rec-

ommendation, to color code the drain valve, was not included in the standard as the Agency does not believe that such color coding is necessary to provide for identification of fuel drain valves.

Another comment recommended deletion of the requirement that valves be designed so as to prevent loss of parts. The Agency has determined, in view of past service experience, that such a provision is necessary in the interest of safety and the requirement is being retained.

A comment requesting the inclusion of the usual "grandfather clause" to permit continued TSO approval for parts now being manufactured was received. Revised Part 514, effective July 1, 1962, has, in § 514.2(b) of subpart A, such a provision and its repetition in each TSO is unnecessary.

Another comment stated that the physical size of most drain valves precludes complete marking of the valves in accordance with the requirements of subpart A of Part 514. The Agency agrees and the marking requirements have been changed to require only the TSO number and the manufacturer's name or identifying mark where the space on the valve is inadequate to include other information. The TSO requires that all other required markings be placed on the shipping container. One comment mentioned possible confusion as to permissible uses of the drain valves as a result of the wording of the statement of "Scope", in the draft release of the FAA Standard. This section of the standard has been revised by specifically stating that the standard covers valves to be used in fuel tank sumps, strainers and gascolators.

A comment suggested that fuel drain valves be protected from corrosion by plating, anodizing or the use of corrosion resistant materials. The Agency has concluded that this is necessary and has revised § 3.1 of the standard so that it includes a requirement for corrosion protection.

A number of comments suggested that as proposed the valve might inadvertently be left open with possible serious consequences resulting; therefore, the requirements for open detent and open position indications should be deleted so that the valve would return to the closed position upon release. The Agency finds merit in this suggestion and the standard has been so reworded as to delete the open detent and open position indication.

It was further suggested that since one function of the valve is for the purpose of removing contaminates from the system, inlet screens or other features which would impede effective drainage should be prohibited. The Agency finds that such a prohibition is necessary in the interest of safety and has adopted such a requirement. Two comments were received stating that the flow rate was too high and might adversely affect safety. Upon reevaluation by the Agency, the flow rate requirement has been changed to require a flow rate of 1 quart per minute, this being a reasonable minimum to assure that water and other contaminates collected in the fuel sumps are discharged.

Since these changes are not restrictive and impose no additional burden on any person, republication for comment is considered unnecessary.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489) is hereby amended as follows:

Section 514.82 is added as follows:

§ 514.82 Fuel drain valves—TSO–C76.

(a) *Applicability.* Minimum performance standards are hereby established for fuel drain valves to be used in civil aircraft of the United States. New models of fuel drain valves manufactured on or after the effective date of this section shall meet the standards specified in the Federal Aviation Agency Standards, "Fuel Drain Valves", dated October 1, 1962.[1]

(b) *Marking.* Articles shall be marked in accordance with the requirements of § 514.3(d) except that:

(1) The size shall be shown in lieu of the weight required by § 514.3(d)(3); and

(2) Parts too small to contain all the required information shall be marked with the TSO number and the manufacturer's name or identifying mark. For such parts, the other marking data required by § 514.3(d) shall be placed on the shipping container of the part.

(c) *Data requirements.* In addition to the data specified in § 514.2, the manufacturer shall furnish to the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Agency, in the region in which the manufacturer is located, the following technical data:

(1) Six copies of an instruction manual describing the product and supplying information on maintenance, overhaul, and installation.

(2) One copy of the manufacturer's test report.

Effective date: March 1, 1963.

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

Issued in Washington, D.C., on January 30, 1963.

G. S. Moore,
Acting Director,
Flight Standards Service.

[F.R. Doc. 63–1230; Filed, Feb. 4, 1963; 8:46 a.m.]

[1] Copies may be obtained upon request addressed to Publishing and Graphics Branch, Inquiry Section, MS–158, Federal Aviation Agency, Washington 25, D.C.

Title 30—MINERAL RESOURCES

Chapter IV—Federal Coal Mine Safety Board of Review

PART 401—RULES OF PROCEDURE

Form and Filing of Applications

Section 401.3 and footnote 1 to § 401.4 of the rules of procedure (18 F.R. 3017) are amended by changing the address of the Board office to "Room 507, First National Bank Building, 1701 Pennsylvania Avenue NW., Washington 25, D.C." As so amended, § 401.3 and footnote 1 to § 401.4 read as follows:

§ 401.3 Where to file.

Each application shall be filed with the Secretary of the Board, at the principal office of the Board in Room 507, First National Bank Building, 1701 Pennsylvania Avenue NW., Washington 25, D.C.

§ 401.4 Form of application.[1]

* * * * *

(Sec. 205(h), 66 Stat. 698; 30 U.S.C. 475(h))

Adopted by the Federal Coal Mine Safety Board of Review at its office in Washington, D.C., on the 30th day of January 1963.

Troy L. Back,
Executive Secretary of the Board.

[F.R. Doc. 63–1258; Filed, Feb. 4, 1963; 8:48 a.m.]

[1] Forms which meet the requirements of section 401.4 may be obtained by operators or operators' associations from the Secretary of the Board, Room 507, First National Bank Building, 1701 Pennsylvania Avenue NW., Washington 25, D.C., or from the field offices of the Accident Prevention and Health Division, Bureau of Mines.

Title 32—NATIONAL DEFENSE

Chapter VI—Department of the Navy

SUBCHAPTER C—PERSONNEL

PART 719—NONJUDICIAL PUNISHMENT, NAVAL COURTS AND CERTAIN FACT-FINDING BODIES

General Provisions

Scope and purpose. Section 719.101 deals with commanding officer's nonjudicial punishment and is revised to conform with Public Law 87–648 of September 7, 1962 (76 Stat. 447) amending article 15 of the Uniform Code of Military Justice (10 U.S.C. 815) and with Executive Order 11081 of January 29, 1963 (28 F.R. 945) amending applicable portions of the Manual for Courts-Martial, United States, 1951 (E.O. 10214, 3 CFR 1949–53 Comp., as amended). The amendment is effective February 1, 1963; however, as provided in the second introductory paragraph of the Executive Order, "no person may impose any kind or amount of nonjudicial punishment after January 31, 1963 for an offense committed before February 1, 1963 which he could not have imposed before that date". Changes to the Manual of the Judge Advocate General corresponding to the instant amendment are distributed to naval activities in due course.

1. Effective February 1, 1963, § 719.101 is revised to read as follows:

§ 719.101 General provisions.

(a) *Authority to impose*—(1) *General.* Pursuant to the authority of article 15 of the Uniform Code of Military Justice (10 U.S.C. 801–940, referred to in this part as the Code) and the provisions of chapter XXVI of the Manual for Courts-

Martial, United States, 1951 (E.O. 10214, 3 CFR 1949–53 Comp., referred to in this part as MCM 1951), and except as provided in paragraph (b) of this section, nonjudicial punishment may be imposed in the naval service for minor offenses as follows:

(i) *Upon officers and warrant officers.* Any commanding officer may impose upon officers of his command admonition or reprimand and restriction to certain specified limits, with or without suspension from duty, for not more than 15 consecutive days. A commanding officer of the grade of major or lieutenant commander, or above, may, in addition to admonition or reprimand, impose restriction for not more than 30 consecutive days. Only an officer of general or flag rank in command may impose the additional punishments authorized by article 15(b)(1)(B) of the Code. (See also subparagraph (3) of this paragraph.)

(ii) *Upon other personnel.* Any commanding officer may impose upon enlisted men of his command, and any commissioned officer who is designated as officer in charge of a unit by Departmental Orders, Tables of Organization, orders of a flag or general officer in command (including one in command of a multiservice command to which members of the naval service are attached) or orders of the Senior Officer Present, may impose upon enlisted men assigned to his unit, admonition or reprimand and one or more of the punishments authorized by article 15(b)(2)(A) through (G) of the Code. Only commanding officers of the grade of major or lieutenant commander or above may impose the increased punishments authorized by article 95(b)(2)(H) of the Code.

(2) *Jurisdiction over individual.* At the time nonjudicial punishment is imposed the accused must be a member of the command of the commanding officer, or of the unit of the officer in charge, who imposes the punishment. As used in this section a person is "of the command" or "of the unit" if he is assigned or attached thereto. If, at the time nonjudicial punishment is to be imposed, the accused is no longer "of the command" or "unit", full information concerning the alleged offense should be referred for appropriate action to a competent authority in the chain of military command over the individual concerned. In the case of an officer, the referral should normally be to the officer who exercises general court-martial jurisdiction over him. In all cases in which a letter of admonition or reprimand is issued by a command or unit to which the individual was not assigned or attached at the time of the offense, the letter should contain an express statement to that effect.

(3) *Delegation to a "principal assistant" under article 15(a).* With the express prior approval of the Chief of Naval Personnel or the Commandant of the Marine Corps, as appropriate, a flag or general officer in command may delegate all or a portion of his powers under article 15 to a senior officer on his staff who is eligible to succeed to command in case of absence of such officer in command. To the extent of the authority thus delegated, the officer to whom such powers are delegated shall have the same authority as the officer who delegated the powers.

(4) *Withholding of article 15 punitive authority.* Unless specifically authorized by the Secretary of the Navy, commanding officers of the Navy and Marine Corps having disciplinary authority under article 15 may not limit or withhold the exercise by subordinate commanders of any disciplinary authority they might otherwise have under that article.

(b) *Limitations on imposition of nonjudicial punishment*—(1) *Demand for trial.* The provisions of article 15 of the Code relative to demand for trial by court-martial in lieu of nonjudicial punishment do not apply to a person in the Navy or Marine Corps who is attached to or embarked in a vessel.

(2) *Cases previously tried in civil courts.* The provisions of § 719.106(d) with respect to trial by summary court-martial of persons whose cases have been previously adjudicated in domestic or foreign criminal courts apply also to the imposition of nonjudicial punishment in such cases.

(3) *Units attached to a ship.* When a unit having a commanding officer or officer in charge is attached to a ship of the Navy for duty therein, such officer should, as a matter of policy, refrain from exercising his power to impose nonjudicial punishment, referring all such matters to the commanding officer of the ship for disposition. This policy shall not be applicable to Military Sea Transportation Service vessels operating under a master.

(4) *Correctional custody.* This punishment may not be imposed upon persons of the grade of E–4 and above.

(5) *Confinement on bread and water or diminished rations.* This punishment may not be imposed upon persons of the grade of E–4 and above.

(6) *Extra duties.* Subject to the limitations set forth in paragraph 131c(6), MCM 1951, this punishment shall be considered satisfied when the enlisted person shall have performed extra duties during available time in addition to performing his military duties. Normally the immediate commanding officer of the accused will designate the amount and character of the extra duties to be performed. The daily performance of the extra duties before or after routine duties are completed satisfies the punishment whether the particular daily assignment requires one, two, or more hours but normally extra duties should not extend to more than two hours per day. (See article 1410, U.S. Navy Regulations, 1948, for provisions prohibiting (i) guard duty as a punishment and (ii) performance of extra duties on Sunday.)

(7) *Reduction in grade.* Subject to the provisions of paragraph 131c(7), MCM 1951, this punishment may not be imposed except to the next inferior grade. Reduction in grade may be imposed only if the condition concerning promotion authority specified in 131, MCM 1951, is met. See Bureau of Naval Personnel Manual, articles C–7202 and C–7211, and Marine Corps Manual, paragraphs 1430 and 1450.

(8) *Arrest in quarters.* An officer or warrant officer undergoing this punishment may not be required to perform duties involving the exercise of authority over any person who is otherwise subordinate to him. See article 1316, U.S. Navy Regulations, 1958.

(9) *Forfeiture and detention.* As provided in paragraphs 131c (8) and (9), MCM 1951, the monthly contribution from his pay ($40.00) that an enlisted person with dependents is required by law to make to entitle him to a basic allowance for quarters must be deducted before the net amount of pay subject to forfeiture or detention is computed. When a punishment of a person in pay grade E–4 (over 4 years' service) or above includes both reduction to pay grade E–4 (4 years' or less service) or below and forfeiture or detention, the same amount ($40.00) must similarly be deducted before computing the net amount of pay subject to forfeiture or detention.

(c) *Nonpunitive measures.* Commanding officers and officers in charge are authorized and expected to use nonpunitive measures, including administrative withholding of privileges not extending to deprivation of normal liberty, in furthering the efficiency of their commands. These measures are not punishment and may be administered either orally or in writing. See paragraph 128c, MCM 1951. Nonpunitive letters of censure, other than those issued by the Secretary of the Navy, shall not be forwarded to the Bureau of Naval Personnel or the Commandant of the Marine Corps, quoted or appended to fitness reports, or otherwise included in the official Departmental records of the recipient.

(d) *Procedures.* The procedures prescribed in paragraph 133b, MCM 1951, and in this paragraph will be followed in imposing nonjudicial punishment. The requirements of § 719.102 (d) and (e) are also applicable if a letter of admonition or reprimand is to be imposed as punishment. If nonjudicial punishment is contemplated on the basis of the record of a court of inquiry or other fact-finding body, a preliminary examination shall be made of such record to determine whether the individual concerned was accorded the rights of a party before such fact-finding body and, if so, whether such rights were accorded with respect to the act or omission for which nonjudicial punishment is contemplated. If the individual concerned was accorded the rights of a party with respect to the act or omission for which nonjudicial punishment is contemplated, such punishment may be imposed without further proceedings. But see paragraph (b) of this section. If the individual concerned was not accorded the rights of a party with respect to the offense for which punishment is contemplated, the impartial hearing prescribed in paragraph 133b, MCM 1951, must be conducted. In the alternative, the record of the fact-finding body may be returned for additional proceedings so that the individual concerned may be accorded the rights of a party with respect to the act or omission for which nonjudicial punishment is contemplated. The offi-

cer who imposes punishment under article 15 shall require the offender to be fully informed of his right to appeal from such punishment.

(e) *Effective date and execution of punishments*—(1) *Forfeitures, detention and reduction in grade.* As provided in paragraph 131e, MCM 1951, these punishments, if unsuspended, take effect on the date imposed. However, if a forfeiture or detention is imposed while a prior punishment of forefiture or detention is still in effect, the prior punishment will be completed before the latter begins to run.

(2) *Punishments involving restraint.* Normally, the punishments of arrest in quarters, correctional custody, confinement on bread and water or diminished rations, extra duties, and restriction, unless suspended, take effect when imposed. However, as with forfeiture and detention, any prior punishment involving restraint will be completed before the second begins to run. In addition, commanding officers and officers-in-charge at sea may, when the exigencies of the service require, defer execution of correctional custody and confinement on bread and water for a reasonable period of time, not to exceed fifteen days, after imposition. When correctional custody is to be served in a regular confinement facility, the conditions of service and the provisions for release therefrom shall be as prescribed in the Corrections Manual (formerly Brig Manual). Otherwise, correctional custody will be imposed and administered in accordance with Secretary of the Navy Instruction 1640.7.

(3) *Admonition and reprimand.* These punishments take effect when imposed. A letter of censure is considered to be imposed when delivered to the offender.

(f) *Appeals*—(1) *Time.* In accordance with paragraph 135, MCM 1951, an appeal not made within a reasonable time may be rejected on that basis by the officer to whom the appeal was addressed. In the Navy and Marine Corps, a reasonable time shall in no case be construed to mean less than fifteen days after imposition of nonjudicial punishment. In computing this appeal period, allowance shall be made for the time required to transmit communications pertaining to the imposition of nonjudicial punishment and the appeal therefrom through the mails. This appeal period commences to run from the date of the imposition of the punishment, even though all or any part of the punishment imposed is suspended.

(2) *To whom made.* Any appeal from nonjudicial punishment in accordance with paragraph 135, MCM 1951, shall be made to the authority next superior to the officer who imposed the punishment, whether or not the superior authority is at the time of appeal in the chain of command of the person punished. An officer who has delegated his nonjudicial punishment powers to a principal assistant under paragraph (a) (3) of this section may not, however, act on an appeal from punishment imposed by his delegate.

(3) *Delegation of authority to act on appeals.* Such authority may be delegated in accordance with the provisions of paragraph (a) (3) of this section.

(4) *Procedures.* When the officer who imposed the punishment is not the offender's immediate commanding officer, the latter may forward the appeal direct to the officer who imposed the punishment for forwarding to the next superior. Similarly, the action of the superior on appeal may be forwarded by the officer who imposed the punishment direct to the offender's commanding officer for delivery. Copies of the correspondence should be provided for any intermediate authorities in the chain of command. In any case where nonjudicial punishment is imposed on the basis of information contained in the record of a court of inquiry or fact-finding body, a copy of the record, including the findings, opinions and recommendations, together with copies of endorsements thereon, shall, except where the interests of national security may be adversely affected, be made available to the individual concerned for his examination in connection with the preparation of an appeal. In case of doubt, the matter shall be referred to the Judge Advocate General for advice.

(g) *Records of punishment.* The records of nonjudicial punishment will be maintained and disposed of in accordance with paragraph 133c, MCM 1951, as amended, and implementing regulations contained in the Bureau of Naval Personnel Manual and the Marine Corps Personnel Manual. The forms used for the Unit Punishment book are NAVPERS 2696 and NAVMC 10132PD.

(h) *Definition of "successor in command".* For the purposes of article 15, the term "successor in command" refers to an officer succeeding to the command by being detailed or succeeding thereto as described in chapter 13, sections 3 and 4, U.S. Navy Regulations. The term is not limited to the officer next succeeding. See paragraph (j) of this section.

(i) *Punishment not to be increased.* As provided in paragraph 128d, MCM 1951, a punishment once imposed may not be increased. In addition, such punishment may not be withdrawn for the purpose of imposing a more severe punishment.

(j) *Suspension, mitigation, and remission.* The authority of the officer who imposed the punishment, his successor in command and superior authority to suspend, mitigate, remit, and set aside punishments is set forth in paragraph 134 and 135, MCM 1951. When a person upon whom nonjudical punishment has been imposed is thereafter, by competent transfer orders, assigned to another command or unit, the receiving commanding officer or officer in charge as appropriate, and his successor in command, may, under article 15(d) of the Code and the conditions set forth in paragraph 134, MCM 1951, exercise the same powers with respect to the punishment imposed as may be exercised by the officer who imposed the punishment or his successor in command.

(R.S. 161. secs. 801–940, 5031, 70A Stat. 36–78, 278, as amended, incl. sec. 815, 76 Stat. 448, E.O. 10214 (3 CFR 1949–53 Comp.) as amended incl. E.O. 11081 (28 F.R. 945); 5 U.S.C. 22, 10 U.S.C. 801–940, 5031)

By direction of the Secretary of the Navy.

[SEAL] ANTHONY J. DEVICO,
Captain, U.S. Navy, Acting Judge Advocate General of the Navy.

JANUARY 31, 1963.

[F.R. Doc. 63–1263; Filed, Feb. 1, 1963; 8:52 a.m.]

PART 719—NONJUDICIAL PUNISHMENT, NAVAL COURTS AND CERTAIN FACT-FINDING BODIES

Fees of Civilian Witnesses

Scope and purpose. Section 719.131 (i) (1) deals with fees (per diem, mileage and subsistence allowance) of civilians not in Government employ who are duly summoned as witnesses before a naval tribunal or for the taking of a deposition; the section is revised to confrom with witness fees provisions of the Attorney General concerning the use of tables of distances (27 F.R. 12619, 28 CFR 21.4). The corresponding section 0131 of the Manual of the Judge Advocate General will be amended likewise through a change which will be distributed to Navy and Marine Corps commands in due course.

1. Section 719.131(i)(1) is revised to read as follows:

§ 719.131 Fees of civilian witnesses.

* * * * *

(i) *Rates for civilian witnesses prescribed by law*—(1) *Civilian witnesses not in Government employ.* A civilian not in Government employ, duly summoned as a witness before a naval tribunal, or at a place where his deposition is to be taken for use before such court or fact-finding body, will receive four dollars ($4.00) for each day's actual attendance and for the time necessarily occupied in going to and returning from the same pursuant to such summons, and 8 cents per mile for going from and returning to his place of residence provided such travel is performed as the direct result of being duly summoned to appear as a witness. Regardless of the mode of travel employed by the witness, computation of mileage in this respect shall be made on the basis of a uniform table of distances adopted by the Attorney General (Rand McNally Standard Highway Mileage Guide or any other generally accepted highway mileage guide which contains a short-line nationwide table of distances and which is designated by the Administrative Assistant Attorney General for such purpose). With respect to travel in areas for which no such highway mileage guide exists, mileage shall be computed on the basis (i) of the mode of travel actually employed, (ii) of a usually traveled route, and (iii) of distances as generally accepted in the locality. Civilian witnesses who are not salaried employees of the Government and who are not in custody and who attend pursuant to being duly summoned at points so far removed from their re-

spective residences as to prohibit return thereto from day to day, shall be entitled to an additional allowance of eight dollars ($8.00) per day for expenses of subsistence including the time necessarily occupied in going to and returning from the place of attendance: *Provided,* That in lieu of the mileage allowance provided for herein, witnesses who are required to travel between Hawaii, Puerto Rico, the Territories and possessions, or to and from the continental United States, shall be entitled to the actual expenses of travel at the lowest first class rate available at the time of reservation for passage, by means of transportation employed: *And provided further,* That this subparagraph (1) shall not apply to Alaska. In each instance involving Alaska, the Judge Advocate General will, upon request, furnish the current applicable rates. (See 28 CFR 21.3 for fees and allowances of witnesses in Alaska.) Nothing in this section shall be construed as authorizing the payment of fees, mileage allowances or subsistence to witnesses for attendance or travel which is not performed as a direct result of being duly summoned, or for travel which is performed prior to being duly summoned as a witness, or for travel returning to their places of residence if the travel from their places of residence does not qualify for payment under this subparagraph.

* * * * *

(R.S. 161, 183, secs. 801–940, 5031, 70A Stat. 36–78, 278, E.O. 10214 (3 CFR 1949–53 Comp. p. 408), as amended; 5 U.S.C. 22, 93, 10 U.S.C. 801–940, 5031)

By direction of the Secretary of the Navy.

[SEAL] W. C. MOTT,
Rear Admiral, U.S. Navy, Judge Advocate General of the Navy.

JANUARY 25, 1963.

[F.R. Doc. 63–1235; Filed, Feb. 4, 1963; 8:47 a.m.]

Chapter VII—Department of the Air Force

SUBCHAPTER C—ADMINISTRATIVE CLAIMS AND LITIGATION

PART 838—AUTHORITY OF ARMED FORCES PERSONNEL TO PERFORM NOTARIAL ACTS

A new Part 838 is added as follows:

Sec.
838.1 Purpose.
838.2 Federal authority to administer oaths, and the legal effectiveness of such oaths.
838.3 Federal authority to perform other notarial acts, and the legal effectiveness of such acts.
838.4 Restrictions.

AUTHORITY: §§ 838.1 to 838.4 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012.
SOURCE: AFR 110–6, January 4, 1963.

§ 838.1 Purpose.

Sections 838.1 to 838.4 set forth for both Federal and non-Federal purposes the authority of U.S. Armed Force members to administer oaths; take affidavits, sworn statements, depositions, and acknowledgments; and perform other notarial acts.

§ 838.2 Federal authority to administer oaths, and the legal effectiveness of such oaths.

(a) *Federal authority to administer oaths.* (1) The following U.S. Armed Force members on active duty may administer oaths for purposes of military administration, including military justice (Art. 136, UCMJ; 10 U.S.C. 936):

(i) All judge advocates of the Army and the Air Force.
(ii) All law specialists.
(iii) All summary courts-martial.
(iv) All adjutants, assistant adjutants, acting adjutants, and personnel adjutants.
(v) All commanding officers of the Navy, Marine Corps, and Coast Guard.
(vi) All staff judge advocates and legal officers, and acting or assistant staff judge advocates and legal officers.
(vii) All other persons designated by Armed Forces regulations or by statute. Although otherwise qualified under subdivision (iv) of this subparagraph, Directors of Administrative Services, Deputy Directors of Administrative Services, Chiefs of Administrative Services, Administrative Officers, and similarly titled officers are hereby so designated by the Air Force.

(2) The following U.S. Armed Force members on active duty may administer oaths to any person when it is necessary in the performance of their duties (Art. 136, UCMJ; 10 U.S.C. 936):

(i) President, law officer, trial counsel, and assistant trial counsel for all general and special courts-martial.
(ii) President and counsel for the court of any court of inquiry.
(iii) All officers designated to take a deposition.
(iv) All persons designated to conduct an investigation.
(v) All recruiting officers.
(vi) All other persons designated by Armed Forces regulations or by statute.

(3) Any U.S. Armed Force commissioned officer of any Regular or Reserve component, whether or not on active duty, may administer:

(i) Oath of enlistment (10 U.S.C. 501 and 1031).
(ii) Oath required for appointment of any commissioned or warrant officer grade (10 U.S.C. 1031).
(iii) Any other oath required by law in connection with enlistment or appointment of any person in any U.S. Armed Force (10 U.S.C. 1031).

(b) *Legal effectiveness.* Oaths administered under these authorities are proper and legally effective for the purposes stated.

§ 838.3 Federal authority to perform other notarial acts, and the legal effectiveness of such acts.

(a) *Federal authority.* Under authority of Art. 136, UCMJ (10 U.S.C. 936), in addition to administering oaths for the purposes described in § 838.2(a), U.S. Armed Force members listed in § 838.2(a)(1) have general powers of a notary public and a U.S. consul to administer oaths and take affidavits, sworn statements, depositions, and acknowledgments to be accomplished by U.S. Armed Force members, wherever they may be, and by persons serving with, employed by, or accompanying the Armed Forces outside the United States and outside the Canal Zone, Puerto Rico, Guam, and the Virgin Islands.

(b) *Legal effectiveness for non-Federal purposes.* The legal effectiveness of any notarial act generally is dependent on the laws of the jurisdiction in which the instrument is actually to be used. This jurisdiction determines what officials may perform notarial acts, and the conditions under which they may be performed. Federal authority contained in Art. 136, UCMJ (10 U.S.C. 936), for the performance of notarial acts be certain U.S. Armed Force members may or may not be accepted as adequate compliance with the requirements of the jurisdiction in which the instrument actually is to be used.

§ 838.4 Restrictions.

Commissioned officers on the active list of the Regular Air Force or Army should not take depositions under a "commission" issued by any court. Accepting such commission may terminate the officer's appointment in the Air Force or Army. (10 U.S.C. 3544(b) and 8544(b).)

By order of the Secretary of the Air Force.

M. R. TIDWELL, Jr.,
Major General, U.S. Air Force, The Assistant Judge Advocate General, U.S. Air Force.

[F.R. Doc. 63–1225; Filed, Feb. 4, 1963; 8:45 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter II—Forest Service, Department of Agriculture

PART 251—LAND USES

Disposal of Materials

Section 251.4 is hereby temporarily modified in the following respect:

The requirements of subparagraph (b) (2) and (3) as to the disposal of common varieties of mineral materials pursuant to the act of June 11, 1960, are hereby suspended to and including December 31, 1963, to permit study and investigation of disposal methods on the lands subject thereto. In the interim, the Chief, Forest Service, may in his discretion and where he determines such action equitable, in the public interest, and necessary to determine the existence of, or workability of, the mineral deposits therein, issue prospecting permits which upon discovery of a valuable deposit shall entitle the holder thereof to a preference right lease for the mineral material covered thereby for not less than 5 years nor more than 10, the terms and conditions of the lease, including the royalty rates, to be established on an individual

case basis. Except for preference right leases as set out in the preceding sentence, mineral materials shall be disposed of pursuant to the act of June 11, 1960, as follows:

(i) For public works projects, such as roads and dams, and for semi-public purposes, such as railroads, or single project purpose in areas where the deposit normally has a value for a single nonrecurrent purpose to a single contractor because of its proximity to the particular project and has no intrinsic competitive value, the material may be disposed of at not less than the appraised value thereof without advertisement.

(ii) All other deposits shall be disposed of pursuant to paragraph (b) (2) and (3) except that the limitation thereof is hereby increased to $3,000.

In all other respects § 251.4 as amended September 22, 1960 (25 F.R. 9245), shall continue in effect.

This modification shall become effective upon publication in the FEDERAL REGISTER.

(Interprets or applies 74 Stat. 205)

Done at Washington, D.C., this 30th day of January 1963.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 63-1245; Filed, Feb. 4, 1963; 8:47 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

PART 204—DANGER ZONE REGULATIONS

Red River, La. and Chesapeake Bay, Va.

1. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), § 203.560 is hereby amended by adding paragraph (f) (2-a) to govern the operation of the State of Louisiana, Department of Highways bridge across Red River in Alexandria, Louisiana, effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 203.560 Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

* * * * *

(f) Lower Mississippi River. * * *

(2-a) Red River, La.; State of Louisiana, Department of Highways bridge at Fulton Street in Alexandria. At least 24 hours' advance notice required.

* * * * *

[Regs., January 21, 1963, 285/111-ENGCW-ON] (Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

2. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 204.49 is hereby prescribed establishing and governing the use of a danger zone in Chesapeake Bay, Virginia, effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 204.49 Chesapeake Bay off Plumtree Island, Hampton, Va.; Air Force precision test area.

(a) *The danger zone.* The waters of Chesapeake Bay and connecting waters within an area bounded as follows: Beginning at latitude 37°08'12", longitude 76°19'30", which is a point on the circumference of a circle of 10,000-foot radius with its center on Plumtree Point at latitude 37°07'30", longitude 76°17'36"; thence clockwise along the circumference of the circle to latitude 37°09'06", longitude 76°18'00"; thence southeasterly to latitude 37°08'12", longitude 76°17'48"; thence clockwise along the circumference of a circle of 4,000-foot radius (with its center at latitude 37°07'30", longitude 76°17'36") to latitude 37°07'48", longitude 76°-18'24"; thence northwesterly to the point of beginning.

(b) *The regulations.* (1) The danger zone will be in use not more than a total of 4 hours per month, which hours shall be during not more than any 2 days per month.

(2) No vessel shall enter or remain in the danger zone during periods of firing or bombing or when the zone is otherwise in use.

(3) The Commander, Tactical Air Command, Langley Air Force Base, Va., shall be responsible for publicizing in advance through the Coast Guard's "Local Notice to Mariners," in the local press, and by radio from time to time the schedule of use of the area, and shall station patrol boats to warn vessels during periods of use.

(4) This section shall be enforced by the Commander, Tactical Air Command, Langley Air Force Base, Va., or such agency as he may designate.

(c) *Disestablishment of danger zone.* The danger zone will be disestablished not later than December 31, 1967, unless written application for its continuance shall have been made to and approved by the Secretary of the Army prior to that date.

[Regs., January 22, 1963, 285/111-ENGCW-ON] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

KENNETH G. WICKHAM,
Brigadier General, U.S. Army,
Acting The Adjutant General.

[F.R. Doc. 63-1224; Filed, Feb. 4, 1963; 8:45 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 2—DELEGATIONS OF AUTHORITY

Administrator's Delegations of Authority to Certain Officials

In § 2.6, paragraph (e) is amended to read as follows:

§ 2.6 Administrator's delegations of authority to certain officials (38 U.S.C. 212(a)).

* * * * *

(e) *General Counsel and Chief Attorneys.* (1) Under the Federal Tort Claims Act pursuant to provisions of 28 U.S.C. 2672, authority is delegated to all Chief Attorneys and to each of the personnel designated in subdivision (iii) of this subparagraph to:

(i) Act on behalf of the United States to consider, ascertain, adjust, determine, and settle any claim not exceeding $2,500 for money damages against the United States for injury or loss of property or personal injury or death caused by the negligent or wrongful act or omission of any employee of the Veterans Administration while acting within the scope of his office or employment and to execute an appropriate voucher and other necessary instruments in connection with final disposition of such claim.

(ii) Authority is delegated to each of the personnel designated in subdivision (iii) of this subparagraph to execute an appropriate voucher and other necessary instruments in connection with any claim arising out of a negligent or wrongful act or omission of an employee of the Veterans Administration which is compromised by the Attorney General pursuant to 28 U.S.C. 2677.

(iii) General Counsel, Deputy General Counsel, Assistant General Counsels, Special Assistant to the General Counsel, Deputy Assistant General Counsels.

(2) Under the provisions of Public Law 87-693, providing for the recovery from tortiously liable third persons of the cost of hospital and medical care and treatment furnished or to be furnished by the United States, as implemented by regulations of the Attorney General (Part 43, title 28, Code of Federal Regulations), issued pursuant to Executive Order 11060, dated November 7, 1962, 27 F.R. 10925, authority is delegated to each of the personnel designated in subdivision (iv) of this subparagraph to:

(i) Accept the full amount of a claim and execute a release therefor.

(ii) Compromise or settle and execute a release of any claim, not in excess of $2,500, which the United States has for the reasonable value of such care and treatment.

(iii) Waive and in this connection release any claim, not in excess of $2,500, in whole or in part, either for the convenience of the Government, or if he determines that collection would result in undue hardship upon the person who suffered the injury or disease resulting in the care and treatment.

(iv) General Counsel, Deputy General Counsel, Assistant General Counsel (Professional Staff Group I), Deputy Assistant General Counsel (Professional Staff Group I) as designated by Assistant General Counsel.

(3) Pursuant to the authority stated in subparagraph (2) of this paragraph the Chief Attorneys are delegated authority to accept the full amount of any such claim and to execute a release therefor or to execute a release with prior approval of an official designated in subparagraph (2) (iv) of this paragraph based upon an authorized settle-

ment, compromise, or waiver of such claim.

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

This regulation is effective February 5, 1963.

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

[F.R. Doc. 63-1325; Filed, Feb. 4, 1963; 8:32 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 6—INTERNATIONAL FIXED PUBLIC RADIOCOMMUNICATION SERVICES

PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

Miscellaneous Amendments

The Commission having under consideration the desirability of making certain editorial changes in Parts 6 and 21 of its rules and regulations;

It appearing that the changes are editorial in nature and necessary to conform Parts 6 and 21 with other parts of the Commission's rules and regulations, and that compliance with the notice and effective date provisions of section 4 of the Administrative Procedure Act is neither necessary nor appropriate; and

It further appearing that the amendments adopted herein are issued pursuant to the authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, and § 0.341 (a) of the Commission's rules;

It is ordered, This 30th day of January 1963, that effective February 11, 1963, Parts 6 and 21 of the Commission's rules and regulations are amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: January 30, 1963.

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

Part 6 of the Commission's rules and regulations is amended as follows:

1. "kc" and "kilocycles" are changed to "kc/s", and "Mc" and "megacycles" are changed to "Mc/s" wherever they appear in Part 6.

2. The headnote of § 6.11 is amended to read as follows:

§ 6.11 Use of radiotelephone emissions by radiotelegraph stations.

3. Section 6.20(a) is amended to read as follows:

§ 6.20 Assignment of frequencies.

(a) Only those frequencies which are in accordance with § 2.106 of this chapter may be authorized for use by stations in the Fixed Public and Fixed Public Press Services. Selection of specific frequencies within such bands shall be made by the applicants therefor. After an application has been filed with the Commission for a particular frequency its availability for assignment as requested will be determined by a study of the probabilities of interference to and from existing services assigned on the same or adjacent frequencies and, if necessary, by coordination with other agencies utilizing frequencies in these ranges. The applicant will be notified of the results of such study and coordination. All new assignments of frequencies may be made subject to certain conditions as may be required to minimize the possibility of harmful interference to existing services.

4. Section 6.22 is amended to read as follows:

§ 6.22 Band width, multiple channel.

The licensee of a point-to-point radiotelegraph or radiotelephone station may be authorized to use a band width in excess of that indicated for a particular type of emission by § 2.202 of this chapter.

5. Section 6.28(a) is amended to read as follows:

§ 6.28 Special temporary authorization.

* * * * *

(a) A statement of the call signs, location, and frequencies of the transmitting station; the call signs, location and frequencies of the received station; and the type or types of emission to be employed by both stations.

6. In § 6.37, paragraphs (a) and (e) are amended to read as follows, and the subparagraph designation "(1)" is deleted from paragraphs (f) and (g).

§ 6.37 Station identification.

(a) *General.* Every radiotelegraph or radiotelephone station in the International Fixed Public or Fixed Public Press Service shall transmit, as provided below, the identifying call sign or other approved identification signal on each of its assigned frequencies below 30 Mc/s on which energy is being radiated.

* * * * *

(e) *Superimposed identification.* Radiotelegraph or radiotelephone stations identifying simultaneously with transmission of traffic-call signs or the general identification signal described below may be superimposed on the emission being transmitted by any method which will make identification possible with communication type receivers provided that approval of any such method shall first have been obtained from the Federal Communications Commission. (Approval by the Federal Communications Commission of any means of identification of complex emissions by superimposing identification of regular transmissions will be given upon satisfactory completion of coordinated tests thereof by the applicant and the Commission's Field Engineering Bureau.) Commission approval may be withdrawn if at any subsequent time harmful interference to adjacent frequencies is caused by the superimposed identification. When superimposed identification by call sign is used, the identifying signal shall consist of "QTT de (call sign)" transmitted at least three times in International Morse Code at a speed not to exceed 25 words per minute.

7. Section 6.41 is amended to read as follows:

§ 6.41 Quarterly report.

Each licensee of a station at a specific location, or of stations under a common transmitter control point, shall, within 40 days after the close of the quarter, submit a quarterly report in duplicate, stating in part I of such report each frequency and associated call sign contained in the license(s), number of hours each such frequency was used to each point of communication for each class of service rendered (such as telegraph, telephone, program, or radiophoto), and the total hours each such frequency was used; stating in part II of such report the volume of paid public correspondence transmitted to, received from, and the total with respect to each point of communication named in the license(s); and stating in part III of such report a list of the frequencies which were received from all stations beyond the continental limits of the United States, indicating call signs, locations, type of emissions, and whether such frequencies were received normally or occasionally: *Provided, however,* That this report is not required for stations operating on frequencies above 30 Mc/s which are used primarily to control the operation of, or to relay messages to or from, another radio station for which such a report is submitted or for the operation of stations on frequencies above 30 Mc/s which are used as an extension to or an integral part of the domestic communication network.

8. Section 6.46(a)(2) is amended to read as follows:

§ 6.46 Operators, place of duty.

(a) * * *

(2) In the case of two or more stations licensed in the name of the same person to use frequencies above 30 Mc/s only, a licensed radio operator of any class except amateur or holder of restricted radiotelephone or radiotelegraph operator permit who has the station within his effective control may be on duty at any point within the communication range of such station in lieu of the transmitter location or control point during the actual operation of the transmitting apparatus and shall supervise the emissions of all such stations so as to insure the proper operation in accordance with the station license.

Part 21 of the Commission's rules and regulations is amended as follows:

9. "kc" is changed to kc/s", and "Mc" is changed to "Mc/s" wherever they appear in Part 21.

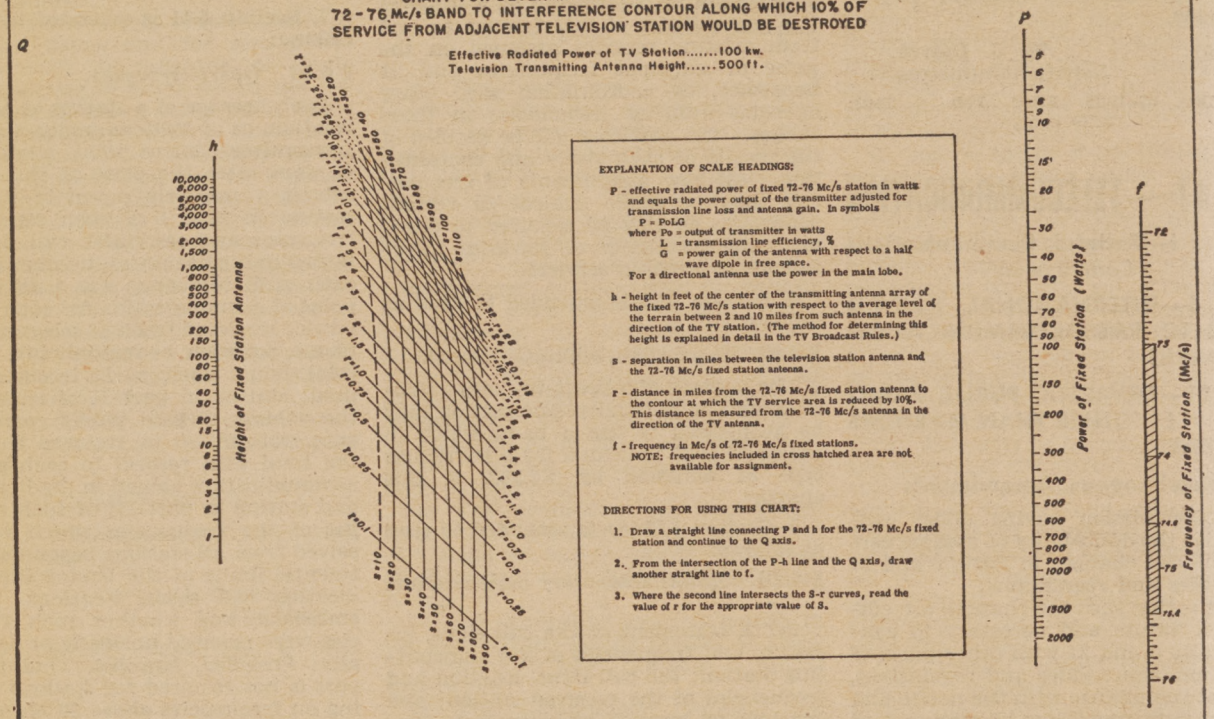
§ 21.103 [Amendment]

10. To reflect the nonavailability of frequencies for assignment in the band 73–74.6 Mc/s, which is reserved for radio astronomy under § 2.106 of the Commission's rules, § 21.103(c) is amended as set forth in the revised nomographic charts for channel 4 and channel 5, as follows:

FOR CHANNEL 4

CHART FOR DETERMINING RADIUS FROM FIXED STATION IN 72-76 Mc/s BAND TO INTERFERENCE CONTOUR ALONG WHICH 10% OF SERVICE FROM ADJACENT TELEVISION STATION WOULD BE DESTROYED

Effective Radiated Power of TV Station.....100 kw.
Television Transmitting Antenna Height.....500 ft.



EXPLANATION OF SCALE HEADINGS:

P - effective radiated power of fixed 72-76 Mc/s station in watts and equals the power output of the transmitter adjusted for transmission line loss and antenna gain. In symbols
P = PoLG
where Po = output of transmitter in watts
L = transmission line efficiency, %
G = power gain of the antenna with respect to a half wave dipole in free space.
For a directional antenna use the power in the main lobe.

h - height in feet of the center of the transmitting antenna array of the fixed 72-76 Mc/s station with respect to the average level of the terrain between 2 and 10 miles from such antenna in the direction of the TV station. (The method for determining this height is explained in detail in the TV Broadcast Rules.)

s - separation in miles between the television station antenna and the 72-76 Mc/s fixed station antenna.

r - distance in miles from the 72-76 Mc/s fixed station antenna to the contour at which the TV service area is reduced by 10%. This distance is measured from the 72-76 Mc/s antenna in the direction of the TV antenna.

f - frequency in Mc/s of 72-76 Mc/s fixed stations.
NOTE: frequencies included in cross hatched area are not available for assignment.

DIRECTIONS FOR USING THIS CHART:

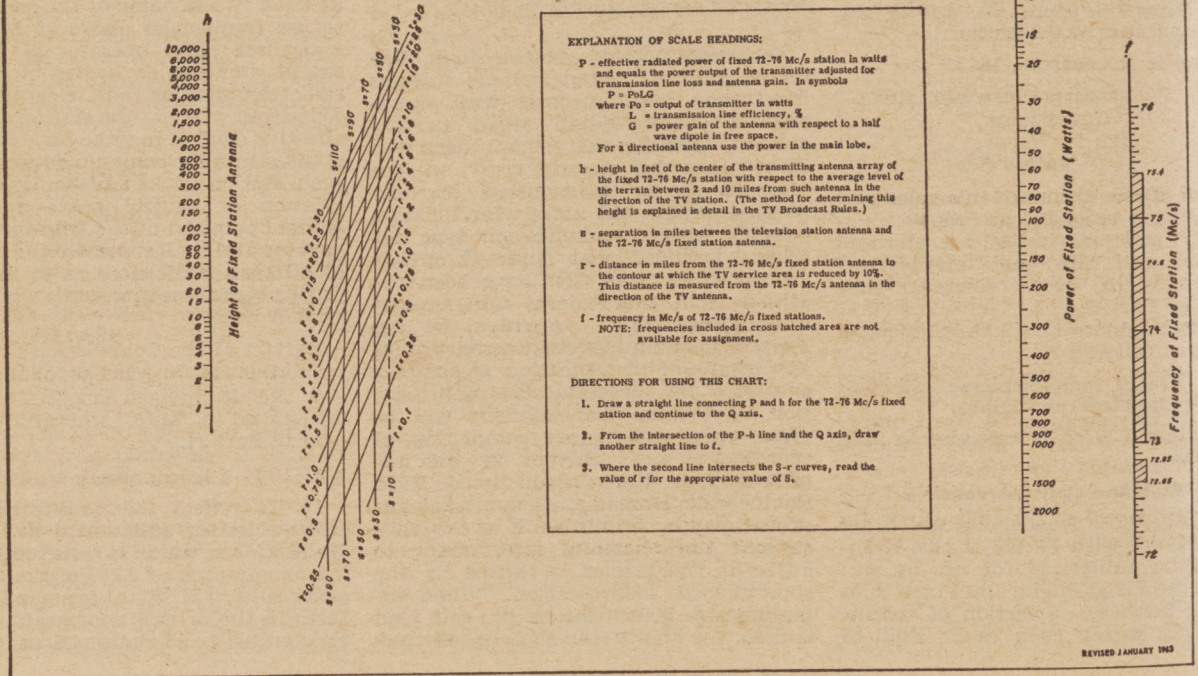
1. Draw a straight line connecting P and h for the 72-76 Mc/s fixed station and continue to the Q axis.
2. From the intersection of the P-h line and the Q axis, draw another straight line to f.
3. Where the second line intersects the S-r curves, read the value of r for the appropriate value of S.

REVISED JANUARY 1963

FOR CHANNEL 5

CHART FOR DETERMINING RADIUS FROM FIXED STATION IN 72-76 Mc/s BAND TO INTERFERENCE CONTOUR ALONG WHICH 10% OF SERVICE FROM ADJACENT TELEVISION STATION WOULD BE DESTROYED

Effective Radiated Power of TV Station.....100 kw.
Television Transmitting Antenna Height.....500 ft.



EXPLANATION OF SCALE HEADINGS:

P - effective radiated power of fixed 72-76 Mc/s station in watts and equals the power output of the transmitter adjusted for transmission line loss and antenna gain. In symbols
P = PoLG
where Po = output of transmitter in watts
L = transmission line efficiency, %
G = power gain of the antenna with respect to a half wave dipole in free space.
For a directional antenna use the power in the main lobe.

h - height in feet of the center of the transmitting antenna array of the fixed 72-76 Mc/s station with respect to the average level of the terrain between 2 and 10 miles from such antenna in the direction of the TV station. (The method for determining this height is explained in detail in the TV Broadcast Rules.)

s - separation in miles between the television station antenna and the 72-76 Mc/s fixed station antenna.

r - distance in miles from the 72-76 Mc/s fixed station antenna to the contour at which the TV service area is reduced by 10%. This distance is measured from the 72-76 Mc/s antenna in the direction of the TV antenna.

f - frequency in Mc/s of 72-76 Mc/s fixed stations.
NOTE: frequencies included in cross hatched area are not available for assignment.

DIRECTIONS FOR USING THIS CHART:

1. Draw a straight line connecting P and h for the 72-76 Mc/s fixed station and continue to the Q axis.
2. From the intersection of the P-h line and the Q axis, draw another straight line to f.
3. Where the second line intersects the S-r curves, read the value of r for the appropriate value of S.

REVISED JANUARY 1963

11. Section 21.110(b) is amended to read as follows:

§ 21.110 Antenna polarization.

* * * * *

(b) Unless otherwise authorized, each station operating on frequencies below 500 Mc/s (other than base, mobile, dispatch and auxiliary test stations in the Domestic Public Land Mobile Radio Service, and stations operating in the 72–76 Mc/s band) shall employ an antenna which radiates a signal, the electrical component of which is horizontally polarized: *Provided, however,* That Rural Subscriber stations communicating with base stations may employ vertical polarization.

12. In § 21.204, Item (6) of the note is amended to read as follows:

§ 21.204 FCC publications required for reference.

* * * * *

(6) Part 42 of this chapter, Preservation of Records of Communication Common Carriers.

13. In § 21.501(f), footnote "1" to the table of frequencies in the 72–76 Mc band is amended to read as follows:

§ 21.501 Frequencies.

* * * * *

(f) * * *

[1] Assignments made to stations on frequencies in this band are subject to the condition that no harmful interference will be caused to operational fixed stations or reception of television stations on channels 4 or 5. (See § 21.103.) Existing stations authorized in the 73 to 74.6 Mc/s band as of December 1, 1961, may continue to operate and shall not be required to afford protection to the radio astronomy service.

[F.R. Doc. 63–1217; Filed, Feb. 4, 1963; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2901]

[Sacramento 070687]

CALIFORNIA

Partial Revocation of Reclamation Withdrawal

By virtue of the authority vested in the Secretary of the Interior by section 3 of the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

The order of the Bureau of Reclamation dated February 19, 1952, concurred in by the Bureau of Land Management on February 27, 1952, which withdrew lands for reclamation purposes in connection with the Central Valley Project, is hereby revoked so far as it affects the following described land:

MOUNT DIABLO MERIDIAN

T. 37 N., R. 7 W.,
Sec. 32, lot 1.

Containing 39.35 acres.

The land is national forest land in the Shasta National Forest. At 10:00 a.m. on March 6, 1963, it shall be open to such forms of disposition as may by law be made of national forest lands.

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

JANUARY 29, 1963.

[F.R. Doc. 63–1233; Filed, Feb. 4, 1963; 8:47 a.m.]

[Public Land Order 2903]

[88403]

UTAH

Power Site Cancellation No. 174, Partly Revoking Power Site Classification No. 377

By virtue of the authority contained in the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and in section 24 of the act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, and as Secretary of the Interior and pursuant to the determination of the Federal Power Commission, docketed DA 151–Utah it is ordered as follows:

1. The Departmental order of April 10, 1946, creating Power Site Classification No. 377, is hereby cancelled so far as it affects the following described lands:

SALT LAKE MERDIAN

T. 26 S., R. 22 E.,
Sec. 6, NW¼SE¼, containing 40 acres.

2. The lands are located about ½ mile east of Moab, Utah. The topography ranges from rolling to very steep.

3. Until 10:00 a.m. on July 30, 1963, the State of Utah shall have (1) a preferred right of application to select the lands in accordance with subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852) and (2) a preferred right to apply for the reservation to it or to any of its political subdivisions under any statute or regulation applicable thereto of any lands required for a right-of-way for a public highway or as a source of materials for the construction and maintenance of such highways, in accordance with the provisions of section 24 of the Federal Power Act.

4. This order shall not otherwise become effective to change the status of the lands until 10:00 a.m. on July 30, 1963. At that time they shall be open to the operation of the public land laws generally, subject to valid existing rights and equitable claims, the requirements of applicable law, and the provisions of existing withdrawals. All valid applications and selections, other than preference right offers from the State, received at or prior to 10:00 a.m. on July 30, 1963, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

5. The land has been open to applications and offers under the mineral leasing laws and to location under the United States mining laws pursuant to the provisions of the act of August 11, 1955 (69 Stat. 682; 43 U.S.C. 621).

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.

JANUARY 29, 1963.

[F.R. Doc. 63–1234; Filed, Feb. 4, 1963; 8:47 a.m.]

[Public Land Order 2780]

[Colorado 079625]

COLORADO

Order Opening Reclamation Lands to Location, Entry, and Patent Under General Mining Laws

Correction

In F.R. Doc. 62–10064, appearing at page 9946 of the issue for Wednesday, October 10, 1962, the following correction is made in the land description under New Mexico Principal Meridian, T. 51 N., R. 8 W.: The entry for Section 22 should read "Sec. 22, N½NW¼ and S½;".

[Public Land Order 2830]

[New Mexico 094303]

NEW MEXICO

Withdrawal for Forest Service Administrative Sites and Recreational Areas

Correction

In F.R. Doc. 62–12120, appearing at page 12132 of the issue for Friday, December 7, 1962, the following correction is made in the land description under Santa Fe National Forest, *Upper Bull Creek Recreation Area:* The entry now reading "T. 17 N., R. 18 E.," should read "T. 17 N., R. 13 E.,".

Title 42—PUBLIC HEALTH

Chapter IV—Freedmen's Hospital, Department of Health, Education, and Welfare

PART 401—ADMISSION AND OUTPATIENT TREATMENT

Rates for In-Patient Treatment

Notice of proposed rule making, public rule making proceedings, and postponement of effective date have been omitted as contrary to the public interest in the issuance of the following amendments to this part. Because of the opening of new hospital facilities in the Pavilion of

Freedmen's Hospital on or about February 1, 1963, providing private room accommodations not heretofore available at the Hospital, the public interest requires the establishment of new rates for private rooms and other hospital services for patients in such facilities to permit their immediate occupancy by full-pay patients. It has further been determined that an early effective date for revised rates for full-pay patients in the General Hospital would increase the revenue available to the Hospital and would make the rates charged by the Hospital comparable to those charged by other area hospitals. The amendments shall be effective February 1, 1963, but shall not affect the rates charged, and are not intended to be made applicable, to in-patients admitted prior to the effective date of the amendments.

1. In § 401.1, paragraph (b) is amended by changing the numerals "401.7" to read "401.7(b)". As so amended, § 401.1 (b) reads as follows:

§ 401.1 Definitions.

* * * * *

(b) "Part-pay patients" are those patients, who, after financial investigation, are found to be unable under the criteria specified in § 401.6, to pay the rates established for full-pay patients, but who are nevertheless able to pay the modified rates established in § 401.7(b) for their care as in-patients at the Hospital.

2. In § 401.6(a), subparagraphs (2) and (3) are amended by changing the numerals "401.7" in each subparagraph to read "401.7(b)" in subparagraph (2), and "401.7(a)" in subparagraph (3). As so amended, § 401.6(a) (2) and (3) read as follows:

§ 401.6 Income schedule for determination of rates.

(a) *In-patients.* * * *

(2) A patient whose "monthly family income" falls between the appropriate minimum and maximum shall be considered to be a part-pay patient and shall be charged for his hospitalization and other services at the rates set forth in 401.7(b).

(3) A patient whose "monthly family income" is not less than the maximum shall be considered to be a full-pay patient and shall be charged for his hospitalization and other services at the rate set forth in § 401.7(a).

3. Section 401.7 is revised to read as follows:

§ 401.7 In-patient rates; full-pay and part-pay patients.

Full-pay and part-pay patients shall pay the following rates:

(a) *Full-pay patients; room and ward rates per day.* The in-patient rates shown in the following table cover hospital room and board charges only. They do not include any fees charged by patient's private physician or for "other hospital services." Full-pay patients shall pay for "other hospital services" in accordance with the schedule of fees listed under paragraph (c) of this section.

SCHEDULE OF ROOM AND WARD RATES FOR FULL-PAY IN-PATIENTS

Description of accommodations	General hospital	Hospital annex	
		Pavilion	Chronic chest
Private room with bath	----------	$26.00	$20.00
Private room without bath	$18.00	24.00	18.00
Semiprivate room 2-bed	----------	22.00	16.00
Semiprivate room 4-bed	----------	20.00	15.00
Ward multibed	15.00	----------	----------
Pediatrics:			
8 years and over	15.00	As above	As above
2 years to 8 years	14.00	----------	----------
0 years to 2 years	5.00	----------	----------
Nursery	5.00	----------	----------

(b) *Part-pay patients; ward rates per day.* The amount that part-pay patients shall pay will be determined by applying the family income shown under § 401.6 to the appropriate legend "A" through "H" shown in the following schedule of part-pay ward rates. These rates shall be all inclusive and there shall be no charges made for "other hospital services."

SCHEDULE OF WARD RATES FOR PART-PAY IN-PATIENTS

Legend	Age group				
	General hospital			Hospital annex (chronic chest)	
	8 years and over	2–7 years, inclusive	0–1 year, inclusive	8 years and over	2–7 years, inclusive
A	$0	$0	$0	$0	$0
B	1.00	0	0	1.00	0
C	3.00	1.00	0	3.00	1.00
D	5.00	2.00	0	5.00	2.00
E	7.00	3.00	1.00	7.00	3.00
F	9.00	5.00	2.00	9.00	5.00
G	11.00	7.00	3.00	11.00	7.00
H	13.00	9.00	4.00	13.00	9.00

(c) *Other hospital services.* Full-pay patients shall pay, in addition to room and board charges shown in paragraph (a) of this section, other hospital services at rates listed below:

(1) Operating room—$20 per hour for the first hour or fraction thereof and $10 for each additional hour or fraction thereof. Maximum charge, $50.

(2) Recovery room—$5 per hour for the first hour and $1 per hour for each additional hour or fraction thereof. Maximum for each 24 continuous hour day, $15.

(3) Labor and delivery room—$25.

(4) Cysto room—$10.

(5) Blood administration—$5 per pint.

(6) Intravenous solutions (IVS)—$4 per bottle.

(7) Sterile tray—$1 per tray.

(8) The following "Other Hospital Services" shall be charged for at rates based on the cost of materials, personal services and equipment involved, as determined by the Superintendent, but not less than cost to the hospital:

Drugs, medicines, blood and blood derivatives, radiological services, clinical laboratory services, special services, anesthesiology, plaster casts, anesthesia materials, medical and surgical supplies, inhalation therapy, physical therapy, and similar supplies and services.

4. Section 401.8 is amended by changing the numerals "401.11" to read "401.7(c)". As so amended, § 401.8 reads as follows:

§ 401.8 Out-patient rates; referred patients.

Referred patients shall pay for X-ray, laboratory, and other special services in accordance with the schedule set forth in § 401.7(c).

5. Section 401.9 is amended by changing the numerals "401.11" to read "401.7(c)". As so amended, § 401.9 reads as follows:

§ 401.9 Out-patient rates; emergency patients.

The fee for treatment of emergency patients shall be $3.00 per treatment, but if suturing is required, then the fee shall be $5.00. Emergency patients shall also pay for X-ray, laboratory, and other special services in accordance with § 401.7(c). The fee for routinely prescribed drugs and medications shall be $0.50 for each prescription filled. The superintendent, or his designee, may waive payment of any of the fees prescribed by this section if he determines that the patient is financially unable to pay such fees.

6. In § 401.10, paragraph (b) is amended by changing the numerals "401.11" to read "401.7(c)". As so amended, § 401.10(b) reads as follows:

§ 401.10 Out-patient rates; clinic patients.

* * * * *

(b) The fee for care or treatment of clinic patients whose "monthly family income" is above the appropriate maximum shall be $5.00 for each visit to the clinic. These patients shall also pay for "other hospital services" in accordance with § 401.7(c).

§ 401.11 [Deletion]

7. Section 401.11, prescribing rates for X-ray, laboratory, and other special services, is deleted, and is superseded by new subparagraph (8) of § 401.7(c), issued simultaneously herewith.

§ 401.12 [Deletion]

8. Section 401.12, relating to rates for unlisted services and drugs or medications not prescribed routinely, is deleted, and is superseded by new subparagraph (8) of § 401.7(c) issued simultaneously herewith.

(R.S. 2038, as amended, 37 Stat. 172, as amended, 59 Stat. 366, as amended; 32 D.C. Code 317, 318, 318a)

Dated: January 24, 1963.

LUTHER L. TERRY,
Surgeon General.

Approved: January 31, 1963.

ANTHONY J. CELEBREZZE,
Secretary of Health, Education, and Welfare Department.

[F.R. Doc. 63–1248; Filed, Feb. 4, 1963; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

[12 CFR Part 9]

TRUST POWERS OF NATIONAL BANKS

Notice of Proposed Rule Making

Notice is hereby given that the Comptroller of the Currency pursuant to the authority contained in section 1(j) of Public Law 87–722, 76 Stat. 668, 12 U.S.C. 92a, is considering the adoption of a revision of Part 9 relating to the trust powers of national banks.

Prior to the adoption thereof, consideration will be given to any written comments pertaining thereto which are submitted by March 5, 1963, in duplicate, to the Comptroller of the Currency, Washington 25, D.C. All national banking associations and other interested parties are invited to submit such comments. It is contemplated that the proposed revision will enter into effect on or about April 5, 1963 with such revisions thereof which may be deemed appropriate in light of comments submitted.

The proposed revision would amend Part 9 of Title 12 of the Code of Federal Regulations of the United States of America to read as follows:

PART 9—FIDUCIARY POWERS OF NATIONAL BANKS AND COLLECTIVE INVESTMENT FUNDS

Sec.

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AUTHORITY: §§ 9.1 to 9.19 issued under sec. 1(j), Public Law 87–722, 76 Stat. 668.

§ 9.1 Definitions.

For the purposes of this part, the term:

(a) "Account" means the trust, estate or other fiduciary relationship which has been established with a bank;

(b) "Fiduciary" means a bank undertaking to act alone or jointly with others primarily for the benefit of another in all matters connected with its undertaking and includes trustees executor, administrator, registrar of stocks and bonds, guardian of estates, assignee, receiver, committee of estates of lunatics, agent and any other similar capacity;

(c) "Fiduciary powers" means the power to act in any fiduciary capacity authorized by the Act of September 28, 1962, Public Law 87–722, 76 Stat. 668. Under that Act, a national bank may be authorized to act, both at its principal office and at any branch when not in contravention of state or local law, as trustee, executor, administrator, registrar of stocks and bonds, guardian of estates, assignee, receiver, committee of estates of lunatics, agent or in any other fiduciary capacity which state banks, trust companies, or other institutions coming into competition with the national bank may exercise under local law;

(d) "Fiduciary records" means all matters which are written, transcribed, recorded, received or otherwise come into the possession of a bank and are necessary to perpetuate information concerning the acts and events relevant to the fiduciary activities of a bank;

(e) "Guardian" means the guardian or committee, by whatever name employed by local law, of the estate of an infant, an incompetent individual, an absent individual, or a competent individual over whose estate a court has taken jurisdiction, other than under bankruptcy or insolvency laws;

(f) "Local law" means the law of the State or other jurisdiction governing the fiduciary relationship;

(g) "State bank" means any bank, trust company, savings bank, or other banking institution, the principal office of which is located in the District of Columbia, any state, commonwealth, or territorial possession of the United States, and is not a national bank;

(h) "Trust department" means that department of the bank designated by the board of directors to perform fiduciary responsibilities.

§ 9.2 Applications.

(a) A national bank desiring to exercise fiduciary powers shall apply to the Comptroller of the Currency for a special permit to exercise such powers. Such application shall be made on Form TA–1.

(b) In the case of the organization of a new national bank, the conversion of a State bank into a national bank, or the consolidation or merger of two or more national banks, or the consolidation or merger of a State bank or banks with a national bank or banks under the charter of a national bank, when none of the national banks involved in such consolidation or merger is authorized to exercise fiduciary powers, application for such a permit may be made in advance on behalf of the new, converted, or resulting national bank, and the permit may be issued simultaneously with the consummation of such organization, conversion, consolidation or merger. Such application may be made by the organizers in the case of a new national bank, by the State bank in the case of a conversion, and by the national bank under the charter of which the consolidation or merger is being effected in the case of a consolidation or merger.

(c) Each application made under the provisions of this section shall be executed and forwarded in duplicate, together with duplicate copies of documents containing any information submitted with the application, to the Regional Chief National Bank Examiner of the Region in which the applying bank is located.

§ 9.3 Consideration of applications.

In passing upon an application to exercise fiduciary powers, the Comptroller of the Currency will give consideration to the following matters and to any other facts and circumstances that seem to him proper:

(a) Whether the bank has sufficient capital and surplus to exercise the fiduciary powers applied for, which capital and surplus in no case shall be less than that required by State law of State banks, or other institutions exercising such powers;

(b) The needs of the community for fiduciary services and the probable volume of such fiduciary business available to the bank;

(c) The general condition of the bank, including the adequacy of its capital and surplus in relation to the character and condition of its assets and to its deposit liabilities and other corporate responsibilities, including the exercise of fiduciary powers;

(d) The general character and ability of the management of the bank;

(e) The nature of the supervision to be given to the fiduciary activities, including the qualifications, experience and character of the proposed officer or officers of the trust department;

(f) Whether the bank has available legal counsel to advise and pass upon fiduciary matters wherever necessary.

§ 9.4 Consolidation or merger of two or more national banks.

Where two or more national banks consolidate or merge, and any one of such banks has, prior to such consolidation or merger, received a permit from the Board of Governors of the Federal Reserve System or the Comptroller of the Currency to exercise fiduciary powers which is in force at the time of the consolidation or merger, the rights existing under such permit pass to the resulting bank, and the resulting bank may exercise such fiduciary powers in the same manner and to the same extent as the bank to which such permit was originally issued; and no new application to continue to act in such capacities is necessary. However, where the name or charter number of the resulting bank

differs from that of the bank to which the right to exercise fiduciary powers was originally granted, and in order that the records of the resulting bank may be complete and that it have convenient evidence of its right to exercise fiduciary powers, the Comptroller of the Currency will issue a certificate to that bank showing its right to exercise the fiduciary powers theretofore granted to any of the national banks participating in the consolidation or merger.

§ 9.5 Conversion, consolidation or merger involving State bank.

Where a State bank converts into a national bank or one or more State banks consolidate or merger with one or more national banks, the converted or resulting national bank may succeed to the specific fiduciary appointments, designations and nominations of the State bank at the time of the conversion, consolidation or merger. It is not necessary for the resulting national bank to have a permit from the Board of Governors of the Federal Reserve System or the Comptroller of the Currency in order to administer the specific accounts to which the bank has succeeded as a result of the conversion, consolidation or merger, but the converted or resulting national bank may not act generally in fiduciary capacities or accept or undertake any additional accounts unless it shall have such a permit from the Board or the Comptroller which is in force.

§ 9.6 Change of name.

If a national bank has a permit to exercise fiduciary powers which is in force, and changes its name, it is not necessary that a new application be made to continue to exercise such fiduciary powers. However, in order that the records of the bank may be complete and that it have convenient evidence of its right to exercise fiduciary powers under its new name, the Comptroller of the Currency will issue a certificate to it under such new name evidencing its right to exercise the fiduciary powers previously granted to it under its old name.

§ 9.7 Administration of fiduciary powers.

(a) (1) The board of directors is responsible for the proper exercise of fiduciary powers by the bank. All matters pertinent thereto, including the determination of policies, the investment and disposition of funds held in a fiduciary capacity, and the direction and review of the actions of all officers, employees and committees utilized by the bank in the exercise of its fiduciary powers, are the responsibility of the board. Subject to this responsibility, the board of directors may delegate, by action duly entered in the minutes, the administration of such of its fiduciary powers as it may consider proper to delegate to such directors, officers, employees or committees as it may designate.

(2) No fiduciary account shall be accepted without the prior approval of the board, or of the directors, officers or committees to whom the board may have designated the performance of that responsibility. A written record shall be made of such acceptances and of the relinquishment or closing out of all fiduciary accounts. Upon the acceptance of an account for which the bank has investment responsibilities a prompt review of the assets shall be made. The board shall also ensure that at least once during every calendar year thereafter, and within 15 months of the last review, all the assets held in or for each fiduciary account where the bank has investment responsibilities are reviewed to determine the advisability of retaining or disposing of such assets.

(b) All officers and employees taking part in the operation of the trust department shall be adequately bonded.

(c) Every such national bank shall designate, employ or retain legal counsel who shall be readily available to pass upon fiduciary matters and to advise the bank and its trust department.

(d) The trust department may utilize personnel and facilities of other departments of the bank, and other departments of the bank may utilize the personnel and facilities of the trust department, as long as the separate identity of the trust department is preserved.

§ 9.8 Books and accounts.

(a) Every national bank exercising fiduciary powers shall keep its fiduciary records separate and distinct from other records of the bank. All fiduciary records shall be so kept and retained for such time as to enable the bank to furnish such information or reports with respect thereto as may be required by the Comptroller of the Currency. The fiduciary records shall contain full information relative to each account.

(b) Every such national bank shall keep an adequate record of all pending litigation to which it is a party in connection with its exercise of fiduciary powers.

§ 9.9 Audit of trust department.

(a) A committee of directors, exclusive of any active officers of the bank, shall at least once during each calendar year and within 15 months of the last such audit, make suitable audits of the trust department or cause suitable audits to be made by auditors responsible only to the board of directors, and at such time shall ascertain by thorough examination made or caused to be made by such committee whether the department has been administered in accordance with law, the regulations of this part, and sound fiduciary principles. The board of directors may elect, in lieu of such periodic audits, to adopt an adequate continuous audit system. A report of the audits and examination required under this section, together with the action taken thereon, shall be noted in the minutes of the board of directors.

§ 9.10 Funds awaiting investment or distribution.

(a) Funds held in a fiduciary capacity by a national bank awaiting investment or distribution shall not be held uninvested or undistributed any longer than is reasonable for the proper management of the account.

(b) Funds held in trust by a national bank awaiting investment or distribution may, unless prohibited by the instrument creating the trust or by local law, be deposited in the commercial or savings or other department of the bank, provided that it shall first set aside under control of the trust department as collateral security:

(1) Bonds, notes, bills, certificates of indebtedness or direct obligations of the United States, or other obligations fully guaranteed by the United States as to principal and interest; or

(2) Readily marketable securities of the classes in which state banks exercising fiduciary powers are authorized or permitted to invest trust funds under the laws of the state in which such national bank is located; or

(3) Other readily marketable securities that qualify as investment securities pursuant to the Investment Securities Regulation of the Comptroller of the Currency, 12 CFR Part 1.

The securities so deposited or securities substituted therefor as collateral shall at all times be at least equal in face value to the amount of trust funds so deposited, but such security shall not be required to the extent that the funds so deposited are insured by the Federal Deposit Insurance Corporation. The requirements of this section are met when qualifying assets of the bank are pledged to secure a deposit in compliance with local law, and no duplicate pledge shall be required in such case.

§ 9.11 Investment of funds held as fiduciary.

(a) Funds received or held by a national bank in a fiduciary capacity shall be invested in accordance with the instrument establishing the fiduciary relationship and local law. When such instrument does not specify the character or class of investments to be made and does not vest in the bank, its directors or its officers a discretion in the matter, funds received or held pursuant to such instrument shall be invested in any investment in which corporate or individual fiduciaries may invest under local law.

(b) If, under local law, corporate fiduciaries appointed by a court are permitted to exercise a discretion in investments, or if a national bank acting as fiduciary under appointment by a court is vested with a discretion in investments by an order of such court, funds of such accounts may be invested in any investments which are permitted by local law. Otherwise, a national bank acting as fiduciary under appointment by a court must make all investments of funds in such accounts under an order of that court. Such orders in either case shall be preserved with the fiduciary records of the bank.

(c) The collective investment of funds received or held by a national bank as fiduciary is governed by § 9.18.

§ 9.12 Self-dealing.

(a) Unless lawfully authorized by the instrument creating the relationship, or by court order or by local law, funds held by a national bank as fiduciary shall

not be invested in property acquired from the bank or its directors, officers or employees, or from individuals with whom they have such a connection, or organizations in which they have such an interest, as might affect the exercise of the best judgment of the management of the trust department in acquiring the property, or in property acquired from affiliates of the bank or their directors, officers or employees.

(b) Property held by a national bank as fiduciary shall not be sold or transferred, by loan or otherwise, to the bank or its directors, officers, or employees, or to individuals with whom they have such a connection, or organizations in which they have such an interest, as might affect the exercise of the best judgment of the management of the trust department in selling or transferring such property, or to affiliates of the bank or their directors, officers or employees, except:

(1) Where lawfully authorized by the instrument creating the relationship or by court order or by local law;

(2) In cases in which the bank has been advised by its counsel in writing that it has incurred as fiduciary a contingent or potential liability and desires to relieve itself from such liability, in which case such a sale or transfer may be made with the approval of the board of directors, provided that in all such cases the bank, upon the consummation of the sale or transfer, shall make reimbursement in cash at no loss to the account;

(3) As is provided in § 9.18(b)(8)(ii); or

(4) Loans may be made to an officer or employee from an employee benefit plan to the extent of his vested interest, where authorized by the instrument creating the fiduciary relationship.

(c) Except as provided in § 9.10(b), funds held by a national bank as fiduciary shall not be invested by the purchase of stock or obligations of the bank or its affiliates unless authorized by the instrument creating the relationship or by court order or by local law: *Provided*, That if the retention of such stock or obligations is authorized by the instrument creating the relationship or by court order or by local law, it may exercise rights to purchase its own stock or securities convertible into its own stock when offered pro rata to stockholders, unless such exercise is forbidden by local law.

(d) A national bank may sell assets held by it as fiduciary in one account to itself as fiduciary in another account if the transaction is fair to both accounts and if such transaction is not prohibited by the terms of any governing instrument or by local law.

(e) A national bank may make a loan to an account held as fiduciary from the funds belonging to another such account, when the making of such loans to a designated account is authorized by the instrument creating the account from which such loans are made.

§ 9.13 Custody of investments.

(a) The investments of each account shall be kept separate from the assets of the bank, and shall be placed in the joint custody of two or more officers or employees of the bank designated for that purpose by the board of directors of the bank; and all such officers and employees shall be adequately bonded.

(b) The investments of each account shall be either:

(1) Kept separate from those of all other accounts, except as provided in § 9.18, or

(2) Adequately identified as the property of the relevant account.

§ 9.14 Deposit of securities with state authorities.

Whenever the local law requires corporations acting as fiduciary to deposit securities with the state authorities for the protection of private or court trusts, every national bank in that state authorized to exercise fiduciary powers shall, before undertaking to act in any fiduciary capacity, make a similar deposit with the state authorities. If the state authorities refuse to accept such a deposit, the securities shall be deposited with the Federal Reserve Bank of the district in which such national bank is located, and such securities shall be held for the protection of private or court trusts with like effect as though the securities had been deposited with the state authorities.

§ 9.15 Compensation of bank.

(a) If the amount of the compensation for acting in a fiduciary capacity is not regulated by local law or provided for in the instrument creating the fiduciary relationship or otherwise agreed to by the parties, a national bank acting in such capacity may charge or deduct a reasonable compensation for its services. When the bank is acting in a fiduciary capacity under appointment by a court, it shall receive such compensation as may be lawfully allowed or approved by that court.

(b) No national bank shall, except with the specific approval of its board of directors, permit any of its officers or employees, while serving as such, to retain any compensation for acting as a cofiduciary with the bank in the administration of any account undertaken by it.

§ 9.16 Receivership or voluntary liquidation of bank.

(a) Whenever a receiver is appointed for a national bank by the Comptroller of the Currency, such receiver shall, pursuant to the instructions of the Comptroller and to the orders of the court having jurisdiction, proceed to close such accounts as can be closed promptly and transfer all other accounts to substitute fiduciaries.

(b) Whenever a national bank exercising fiduciary powers is placed in voluntary liquidation, the liquidating agent shall, in accordance with the local law, proceed at once to liquidate the affairs of the trust department as follows:

(1) All trusts and estates over which a court is exercising jurisdiction shall be closed or disposed of as soon as practicable in accordance with the orders or instructions of such court;

(2) All other accounts which can be closed promptly shall be closed as soon as practicable and final accounting made therefor, and all remaining accounts shall be transferred by appropriate legal proceedings to substitute fiduciaries.

§ 9.17 Surrender of fiduciary powers.

Any national bank which has been granted the right to exercise fiduciary powers and which desires to surrender such right shall make application to the Comptroller of the Currency. Upon receipt of such application, the Comptroller shall make an investigation and if he is satisfied that the bank has been discharged from all fiduciary duties which it has undertaken, he shall issue a certificate to such bank certifying that it is no longer authorized to exercise fiduciary powers.

§ 9.18 Collective investment.

(a) Except as prohibited by local law, funds or other property received or held by a national bank as fiduciary may be invested collectively:

(1) In a common trust fund, as defined in the Internal Revenue Code, maintained by the bank exclusively for the collective investment and reinvestment of monies contributed thereto by the bank in its capacity as trustee, executor, administrator or guardian;

(2) In a fund consisting solely of assets of retirement, pension, profit sharing, stock bonus, or other trusts which are exempt from Federal income taxation under the Internal Revenue Code (including trusts qualifying under the provisions of the Self-employed Individuals Tax Retirement Act of 1962, Public Law 87–722, 76 Stat. 809);

(3) In a common trust fund, maintained by the bank exclusively for the collective investment and reinvestment of monies contributed thereto by the bank as fiduciary, other than as trustee, executor, administrator or guardian.

(b) Collective investments of funds or other property by national banks under paragraph (a) of this section (referred to in this paragraph as "collective investment funds") shall be administered as follows:

(1) Each collective investment fund shall be established and maintained in accordance with a written plan (referred to herein as the Plan) which shall be approved by a resolution of the bank's board of directors and filed with the Comptroller of the Currency. The Plan shall contain appropriate provisions not inconsistent with the rules and regulations of the Comptroller of the Currency as to the manner in which the fund is to be operated, including provisions relating to the investment powers of the bank with respect to the fund, the allocation of income, profits and losses, the terms and conditions governing the admission or withdrawal of participations in the fund, the auditing of accounts of the bank with respect to the fund, the basis and method of valuing assets in the fund, the minimum frequency for valuation of assets of the fund, the period following each such valuation date during which the valuation may be made, the basis upon which the fund may be terminated, and such other matters as

may be necessary to define clearly the rights of participants in the fund: *Provided,* That Plans which have been established in conformance with prior regulations of the Board of Governors of the Federal Reserve System or the Comptroller of the Currency may continue to conform to such regulations rather than the requirements of this paragraph, for a reasonable period. A copy of the Plan shall be available at the principal office of the bank for inspection during all banking hours, and upon request a copy of the Plan shall be furnished, to any person.

(2) All participations in the collective investment fund shall be on the basis of a proportionate interest in all of the assets of the fund. In order to determine whether the investment of funds received or held by the bank as fiduciary in a participation in a collective investment fund is proper, the bank may consider the collective investment fund as a whole and shall not be prohibited from making such investment because any particular asset is nonincome producing.

(3) Not less frequently than once during each period of three months a bank administering a collective investment fund shall determine the value of the assets in the fund as of the dates set for the valuation of assets. No participation shall be admitted to or withdrawn from the fund except (i) on the basis of such valuation and (ii) as of such valuation date. No participation shall be admitted to or withdrawn from the fund unless a written request for or notice of intention of taking such action shall have been entered on or before the valuation date in the fiduciary records of the bank and approved in such manner as the board of directors shall prescribe. No such request or notice may be cancelled or countermanded after the valuation date.

(4) A bank administering a collective investment fund shall at least once during each period of 12 months cause an adequate audit to be made of the collective investment fund by auditors responsible only to the board of directors of the bank. In the event such audit is performed by independent public accountants, the reasonable expenses of such audit may be charged to the collective investment fund.

(5) A bank administering a collective investment fund shall at least once during each period of 12 months prepare a financial report of the fund which shall be filed with the Comptroller of the Currency. This report shall contain a list of the investments in the fund showing the current market value of each investment, a statement for the period since the last report showing purchases, sales and any other investment changes, income and disbursements, and an appropriate notation as to any investment in default.

(i) The financial report may include a description of the fund's value on previous dates as well as its income and disbursements during previous accounting periods. The report shall make no reference to the performance of funds other than those administered by the bank, and no predictions or representations as to future results.

(ii) A copy of the financial report shall be furnished, or notice shall be given that a copy of such report is available and will be furnished without charge upon request, to each person to whom a regular periodic accounting would ordinariry be rendered with respect to each participating account. In addition, the report, in summarized form, shall be published in a newspaper of general circulation in the place where the bank is located, and a full report together with related information respecting the fund may be made available to other persons, and the fact of the availability of such material may be given publicity solely in connection with the promotion of the fiduciary services of the bank. Except as herein provided, the bank shall not advertise or publicize its operation of a collective investment fund.

(6) When participations are withdrawn from a collective investment fund, distributions may be made in cash or ratably in kind, or partly in cash or partly in kind, provided that all distributions as of any one valuation date shall be made on the same basis.

(7) If for any reason an investment is withdrawn in kind from a collective investment fund for the benefit of all participants in the fund at the time of such withdrawal and such investment is not distributed ratably in kind, it shall be segregated and administered or realized upon for the benefit ratably of all participants in the collective investment fund at the time of withdrawal.

(8) (i) A bank administering a collective investment fund shall not (*a*) have any interest in such fund other than in its fiduciary capacity (funds held by a bank as fiduciary as described under paragraph (a) (2) of this section for its own employees may be invested in such a fund) or (*b*) make any loans on the security of a participation in such fund. If because of a creditor relationship or otherwise the bank acquires an interest in a participation in such fund, the participation shall be withdrawn on the first date on which such withdrawal can be effected. However, in no case shall an unsecured advance until the time of the next withdrawal be deemed to constitute the acquisition of an interest by the bank.

(ii) The bank may purchase for its own account from a collective investment fund any mortgage held by such fund, if in the judgment of the board of directors the cost of segregation of such mortgage would be greater than the difference between its market value and its principal amount plus interest and penalty charges due. In such case, the bank must so purchase the mortgage at its market value or at the sum of principal, interest and penalty charges, whichever is greater.

(9) Except in the case of collective investment funds described in paragraph (a) (2) of this section:

(i) No funds or other property shall be invested in a participation in a collective investment fund if such investment would result in the participant having invested in the aggregate an amount in excess of 10 percent of the value of the assets of the fund at the time of the investment: *Provided,* That in applying this limitation if two or more accounts are created by the same person or persons and as much as one-half of the income or principal of each account is payable or applicable to the use of the same person or persons, such accounts shall be considered as one;

(ii) No investment for a collective investment fund shall be made in stocks or bonds or other obligations of any one person, firm or corporation which would cause the total amount of investment in stocks, or bonds, or other obligations issued or guaranteed by such person, firm, or corporation to exceed 10 percent of the value of the fund: *Provided,* That this limitation shall not apply to investments in obligations of the United States or for the payment of principal and interest of which the faith and credit of the United States shall be pledged;

(iii) Any bank administering a collective investment fund shall have the responsibility of maintaining in cash and readily marketable investments such part of the assets of the fund as shall be deemed to be necessary to provide adequately for the needs of participants and to prevent inequities between such participants, and if prior to any admissions to or withdrawals from a fund the bank shall determine that after effecting the admissions and withdrawals which are to be made less than 40 percent of the value of the remaining assets of the collective investment fund would be composed of cash and readily marketable investments, no admissions to or withdrawals from the fund shall be permitted as of the valuation date upon which such determination is made: *Provided,* That ratable distribution upon all participations shall not be so prohibited in any case.

(10) The reasonable expenses incurred in servicing mortages held by a collective investment fund may be charged against the fund and paid to servicing agents, including the bank administering the fund.

(11) (i) A bank may (but shall not be required to) transfer up to five percent of the net income derived by a collective investment fund from mortgages held by such fund during any regular accounting period to a reserve account: *Provided,* That no such transfers shall be made which would cause the amount in such account to exceed one percent of the outstanding principal amount of all mortgages held in the fund. The amount of such reserve account, if established, shall be deducted from the assets of the fund in determining the fair market value of the fund for the purposes of admissions and withdrawals.

(ii) At the end of each accounting period, all interest payments which are due but unpaid with respect to mortgages in the fund shall be charged against such reserve account to the extent available and credited to income

distributed to participants. In the event of subsequent recovery of such interest payments by the fund, the reserve account shall be credited with that amount so recovered.

(12) A national bank administering a collective investment fund shall have the exclusive management thereof. The bank may charge a fee for the management of the collective investment fund provided that the fractional part of such fee proportionate to the interest of each participant shall not, when added to any other compensations charged by the bank to the participant, exceed the total amount of compensations which would have been charged to said participant if no assets of said participant had been invested in participations in the fund.

(13) No bank administering a collective investment fund shall issue any certificate or other document evidencing a direct or indirect interest in such fund in any form which purports to be negotiable or assignable.

(c) In addition to the investments permitted under paragraph (a) of this section, funds or other property received or held by a national bank as fiduciary may be invested collectively, to the extent not prohibited by local law, as follows:

(1) In shares of a mutual trust investment company, organized and operated pursuant to a statute that specifically authorizes the organization of such companies exclusively for the investment of funds held by corporate fiduciaries, commonly referred to as a "bank fiduciary fund."

(2) In a single real estate loan or a direct obligation of the United States, or an obligation fully guaranteed by the United States if the bank owns no participation in the loan or obligation and has no interest therein except in its capacity as fiduciary.

(3) In a common trust fund, as defined in the Internal Revenue Code, for the collective investment of cash balances received or held by a bank in its capacity as trustee, executor, administrator or guardian, which the bank considers to be individually too small to be invested separately to advantage, and the total investment in which on the part of any one account does not exceed $10,000: *Provided*, That in applying this limitation if two or more accounts are created by the same person or persons and as much as one-half of the income or principal of each account is payable or applicable to the use of the same person or persons, such account shall be considered as one.

(4) In any investment specifically authorized by court order or authorized by the instrument creating the fiduciary relationship and approved in writing by the Comptroller of the Currency: *Provided*, That such investment is not made under this paragraph for the purpose of avoiding the provisions of paragraph (b) of this section.

(5) In such other manner as shall be approved in writing by the Comptroller of the Currency.

§ 9.19 Forms.

All forms referred to in this part and all such forms as amended from time to time shall be a part of this part.

Dated: January 31, 1963.

[SEAL] JAMES J. SAXON,
Comptroller of the Currency.

[F.R. Doc. 63-1190; Filed, Feb. 4, 1963; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1070]

MILK IN CEDAR RAPIDS-IOWA CITY MARKETING AREA

Notice of Proposed Suspension of Certain Provisions of Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of certain provisions of the order regulating the handling of milk in the Cedar Rapids-Iowa City marketing area is being considered for the period of February 1, 1963, through April 31, 1963.

The provisions proposed to be suspended are:

In § 1070.10(d)(3) the following provisions:

(1) In the text preceding the table the phrase ", in the months indicated,"; and

(2) In the table of months and minimum percentages, all provisions other than the heading "Minimum percentage" and the figure "30".

The suspension of these provisions would result in the text reading as follows:

(3) From which the quantity of milk transferred by the association to plants of other handlers specified in paragraph (a) of this section plus that delivered by such association pursuant to paragraph (c) of this section and that delivered directly from the farms of members of such association to such plants is at least the following percentages of the total quantity of Grade A milk delivered by all producers who are members of the association:

Minimum percentage
30

These provisions relate to the qualification of a plant operated by a cooperative association.

This action has been requested by the principal cooperative association in the market to maintain the pool status of a market balancing plant operated by it in connection with supplying most handlers in the market with their daily requirements of milk by direct delivery from producers' farms. This plant is historically associated with the market and performs the function of handling the reserve supply for the market.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., not later than 3 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

Signed at Washington, D.C., on January 30, 1963.

CLARENCE H. GIRARD,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 63-1242; Filed, Feb. 4, 1963; 8:47 a.m.]

Agricultural Research Service

[9 CFR Part 18]

PORK AND PORK-CONTAINING PRODUCTS

Proposed Treatment to Destroy Trichinae

Notice is hereby given in accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that the Department of Agriculture is considering amending § 18.10(b) of the Federal Meat Inspection Regulations (9 CFR 18.10(b)), pursuant to the authority conferred by the Meat Inspection Act, as amended (21 U.S.C. 71-91), and sections 306 (b) and (c) of the Tariff Act of 1930, as amended (19 U.S.C. 1306 (b) and (c)), to include the following products in the list of products, at federally inspected establishments, specifically required by § 18.10(b) to be effectively heated, refrigerated, or cured to destroy any possible live trichinae:

All breaded pork products (irrespective of size); ground meat mixtures containing pork and beef, veal, lamb, mutton, or goat meat and of a type that might be eaten rare or without thorough cooking; flavored sausage such as those containing wine or similar flavoring materials; chorizotype sausages containing pork; cured pork sausage; and sausage containing cured and/or smoked pork.

The addition of various materials to products containing pork either alters or masks the appearance of the raw pork to such a degree the consumer is unable to judge the degree of cooking of the products or recognize them as articles requiring thorough cooking in the home. The proposed amendment would include products in this category in the list of those required to be treated to destroy any possible live trichinae. The proposed changes result in part from an extensive survey of clinical reports of State Public Health Services on sources of trichinosis in man. The proposed changes in some cases follow procedures already observed in federally inspected establishments.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendments may do so by filing them with the Director, Meat Inspection Division, Agricultural Research Service, U.S. Department of Agriculture, Washington 25, D.C., within 30

days after the date of publication of this notice in the FEDERAL REGISTER. Comments submitted will be available for public inspection.

Done at Washington, D.C., this 31st day of January 1963.

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

[F.R. Doc. 63-1243; Filed, Feb. 4, 1963; 8:47 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71 [New]]

[Airspace Docket No. 62-CE-77]

TRANSITION AREA

Proposed Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 11.65), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

The Decatur, Ill., transition area is presently designated as that airspace extending upward from 1,200 feet above the surface within a 12-mile radius of the Decatur VOR; within 10 miles northwest and 7 miles southeast of the Decatur VOR 032° radial extending from the 12-miles radius area to 20 miles northeast of the VOR, and within 12 miles south and 8 miles north of the Decatur VOR 285° radial extending from the 12-mile radius area to the Springfield, Ill., control area extension, excluding the airspace within Federal airways.

To implement the provisions of Amendments 60-21 (26 F.R. 570) and 60-29 (27 F.R. 4012) to the Civil Air Regulations, Part 60, Air Traffic Rules, in the Decatur terminal area, the Federal Aviation Agency has under consideration the following alteration of the Decatur transition area. Redesignate the Decatur transition area as that airspace extending upward from 700 feet above the surface within a 5-mile radius of Decatur Municipal Airport (latitude 39°50'03" N., longitude 88°52'52" W.) and within 2 miles either side of the Decatur VOR 351° True radial extending from the 5-mile radius area to the VOR, and that airspace extending upward from 1,200 feet above the surface within a 15-mile radius of the Decatur VOR and within 10 miles south and 6 miles north of the Decatur VOR 285° True radial extending from the 15-mile radius area to the arc of a 15-mile radius circle centered at latitude 39°53'32" N., longitude 89°37'31" W.

The Decatur transition area would provide protection for aircraft executing prescribed holding pattern procedures in the Decatur terminal area and for aircraft executing prescribed instrument approach and departure procedures at the Decatur Municipal Airport. Communications within the transition area will be provided by the Springfield, Ill., Flight Service Station through remote facilities on the Decatur VOR.

The floors of the airways that traverse this transition area would automatically coincide with the floor of the transition area.

Specific details of the changes in procedures and minimum instrument flight rules altitudes that would be required attendant to the implementation of Amendments 60-21 and 60-29 may be examined by contacting the Chief, Airspace Utilization Branch, Air Traffic Division, Central Region, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington 25, D.C. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 29, 1963.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 63-1226; Filed, Feb. 4, 1963; 8:45 a.m.]

[14 CFR Part 507]

[Reg. Docket No. 1582]

FAIRCHILD C-82A AIRCRAFT

Proposed Airworthiness Directive

Pursuant to the authority delegated to me by the Administrator (§ 11.45, 27 F.R. 9535), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring certain engine and propeller modifications and operating restrictions on Fairchild C-82A aircraft. Premature wear in the bushings of the original heavyweight 4½ engine order rear crankshaft dampers of the Pratt & Whitney R-2800 "C" Series engines, and also operation at gross weights in excess of 36,500 pounds with Hamilton Standard 6491-0 propeller blades installed, induce propeller blade vibration stresses in excess of the safe limits for continuous service. This can result in metal fatigue and subsequent blade failure.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before March 7, 1963, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available in the Docket Section for examination by interested persons at any time. This proposal will not be given further distribution as a draft release.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

FAIRCHILD. Applies to all C-82A and C-82A Jet Packet aircraft equipped with Pratt & Whitney R-2800 military or civil C, CA or CB Series engines and Hamilton Standard 33E60/6491-0 or 33E60/6801-0 propellers.

Compliance required as indicated.

Premature wear in the bushings in the original rear (heavyweight) crankshaft vibration dampers in R-2800 "C" Series engines reduces crankshaft damping characteristics such as to cause propeller blade vibration stresses above the safe limit for continuous service. In addition, flight operation at gross weights in excess of 36,500 pounds with unmodified Hamilton Standard 6491-0 propeller blades installed, imposes blade vibration stresses above the safe limit for continuous service. To prevent propeller blade fatigue failures from these causes, the following modifications and engine operating limitations are required:

(a) On airplanes equipped with any of the engines specified herein, prior to 100 hours' time in service after the effective date of this AD, accomplish the following:

(1) Install the following placard on the instrument panel in full view of the pilot: "Avoid operation between 1,550 and 1,650 r.p.m."

(2) Apply red arc markings on the tachometers over this restricted speed range.

(b) On airplanes equipped with R-2800-C Series engines having the original C Series type crankshaft with heavyweight front and rear vibration dampers, prior to 300 engine hours time in service after the effective date of this AD, accomplish one of the following:

(1) Replace the crankshaft assembly with crankshaft assembly, P/N 326054, in accordance with Pratt & Whitney Aircraft Service Bulletin No. 1687 dated April 22, 1958. Identify engines so modified by adding the suffix letter "H" to the engine model designation on the nameplate.

(2) Replace present engines with engines incorporating the CA or CB type crankshaft.

These engines are identified by the suffix letter H or D on the engine model designation on the nameplate.

(c) On 33E60/6491–0 propellers, prior to 300 propeller hours' time in service after the effective date of this AD, accomplish one of the following:

(1) Replace the 6491–0 propeller blades with 6801–0 blades.

(2) Replace present 6491–0 blades with 6491–0 blades which have had the blade shanks cold rolled and the inner portion of the blades shotpeened by Hamilton Standard or by a method approved by the FAA.

NOTE: Hamilton Standard has advised that only blades which have had no time in service and which are in good condition otherwise, will be accepted for this rework.

(d) On 33E60/6491–0 or 33E60/6801–0 propellers, prior to 300 propeller hours' time in service after the effective date of this AD, the barrel bolt lugs on the 33E60 hubs shall be reworked and shotpeened and the inside of the barrel arms shotpeened in accordance with Detailed Instruction No. 6 of Hamilton Standard Bulletin No. 628 dated January 30, 1962.

(e) The propeller modifications specified in (c) and (d) are not required provided the operating limitations of this airplane are revised to limit the operating gross weight to 36,500 pounds and to limit the maximum takeoff power to 2,100 hp.

Issued in Washington, D.C., on January 29, 1963.

GEORGE C. PRILL,
Director,
Flight Standards Service.

[F.R. Doc. 63–1227; Filed, Feb. 4, 1963; 8:45 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Order 551, Amdt. 79]

LOWER BRULE SIOUX RESERVATION AND CROW CREEK SIOUX RESERVATION; SOUTH DAKOTA

Redelegation of Authority Regarding Functions Relating to Specific Legislation

JANUARY 30, 1963.

Order 551, as amended, is further amended by the addition of two new sections under the heading "Functions Relating to Specific Legislation" to read as follows:

SEC. 369. *Authority Under Act of October 3, 1962 (76 Stat. 698).* The exercise of all authority vested in the Secretary of the Interior in said act which provides for the acquisition of tribal and individually owned lands on the Lower Brule Sioux Reservation in South Dakota for the Big Bend Dam, and for the rehabilitation and social and economic development of the members of the Tribe, and for other purposes. This authority does not include the issuance of land patents.

SEC. 370. *Authority under Act of October 3, 1962 (76 Stat. 704).* The exercise of all authority vested in the Secretary of the Interior in said act which provides for the acquisition of tribal and individually owned lands on the Crow Creek Sioux Reservation in South Dakota for the Big Bend Dam, and for the rehabilitation and social and economic development of the members of the Tribe, and for other purposes. This authority does not include the issuance of land patents.

JOHN O. CROW,
Acting Commissioner.

[F.R. Doc. 63-1232; Filed, Feb. 4, 1963; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

[Dept. Order No. 152 (Rev.)]

BUSINESS AND DEFENSE SERVICES ADMINISTRATION

Continuance, Delegation of Authority, and General Functions

The following order was issued by the Secretary of Commerce effective February 1, 1963. This material, together with Department Order No. 152 (Revised) Organization and Function Supplement of February 1, 1963, supersedes the material appearing at 26 F.R. 7977-7980 of August 25, 1961.

SECTION 1. *Purpose.* The purpose of this order is to continue the Business and Defense Services Administration, delegate authority to the Administrator, Business and Defense Services Administration, and to describe the general functions of the Administration.

SEC. 2. *General.* .01 The Business and Defense Services Administration, established on October 1, 1953, pursuant to authority vested in the Secretary of Commerce by Reorganization Plan No. 5 of 1950 and Executive Order 10480 of August 14, 1953, is continued as a primary organization unit of the Department of Commerce.

.02 The Business and Defense Services Administration shall be headed by an Administrator who shall report and be responsible to the Assistant Secretary for Domestic and International Business. The Administrator shall be assisted by a Deputy Administrator who shall perform the functions of the Administrator in the latter's absence.

SEC. 3. *Delegation of authority.* .01 Pursuant to the authority vested in the Secretary of Commerce by Reorganization Plan No. 5 of 1950, and subject to such polices and directives as the Secretary of Commerce and the Assistant Secretary for Domestic and International Business may prescribe, the Administrator, Business and Defense Services Administration, is hereby delgated the authority vested in the Secretary of Commerce relating to the industry and trade of the United States by the applicable provisions of:

1. The Act of February 14, 1903 (32 Stat. 825; 5 U.S.C. 596; 15 U.S.C. 175) as amended, to foster, promote, and develop the domestic commerce of the United States, and related provisions (15 U.S.C. 171 et seq.);

2. The Defense Production Act of 1950 (64 Stat. 798), as amended and extended, and Executive Order 10480 thereunder except the authority of the Secretary of Commerce with respect to the use of transportation facilities and the creation of new agencies within the Department of Commerce;

3. Executive Order 10999 of February 16, 1962, with respect to emergency preparedness functions concerning production and distribution of materials, and use of production facilities;

4. The National Security Act of 1947 (61 Stat. 495), as amended, as it relates to mobilization preparedness responsibilities assigned thereunder;

5. The Strategic and Critical Materials Stockpiling Act (60 Stat. 496), with respect to the acquisition of stocks of materials for defense purposes;

6. Executive Order 10660 of February 15, 1956, as amended, with respect to the establishment and training of the National Defense Executive Reserve;

7. Executive Order 10421 of December 31, 1952, providing for the physical security of facilities important to the national defense; and

8. Section 402 of the Act of June 30, 1949 (63 Stat. 398; 40 U.S.C. 512) as it relates to the authority of the Secretary of Commerce with respect to the importation of foreign excess property, Section 601 of the Act of June 30, 1949 (63 Stat. 399; 64 Stat. 583; 40 U.S.C. 473) relating to the importation into the United States of surplus property sold in foreign areas before July 1, 1949, as delegated to the Secretary of Commerce pursuant to F.L.C. Reg. 8 (44 CFR 308.15), and including authority to promulgate regulations pertaining thereto.

.02 The Administrator, Business and Defense Services Administration, may redelegate his authority to appropriate officials of the Business and Defense Services Administration or to any other appropriate officer or agency of the Government, subject to such conditions in the exercise of such authority as he may prescribe.

SEC. 4. *General functions.* The Business and Defense Services Administration shall:

.01 Promote and develop the growth of industry and commerce of the United States through the following functions:

1. Stimulate the development of manufacturing, construction, distribution and service industries in order to achieve and sustain full and efficient production and employment commensurate with the needs of an expanding economy;

2. Conduct continuing studies and analyses of the American industrial economy and selected segments thereof in order to provide analytical and interpretive data on industrial trends affecting economic stability and recommend necessary and appropriate action on the part of Government and industry towards continued industrial and economic growth;

3. Foster a common understanding of the problems of Government and business and industry;

4. Obtain and consider the views of business and industry in formulating recommendations to the Secretary and the Assistant Secretary of Commerce for Domestic and International Business on national economic policy affecting the industry and commerce of the United States;

5. Provide technical advice and assistance on commodities and industries to other agencies of the Federal Government and cooperate with them on programs to achieve national economic stability and growth;

6. Develop basic commodity-industry information and recommendations concerning U.S. Government positions on proposed international commodity agreements, and furnish technical advice and assistance in preparation for and in support of U.S. trade negotiations with foreign nations;

7. Develop, as requested, basic commodity-industry information and recommendations concerning adjustment assistance to individual firms in an industry which has been injured due

to increased imports resulting from concessions granted under Trade Agreements;

8. Develop export potential for selected commodities, and analyze and disseminate foreign trade opportunity information to U.S. business on commodities and products;

9. Administer the Foreign Excess Property program; and

10. Provide staff assistance to the Departmental official designated to carry out the Department's responsibility for regulating textile imports affected by international agreements.

.02 Perform the following national defense and industrial mobilization functions:

1. Be responsible for the achievement of approved national security programs through the issuance of priorities and by channeling materials and products required therefor in accordance with the provisions of the Defense Production Act of 1950, as amended, including the operation of the Defense Materials System and related regulations and orders;

2. Assist is achieving a fair and equitable distribution of that portion of critical materials in excess of defense requirements to civilian industry, including small business;

3. Participate in the development of national plans for industry and economic mobilization including the development of a production control system with appropriate standby orders and regulations, and the development and administration of preparedness measures and their execution in an emergency;

4. Be responsible for the development of practical mobilization programs by ascertaining the production potential of the industrial economy as related to industrial materials, products, and facilities for defense-supporting and essential civilian needs and appraise productive capacity for full mobilization requirements;

5. Establish appropriate procedure and assemble necessary supply and requirements information on industrial products and services to assist in the formulation of national programs of stockpiling, increased production, facilities and other courses of action looking toward survival of the nation and its people in the event of any type of emergency including nuclear attack;

6. Provide the framework for the integration of defense production and mobilization programs with industry's long-range plans for maintaining civilian production and employment on a sound basis;

7. Install and execute, in an emergency, the programs and procedures for the establishment of requirements by designated claimant agencies, the assessment of resources availability to meet such requirements and the preparation of appropriate program recommendations;

8. Provide liaison with the Office of Emergency Planning, Department of Defense, National Aeronautics and Space Administration and Atomic Energy Commission and other Departments and Agencies having mobilization responsibilities; and

9. Administer and direct the industrial unit of the National Defense Executive Reserve.

.03 The Administrator shall have the authority and responsibility for determining all programs and policies governing the domestic and foreign field activities pertaining to the responsibilities of the Business and Defense Services Administration. Such authority and responsibility shall be exercised through and in coordination with the Directors of the Offices of Field Services and Foreign Commercial Services.

.04 The Business and Defense Services Administration shall be responsible for the administrative management, budget, personnel, and related administrative services for the Office of Trade Adjustment and the Office of Field Services.

SEC. 5. *Organization and assignment of functions.* An Organization and Function Supplement to this order, prescribing the organization and assignment of functions within the Business and Defense Services Administration, shall be developed and issued by the Administrator, with the approval of the Assistant Secretary for Domestic and International Business and the Assistant Secretary for Administration.

SEC. 6. *Saving provision.* All outstanding delegations, rules, regulations, orders, certificates and other actions issued by or relating to the Business and Defense Services Administration or any official thereof shall remain in effect until amended or revoked by proper authority.

Effective date: February 1, 1963.

HERBERT W. KLOTZ,
Assistant Secretary for Administration.

[F.R. Doc. 63-1254; Filed, Feb. 4, 1963; 8:48 a.m.]

[Dept. Order No. 152 (Rev.); Organization and Function Supp.]

BUSINESS AND DEFENSE SERVICES ADMINISTRATION

Organization and Functions

This material, together with Department Order No. 152 (Revised) of February 1, 1963, supersedes the material appearing at 26 F.R. 7977-7980 of August 25, 1961.

SECTION 1. *Purpose.* The purpose of this Organization and Function Supplement is to prescribe the organization and to assign functions within the Business and Defense Services Administration.

SEC. 2. *Organization.* The Business and Defense Services Administration shall consist of the following organization units:

1. Office of the Administrator.

Administrator.
Deputy Administrator.
Publications and Information Office.
Assistant Administrator for Business and Government Services.
Foreign Excess Property Office.

2. Office of the Assistant Administrator for Industrial Mobilization.

Industrial Materials Staff.
Mobilization Readiness Staff.
Mobilization Plans and Controls Staff.
Industrial Evaluation Staff.

3. Office of the Assistant Administrator for International Commodity Activities.

Commodity Export Promotion Staff.
General International Activities Staff.
International Commodity Agreements and Studies Staff.

4. Office of the Assistant Administrator for Industrial Analysis.

Industrial Growth and Research Staff.
Industrial Economics Staff.
Statistical Operations and Analysis Staff.
Regional Analysis Staff.

5. Office of the Assistant Administrator for Administration.

Administrative Service Division.
Budget and Management Division.
Personnel Division.
Program Reports and Evaluation Division.

6. Office of Distribution Services.

Wholesale and Retail Division.
Service Trades Division.
Marketing Information Division.

7. Office of Chemicals and Consumer Products.

Chemical and Rubber Division.
Consumer Durables Division.
Food Industries Division.
Leather and Allied Products Division.

8. Office of Industrial Equipment.

Agricultural, Construction, Mining and Oil Field Equipment Division.
General Industrial Equipment and Components.
Metalworking Equipment Division.
Transportation Equipment Division.

9. Office of Metals and Minerals.

Aluminum and Magnesium Division.
Copper Division.
Iron and Steel Division.
Miscellaneous Metals and Minerals Division.

10. Office of Scientific and Technical Equipment.

Communications Industries Division.
Electronics Division.
Power and Electrical Equipment Division.
Scientific, Photographic, and Business Equipment Division.

11. Office of Construction and Materials Industries.

Building Materials and Construction Industries Division.
Containers and Packaging Division.
Forest Products Division.
Printing and Publishing Industries Division.
Water Industries Division.

12. Office of Textiles.

Business Services and Economics Division.
Import Division.

SEC. 3. *Functions of the Office of the Administrator.* .01 The Administrator determines the policy, directs the programs, and is responsible for the conduct of all activties of the Business and Defense Services Administration.

.02 The Deputy Administrator shall assist the Administrator in all matters affecting the Business and Defense Services Administration, and shall perform

the duties of the Administrator during the latter's absence.

The Publications and Information Office shall advise and represent the Administrator on public information matters, conduct a public information program under the policy guidance of the Department's Office of Public Information, and be responsible for the publication management program, including the review and editing of publications.

.03 The Assistant Administrator, Business and Government Services shall be the principal assistant and adviser to the Administrator on business and government services programs, provide policy direction and coordination in the execution of such programs in the business and industry offices and over-all coordination of all Business and Defense Services Administration programs in these offices, and direct the activties of the Foreign Excess Property Office.

The Foreign Excess Property Office shall administer the provisions of the Foreign Excess Property Order No. 1 relating to importation of foreign excess property into the United States; and shall coordinate studies to determine the impact on industry of the sale of domestic Government surplus in the domestic market.

SEC. 4. *Functions of the Office of Assistant Administrator for Industrial Mobilization.* .01 The Assistant Administrator, Industrial Mobilization shall be the principal assistant and adviser to the Administrator in the performance of functions under the Defense Production Act of 1950, as amended, and on all programs relating to mobilization of industrial resources during a national emergency, provide policy direction and coordination in the execution of such programs in the business and industry offices and maintain liaison with other areas of the Department and with other departments and agencies.

.02 The Office of the Assistant Administrator, Industrial Mobilization shall be responsible for the administration of the Defense Materials System; issuance of priorities and directives; industrial mobilization planning, including development of mobilization production control systems and standby regulations; development of national stockpile recommendations for critical materials; training and direction of the industrial unit of the National Defense Executive Reserve; and identification and analysis of industry facilities of critical importance to industrial mobilization.

SEC. 5. *Functions of the Assistant Administrator for International Commodity Activities.* .01 The Assistant Administrator, International Commodity Activities shall be the principal assistant and adviser to the Administrator on all programs relating to international trade development, provide policy direction and coordination in the execution of such programs in the business and industry offices, and maintain liaison with other areas of the Department and with other departments and agencies.

.02 The Office of the Assistant Administrator, International Commodity Activities shall be responsible for foreign market export potential studies; assist in the dissemination of foreign trade opportunities to the U.S. business; participate in trade missions and trade fairs; analyze the effect of international trade impediments on international commodities; furnish technical assistance in support of international trade negotiations and agreements; and develop basic economic intelligence on manufacturing and construction in selected areas of the world.

SEC. 6. *Functions of the Office of the Assistant Administrator for Industrial Analysis.* .01 The Assistant Administrator, Industrial Analysis shall be the principal assistant and adviser to the Administrator on economic research programs concerned with industrial growth and development, provide policy direction and coordination in the execution of such programs in the business and industry offices and maintain liaison with other areas of the Department and with other departments and agencies.

.02 The Office of the Assistant Administrator, Industrial Analysis, shall provide guidance in the application of sound statistical and economic standards, techniques and procedures to Business and Defense Services Administration statistical and economic projects; conduct research on factors affecting industry economic growth, including but not limited to monetary and fiscal policies, automation, regional differentials, technological progress, inventory policies, price fluctuations, and foreign competition; and analyze factors affecting regional economic development, including but not limited to transportation, labor, natural resources, capital and management inputs.

SEC. 7. *Functions of the Office of Assistant Administrator for Administration.* .01 The Assistant Administrator, Administration, shall be the principal assistant and adviser to the Administrator on management and administrative activities, including administrative mobilization planning, and shall direct the activities of the Office of Administration.

.02 The Office of Administration shall provide staff assistance in the areas of administrative services, budget and financial management, management analysis, personnel administration, and program evaluation.

.03 The Office of Administration shall also be responsible for administrative management, budget, personnel and related administrative services to the Office of Field Services and the Office of Trade Adjustment.

SEC. 8. *Business and industry offices.* The business and industry offices (Chemicals and Consumer Products, Industrial Equipment, Metals and Minerals, Scientific and Technical Equipment, Construction and Materials Industries, Textiles, and Distribution Services) each represent a broad segment of American business and industry. These offices shall plan, direct, and coordinate the activities of the industry divisions within their areas of responsibility in the execution of the agency's programs of industrial mobilization, economic research, international trade development, and business and Government services. In addition to the above functions:

1. The Office of Textiles shall provide staff assistance to the Departmental official designated to carry out the Department's responsibilities for regulating textile imports affected by international agreements; and

2. The Office of Distribution Services shall collect, analyze, and disseminate information on market characteristics and new marketing and distribution methods and techniques.

SEC. 9. *Industry Divisions.* Each Industry Division shall perform the following functions within its assigned segment of American industry:

1. Act as first point of contact with industry on Government-industry relations, foster a common understanding of the problems of Government and business and industry, and provide assistance and advice on industry, commodity, and trade problems;

2. Develop and maintain basic information and data on production, capacity, consumption, inventories, markets, distribution, sources of supply, technological developments, and other factors which affect the economic position of the assigned industries;

3. Prepare analytical and interpretive reports for use by business, industry, and Government containing basic data on production, inventories, distribution and consumption, conditions and levels of business activity for specific industries, and current and projected production trends and market outlooks;

4. Prepare data for use in (1) major industry growth studies, (2) reports on import-impact and petitions filed under Sections 7 and 8 of the Trade Agreements Extension Act, and (3) support of General Agreement on Tariffs and Trade negotiations; and

5. Conduct defense production and mobilization preparedness activities, as assigned, such as post-attack and capability studies, preparation of recommendations on stockpiling or disposal of stockpiled strategic materials and equipment, preparation of Industry Evaluation Board analyses, and participation in development of national industrial mobilization plans.

Effective date: February 1, 1963.

HERBERT W. KLOTZ,
Assistant Secretary for Administration.

[F.R. Doc. 63-1255; Filed, Feb. 4, 1963; 8:48 a.m.]

[Dept. Order No. 168 (Rev.)]

OFFICE OF FIELD SERVICES

Designation, Functions, and Responsibilities

The following order was issued by the Secretary of Commerce effective February 1, 1963. This material supersedes the material appearing at 27 F.R. 265-266 of January 10, 1962.

SECTION 1. *Purpose.* The purpose of this order is to designate the Office of Field Services as a primary organization

unit, and to describe the functions and responsibilities of the Office of Field Services.

SEC. 2. *General.* .01 The Office of Field Services is hereby designated as a primary organization unit of the Department of Commerce.

.02 The Office of Field Services shall be headed by a Director who shall report and be responsible to the Assistant Secretary for Domestic and International Business. The Director shall be assisted by a Deputy Director who shall perform the functions of the Director in the latter's absence.

.03 The Director, Office of Field Services, subject to such policies and directives as the Secretary of Commerce and the Assistant Secretary for Domestic and International Business may prescribe, shall be responsible for conducting the activities of the Office of Field Services as described herein.

.04 The Office of Field Services shall be responsible for carrying out the field programs of the Business and Defense Services Administration, the Bureau of International Commerce, the Office of Technical Services, and the Office of Business Economics. The Office of Field Services shall also disseminate reports, data, and statistical information relating to business development and published by any bureau or office of the Department. Further, under the terms of any agreement between the Department of Commerce and another Government agency, the Office of Field Services may act as such agency's representative by disseminating to the business public information on the agency's policies and programs.

.05 The head of each organization unit whose field program is carried out under this order shall have authority and responsibility for determining all programs and policies governing Field Office activities pertaining to such organization unit. Such authority and responsibility shall be exercised through and in coordination with the Director, Office of Field Services. Instructions to field offices on administrative matters shall be issued by the Director, Office of Field Services.

.06 Continuing liaison shall be maintained between the Director, Office of Field Services and the head of each organization unit whose field program is carried out under this order to assure: (1) effective assistance to each field office in serving business and industry in its area, and (2) constructive feed-back of information from Field Offices to each affected organization unit which will help in evaluating current usefulness of program elements or which will highlight unsatisfied needs of business which should be considered in any program revision.

.07 Local and State associations, Chambers of Commerce, Boards of Trade, State development agencies, and similar organizations or groups shall be utilized to the fullest extent possible to increase the use and effectiveness of the services, facilities, and published information and data of the Department, and to develop close relationships between the Department of Commerce and such organizations and the business public in the areas they serve. To this end, the Director of the Office of Field Services is authorized to enter into formal cooperative office agreements or appropriate informal arrangements as may be feasible with such agencies.

SEC. 3. *Organization.* The Office of Field Services shall comprise the following organization units:

1. Office of the Director
2. Field Offices (located in principal cities as listed in Appendix A)
3. Administrative Service Office in Chicago, Ill.

SEC. 4. *Functions of each organization unit.* .01 The Office of the Director, Office of Field Services plans, determines, and executes the policies and programs of the Office of Field Services.

.02 Each Field Office shall be headed by a Director who shall report and be responsible to the Director, Office of Field Services. The Field Office Director acts as the Department's representative in maintaining constructive relationships between the Department and representatives of business and industry, and other Government agencies in the area served. The staff of a Field Office, under the Director's supervision, works in continuous consultation with individuals and representatives of firms or associations concerned with any aspect of foreign or domestic commerce of the United States. Functions performed in all Field Offices are the same, though emphasis on specific functions may vary in accordance with the economic characteristics of the area served by a particular Field Office. Functions of a typical Field Office are as follows:

1. *International trade.* (1) With specific emphasis on the Department of Commerce program for expansion of the United States export trade, assists in the promotion of the international trade, foreign investment and travel, by advising and consulting with exporters, importers, bankers, service agencies and trade associations, with respect to market and general economic conditions abroad and performs such other functions as are necessary in furthering the international trade promotion programs of the Department;

(2) Assists in the administration of the Export Control Act of 1949, as amended; and

(3) In accordance with the agreements entered into between the Department of Commerce and the Agency for International Development, and between the Department of Commerce and the Export-Import Bank, acts as representative of each of these agencies in disseminating to the business public information on such agency's policies and programs.

2. *Domestic trade.* (1) Assists businessmen and trade and industrial groups engaged in manufacturing, construction, distribution, banking, communications, advertising, publishing, transportation and other service trades by providing factual, analytical and interpretive data on commodities, products, industries, and marketing for use as basic guides for business in trade maintenance and expansion programs;

(2) Provides access to, and counseling service on, the facilities, publications, and reports of the Office of Technical Services; and

(3) Maintains contact with State, local, and industrial development groups to provide effective utilization of the services and facilities of the Area Redevelopment Administration.

3. *Defense production activities.* Assists and advises all segments of business with respect to the orders, regulations, policies, directives, priorities, allocations, inventory controls, conservation orders, and other actions of the Business and Defense Services Administration.

.03 The Administrative Service Office in Chicago, Illinois is responsible for handling matters relating to personnel, payroll and accounting, space, and procurement of supplies and materials for all Field Offices. This office is also responsible for publishing the "Commerce Business Daily."

Effective date: February 1, 1963.

HERBERT W. KLOTZ,
Assistant Secretary for Administration.

OFFICE OF FIELD SERVICES—FIELD OFFICES

Albuquerque, N. Mex.	Los Angeles, Calif.
Atlanta, Ga.	Memphis, Tenn.
Boston, Mass.	Miami, Fla.
Buffalo, N.Y.	Minneapolis, Minn.
Charleston, S.C.	New Orleans, La.
Cheyenne, Wyo.	New York, N.Y.
Chicago, Ill.	Philadelphia, Pa.
Cincinnati, Ohio.	Phoenix, Ariz.
Cleveland, Ohio.	Pittsburgh, Pa.
Dallas, Tex.	Portland, Oreg.
Denver, Colo.	Reno, Nev.
Detroit, Mich.	Richmond, Va.
Greensboro, N.C.	St. Louis, Mo.
Honolulu, Hawaii.	Salt Lake City, Utah.
Houston, Tex.	San Francisco, Calif.
Jacksonville, Fla.	Savannah, Ga.
Kansas City, Mo.	Seattle, Wash.

See local telephone directory under "United States Government—Commerce, Department of—Field Services" for address and telephone number.

[F.R. Doc. 63-1256; Filed, Feb. 4, 1963; 8:48 a.m.]

[Dept. Order No. 183]

OFFICE OF FOREIGN COMMERCIAL SERVICES

Establishment, Organization, and Functions

The following order was issued by the Secretary of Commerce effective February 1, 1963. This material, together with Department Order No. 182 of February 1, 1963 and Department Order No. 182 Organization and Function Supplement of February 1, 1963, supersedes the material appearing at 26 F.R. 7980–7984 of August 25, 1961 and 26 F.R. 12046–12047 of December 15, 1961.

SECTION 1. *Purpose.* The purpose of this order is to establish the Office of Foreign Commercial Services and describe the organization and functions of the office.

SEC. 2. *General.* 01. The Office of Foreign Commercial Services is hereby established as a primary organization unit of the Department of Commerce.

.02 The Office of Foreign Commercial Services shall be headed by a Director who shall report and be responsible to the Assistant Secretary for Domestic and International Business. The Director shall be assisted by a Deputy Director, who shall perform the functions of the Director in the latter's absence.

.03 The Director, Office of Foreign Commercial Services, subject to such policies and directives as the Secretary of Commerce and the Assistant Secretary for Domestic and International Business may prescribe, shall carry out the Department's responsibilities relating to foreign commercial services and commercial officer representation abroad as described herein.

.04 The Bureau of International Commerce and the Business and Defense Services Administration have authority and responsibility for determining programs and policies governing foreign commercial services and activities which pertain to their respective responsibilities. Such authority and responsibility shall be exercised through and in coordination with the Director, Office of Foreign Commercial Services.

SEC. 3. *Organization and Functions.* .01 The Office of Foreign Commercial Services shall consist of the:

1. Office of the Director

Overseas Personnel Division.
Foreign Activities Management Division.
Performance Evaluation Division.
Training Programs Division.
Foreign Communications Division.

.02 The Office of Foreign Commercial Services shall be responsible for implementing the Department of Commerce programs for (1) strengthening commercial services and commercial officer representation abroad and (2) implementing the provisions of the State-Commerce Agreement of November 1961 which affect these programs in fulfilling the role of the Department of Commerce in promoting trade, investment and export expansion throughout the world. More specifically, the Office of Foreign Commercial Services shall:

1. Be the point of direction or coordination between organization units of the Department of Commerce and the Department of State and the Foreign Service of the United States on:

(1) Selection, utilization and control of manpower;

(2) Evaluation of the effectiveness of commercial reporting and program operations, and of the performance of personnel assigned to carry out these functions abroad, including inspection and determination of promotion eligibility; and

(3) Coordination or initiation of improved programs for training commercial officers scheduled for assignment or reassignment overseas.

2. Cooordinate and maintain all communications between the Department of Commerce and posts abroad.

3. Plan, direct and coordinate the budgeting, staffing, assignment, recruitment and related activities of the commercial specialist program as stipulated in the State-Commerce Agreement.

4. Develop and define the functions and responsibilities of commercial officers abroad and initiate or coordinate instructions to overseas posts.

SEC. 4. *Transfer of personnel, funds, records and property.* .01 The personnel, records, funds and property of the Bureau of International Programs and the Bureau of International Business Operations heretofore allocated to the functions and activities described in this order are transferred to the Office of Foreign Commercial Services.

.02 The Assistant Secretary for Administration, acting through the appropriate offices of the Department shall determine and arrange for the transfer of personnel, records, funds, and property of the Bureau of International Programs and the Bureau of International Business Operations as provided herein.

SEC. 5. *Administrative services.* The Bureau of International Commerce shall furnish management, budget, personnel, related administrative services and publications and public information services to the Office of Foreign Commercial Services.

SEC. 6. *Saving provision.* All outstanding delegations, rules, regulations, orders and other actions issued by or relating to the Foreign Service Division, Office of Commercial Services, Bureau of International Business Operations, and predecessor organizations or any official thereof, shall remain in effect until amended or revoked by proper authority.

Effective date: February 1, 1963.

HERBERT W. KLOTZ,
Assistant Secretary for Administration.

[F.R. Doc. 63-1257; Filed, Feb. 4, 1963; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 14274; Order No. E-19252]

EXCESS BAGGAGE CHARGES

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 30th day of January 1963:

By tariff revisions [1] marked to become effective February 3, 1963, Delta Air Lines, Inc. (Delta) proposes to increase its minimum charge for excess baggage weight from 25 cents to 50 cents.[2]

The Board, upon consideration of the proposed tariff revisions, finds that the proposed charge may be unjust and unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be investigated.

Delta has supplied no information as to the theory or basis of the increase in minimum excess baggage charges proposed by it, nor has the Board been furnished any data or other basis in support of the reasonableness of the increase in charges for excess baggage which would be effected under this proposal. Under these circumstances, the Board has concluded that the instant tariff amendments should be suspended pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, particularly sections 204(a), 403, 404, and 1002 thereof, it is ordered:

1. That an investigation be and hereby is instituted to determine whether the provisions of Rule 69(A) on 2d Revised Page 38 and on 3d Revised Page 38 of Delta Air Lines, Inc. C.A.B. No. 60 are, or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful provisions.

2. That the investigation instituted herewith be and hereby is consolidated into the investigation instituted in Docket 14274 by Order E-19182 of January 10, 1963.

3. That pending investigation, hearing, and decision by the Board, Rule 69(A) on 2d Revised Page 38 and on 3d Revised Page 38 of Delta Air Lines, Inc. C.A.B. No. 60 is suspended and its use deferred to and including May 3, 1963, unless otherwise ordered by the Board and that no changes be made therein during the period of suspension except by order or special permission of the Board.

4. That this investigation be assigned for hearing as part of the investigation instituted in Docket 14274 before an examiner of the Board at a time and place hereafter to be designated.

5. That a copy of this order be filed with the aforesaid tariff and be served upon Delta Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 63-1249; Filed, Feb. 4, 1963; 8:48 a.m.]

[1] 2d Revised Page 38, and brought forward on 3d Revised Page 38, to Delta's tariff C.A.B. No. 60, filed December 31, 1962, and January 9, 1963, respectively.

[2] Similar tariff revisions of five carriers, including Delta, were previously suspended by the Board (Order E-19182, January 10, 1963).

[Docket 14302; Order No. E-19251]

SOUTHERN AIR TRANSPORT, INC.

Proposed Reduced Charter Rates; Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 30th day of January, 1963:

Southern Air Transport, Inc. has filed a tariff to become effective February 3, 1963, proposing a cargo charter rate for C-46 aircraft of $400 per trip or approximately $0.384 per aircraft mile, from

San Juan, Puerto Rico, to Miami, Florida. Such rate takes precedence over the carrier's general charter rate of $0.90 per aircraft mile.

The newly proposed rate of $400 per trip for C–46 aircraft appears to (1) be below the general pattern established for such aircraft for overseas cargo charters; (2) be less than the cargo charter rate ($0.75 per C–46 plane-mile) proposed for effectiveness last July by the carrier and suspended by the Board,[1] as well as only slightly higher than the cargo charter rate ($0.345 per plane mile) proposed for effectiveness last December by the carrier and also suspended by the Board; [2] and (3) raise significant questions as to its lawfulness. The carrier submitted no justification for its proposal with its Tariff Transmittal.

Upon consideration of this tariff and all relevant matters, the Board finds that the tariff proposal, insofar as it involves overseas air transportation [3] may be unjust, or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, and should be investigated. In view of the departure of this proposal from the existing general level of rates, and in accordance with the action of the Board in similar cases, the Board has concluded to suspend the operation of such C–46 tariff proposal and the use thereof pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 404, and 1002 thereof, it is ordered, that:

1. An investigation is hereby instituted to determine whether the rate from San Juan, P.R. to Miami, Fla. on 5th and 6th Revised Pages 13–B to Agent John J. Klak's Air Cargo Rates Tariff No. C–1, C.A.B. No. 6, is, or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and, if found to be unlawful, to determine and prescribe the lawful rate.

2. Pending investigation, hearing, and decision by the Board, the rate from San Juan, P.R. to Miami, Fla. on 5th and 6th Revised Pages 13–B to Agent John J. Klak's Air Cargo Rates Tariff No. C–1, C.A.B. No. 6, is suspended and its use deferred to and including May 3, 1963, unless otherwise ordered by the Board, and that no changes be made threin during the period of suspension except by order or special permission of the Board.

3. The proceeding ordered herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated.

4. Copies of this order shall be filed with the aforesaid tariff and shall be served upon Southern Air Transport, Inc. which is hereby made a party to this proceeding.

[1] Southern Air Transport, Inc., Order E–18593, July 16, 1962, Docket 13780.

[2] Southern Air Transport, Inc., Order E–19093, December 14, 1962, Docket 14205.

[3] Section 101(21) Federal Aviation Act of 1958.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

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

[F.R. Doc. 63–1250; Filed, Feb. 4, 1963; 8:48 a.m.]

FEDERAL COAL MINE SAFETY BOARD OF REVIEW

STATEMENT OF ORGANIZATION

Change of Address of Board Office

Section 3(a) of the Statement of Organization (17 F.R. 10523) is amended to read as follows:

SEC. 3. *Office correspondence.* (a) The principal office of the Federal Coal Mine Safety Board of Review is located in Room 507, First National Bank Building, 1701 Pennsylvania Avenue NW., Washington 25, D.C.

Adopted by the Federal Coal Mine Safety Board of Review at its office in Washington, D.C., on the 30th day of January 1963.

TROY L. BACK, *Executive Secretary of the Board.*

[F.R. Doc. 63–1259; Filed, Feb. 4, 1963; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

ATLANTIC AND GULF/WEST COAST OF SOUTH AMERICA CONFERENCE

Notice of Filing of Agreement 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 2744–22, between the member lines of the Atlantic and Gulf/West Coast of South America Conference modifies the approved agreement of that conference (Agreement 2744, as amended), which covers the trade from U.S. Atlantic and Gulf ports to West Coast ports of Colombia, Ecuador, Peru and Chile, either for direct movement or for transhipment via Cristobal and/or Balboa, Canal Zone. The purpose of this modification is to provide for an increase in the amounts to be assessed as liquidated damages under Article 14 of the basic conference agreement.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., 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 request for hearing should such hearing be desired.

Dated: January 31, 1963.

By order of the Federal Maritime Commission.

THOMAS LISI, *Secretary.*

[F.R. Doc. 63–1251; Filed, Feb. 4, 1963; 8:48 a.m.]

BERRY & McCARTHY SHIPPING CO., INC., ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following twelve agreements have been filed with the Federal Maritime Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended. All the parties involved have applied for licenses as independent ocean freight forwarders pursuant to section 44 of the Shipping Act, 1916. Berry & McCarthy Shipping Co., Inc. of San Francisco is party to each agreement whose terms are identical.

Other Party, and City	*No.*
Seaport Shipping Co., Seattle	9072
Fillette, Green & Co. of Tampa, Tampa	9073
Nordstrom Freighting Corp, New York	9074
Glaessel Shipping Corp., New York	9076
Universal Transport Corp., New York	9078
Natural Nydegger Transport Corp., New York	9079
A. E. Nydegger & Co., Inc., New York	9081
F. V. Marotta, Inc., New York	9082
John S. Connor, Inc., Baltimore	9083
Sopac Transport Corp., New York	9084
Seaway Forwarding Co., Cleveland	9086
Albert E. Bowen, Inc., New York	9087

The agreements are cooperative working arrangements under which the parties may perform freight forwarding services for each other, dividing forwarding fees and ocean freight brokerage as agreed after negotiation on each transaction.

Interested persons may inspect these agreements and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C., or at the Commission's field offices at:

45 Broadway
New York 4, New York

Room 333, Federal Office Building, South
600 South Street
New Orleans 12, La.
Mail address:
P.O. Box 30550, Lafayette Station
New Orleans 30, La.

180 New Montgomery Street
San Francisco, Calif.

They may submit to the Secretary, Federal Maritime Commission, Washington, D.C., within twenty days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreements, and their approval, disapproval, or modification, together with request for hearing should such hearing be desired.

By order of the Federal Maritime Commission.

Dated: January 31, 1963.

THOMAS LISI,
Secretary.

[F.R. Doc. 63-1252; Filed, Feb. 4, 1963; 8:48 a.m.]

[Docket No. 1090]

FLORIDA/PUERTO RICO TRADE

General Investigation Into Common Carrier Freight Rates and Practices

It appearing that the following named carriers have freight tariffs on file with the Commission which name rates, fares, charges, rules, regulations, and/or practices applicable to the carriage of cargoes to, from and/or between ports in the State of Florida, on the one hand and ports or points in the Commonwealth of Puerto Rico, on the other:

South Atlantic & Caribbean Line, Inc.,
TMT Trailer Ferry, Inc.,
Sea-Land Service, Inc., Puerto Rican Division;

and

It further appearing that the Commission is of the opinion that the said rates, fares, charges, rules, regulations, and/or practices should be made the subject of a public investigation to determine whether they are unjust, unreasonable, and otherwise unlawful under the Shipping Act, 1916, as amended or the Intercoastal Shipping Act, 1933, as amended;

Now therefore it is ordered, That, pursuant to sections 18(a), and 22, of the Shipping Act, 1916, as amended, and sections 2, 3, and 4 of the Intercoastal Shipping Act, 1933, as amended, the Commission, upon its own motion, enter into a formal investigation concerning the lawfulness of tariffs and transportation practices of the aforementioned carriers insofar as they pertain to the Florida/Puerto Rico trade, with a view to making such findings and orders in the premises as the facts and circumstances shall warrant; and

It is further ordered, That all subsequent revisions of the said rates, fares, charges, rules, regulations and/or practices filed by the respondents in this proceeding be, and they are hereby placed under investigation in this proceeding; and

It is further ordered, That (I) the investigation herein ordered be assigned for public hearing before an examiner of the Commission's Office of Hearing Examiners, at a date and place to be announced by the Chief Examiner; (II) the above named carriers be, and they are hereby made respondents in this proceeding; (III) a copy of this order forthwith be served upon the said respondents; (IV) respondents be duly notified of the time and place of the hearing ordered; and this order and notice of the said hearing be published in the FEDERAL REGISTER.

By direction of the Commission dated January 21, 1963.

THOMAS LISI,
Secretary.

[F.R. Doc. 63-1253; Filed, Feb. 4, 1963; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 749]

MOTOR CARRIER TRANSFER PROCEEDINGS

JANUARY 31, 1963.

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 65115. By order of January 28, 1963, the Transfer Board approved the transfer to Elizabeth Twiford, doing business as Twiford Transfer, Rosalie, Nebr., of the operating rights in Certificate No. MC 90050 Sub-2, issued March 16, 1942, to Keith Twiford, Rosalie, Nebr., authorizing the transportation, over irregular routes, of livestock, agricultural products, feed, lumber, hardware, and agricultural implements, between Sioux City, Iowa, on the one hand, and, on the other, Rosalie, Nebr., and points in a described portion of Nebraska.

No. MC-FC 65275. By order of January 28, 1963, the Transfer Board approved the transfer to Aubrey E. Stratton, doing business as A. E. Stratton & Son, West Townshend, Vt., of the operating rights in Certificates Nos. MC 94937 and MC 94937 Sub-1, issued March 29, 1950, and September 18, 1953, respectively, to Harry L. Carleton, Townshend, Vt., authorizing the transportation, over irregular routes, of road building and grading materials, livestock, pickles, Christmas trees and evergreens, brick, oyster poles, and lumber and forest products, from, to, and between specified points in Vermont, Massachusetts, New Hampshire, New Jersey, New York and Connecticut, varying with the commodities transported.

No. MC-FC 65428. By order of January 21, 1963, the Transfer Board approved the transfer to Fireball Cartage, Inc., Benton Harbor, Mich., of Certificates Nos. MC 31454 Sub-2, and MC 31454 Sub-3, issued October 11, 1955 and December 4, 1958, respectively, to Joseph F. Peck and Alva F. Likes, a partnership, doing business as Slater and Sampson Transfer Line, Benton Harbor, Mich., authorizing the transportation of: General commodities, between Benton Harbor, Mich., and Michigan City, Ind., and general commodities, with certain exceptions, between various specified points in Michigan, and also between Michigan City, Ind., and La Porte, Ind. John T. Hammond, 205-10 Gas Building, Benton Harbor, Mich., attorney for applicants.

No. MC-FC 65447. By order of January 28, 1963, the Transfer Board approved the transfer to Red Line Carriers, Inc., San Jose, Calif., of Permit No. MC 115649 Sub-1, issued March 28, 1962, to N. J. Radunich and Ben F. Howes, a partnership, doing business as Red Line Carriers, San Jose, Calif., authorizing the transporation of: new gas stoves, uncrated, from Culver City and Vernon, Calif., to points in Arizona, and damaged or rejected shipments of new gas stoves, from points in Arizona to Culver City and Vernon, Calif. Frank Loughran, 100 Bush Street, (21st floor), San Francisco, Calif., attorney for applicants.

No. MC-FC 65454. By order of January 28, 1963, the Transfer Board approved the transfer to Nathan C. Gloth, doing business as Gloth Transfer Co. 33 Oakwood Drive, Long Meadow 6, Mass., of Certificate No. MC 34396, issued April 14, 1941, to Max Gloth, doing business as Gloth Transfer Co., 45 Church St., Springfield 7, Mass., authorizing the transportation of: Household goods, between Springfield, Mass., and points within 10 miles of Springfield, on the one hand, and, on the other, points in Rhode Island, Connecticut, New York, New Jersey and Pennsylvania.

No. MC-FC 65482. By order of January 28, 1963, the Transfer Board approved the transfer to Althea May Goodrich, doing business as Republic Motor Freight, Spokane, Wash., of Certificate No. MC 112526, issued August 20, 1951, to Owen Goodrich, doing business as Republic Motor Freight, Spokane, Wash., authorizing the transporation of: General commodities, with the usual exceptions, including household goods and commodities in bulk, between Spokane, Wash., on the one hand, and, on the other, points in Ferry County, Wash. Hugh A. Dressel, 702 Old National Bank Building, Spokane 1, Wash., attorney for applicants.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 63-1246; Filed, Feb. 4, 1963; 8:48 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JANUARY 31, 1963.

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. 38140: *Joint motor-rail-motor rates—Riss & Company, Inc., and PRR.* Filed by Riss & Company, Inc. (No. 2), for itself and The Pennsylvania Railroad Company. Rates on property moving on commodity rates over joint motor-rail-motor routes of applicant rail and motor carrier from specified points in Maryland, Michigan, Missouri, New Jersey, New York, and Pennsylvania to specified points in Illinois, Indiana, Kentucky, Maryland, Michigan, Missouri, New York, and Pennsylvania.

Grounds for relief: All-rail and motor-truck competition.

Tariff: Riss & Company, Inc., tariff I.C.C. 4.

FSA No. 38141: *Class and commodity rates from and to Warwick, S.C.* Filed by O. W. South, Jr., Agent (No. A4278), for interested rail carriers. Rates on various commodities moving on class and commodity rates, in carloads and less-than-carloads, between Warwick, S.C., on the one hand, and points in the United States and Canada, on the other.

Grounds for relief: New station and grouping.

FSA No. 38142: *Fresh vegetables from Foley, Ala.* Filed by O. W. South, Jr., Agent (No. A4277), for interested rail carriers. Rates on fresh or green vegetables (not cold-packed nor frozen), in carloads, from Foley, Ala., to Central City, Ky., Goldsboro, N.C., and Staunton, Va.

Grounds for relief: Market competition.

Tariff: Supplement 25 to Southern Freight Association tariff I.C.C. S–178.

FSA No. 38143: *Liquid caustic soda from Geismar, La., to Chickamauga, Tenn.* Filed by O. W. South, Jr., Agent (No. A4279), for interested rail carriers. Rates on liquid caustic soda, in tank-car loads, from Geismar, La., to Chickamauga, Tenn.

Grounds for relief: Market competition.

Tariff: Supplement 94 to Southern Freight Association tariff I.C.C. S–89.

FSA No. 38144: *Liquid caustic soda from Saltville, Va., to Chickamauga, Tenn.* Filed by O. W. South, Jr., Agent (No. A4280), for interested rail carriers. Rates on liquid caustic soda, in tank-car loads, from Saltville, Va., to Chickamauga, Tenn.

Grounds for relief: Market competition.

Tariff: Supplement 42 to Southern Freight Association tariff I.C.C. S–207.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 63–1247; Filed, Feb. 4, 1963; 8:48 a.m.]

FEDERAL RESERVE SYSTEM

HACKENSACK TRUST CO.

Order Approving Merger of Banks

In the matter of the application of The Hackensack Trust Company for approval of merger with Bank of Bogota.

There has come before the Board of Governors, pursuant to the Bank Merger Act of 1960 (12 U.S.C. 1828(c)), an application by The Hackensack Trust Company, Hackensack, New Jersey, for the Board's prior approval of the merger of that bank and the bank of Bogota, Bogota, New Jersey, under the charter and title of the former. As an incident to the merger, the sole office of the latter bank would be operated as a branch of the former bank. Notice of the proposed merger, in form approved by the Board, has been published pursuant to said Act.

Upon consideration of all relevant material in the light of the factors set forth in said Act, including reports furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Department of Justice on the competitive factors involved in the proposed merger,

It is hereby ordered, For the reasons set forth in the Board's Statement[1] of this date, that said application be and hereby is approved, provided that said merger shall not be consummated (a) within seven calendar days after the date of this Order or (b) later than three months after said date.

Dated at Washington, D.C., this 30th day of January 1963.

By order of the Board of Governors.[2]

[SEAL] MERRITT SHERMAN, *Secretary.*

[F.R. Doc. 63–1231; Filed, Feb. 4, 1963; 8:46 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington 25, D.C., or to the Federal Reserve Bank of New York. Dissenting statement of Governor Robertson, with which Governor Mitchell concurs, also filed as part of the original document and available upon request.

[2] Voting for this action: Chairman Martin, and Governors Balderston, Mills, and Shepardson. Voting against this action: Governors Robertson and Mitchell. Absent and not voting: Governor King.

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