

THE NATIONAL ARCHIVES
LITTE
SCRIPTA
MANET
OF THE UNITED STATES

FEDERAL REGISTER

1934

VOLUME 28 NUMBER 106

Washington, Thursday, May 30, 1963

Contents

THE PRESIDENT

Executive Order

Inspection of income, excess-profits, estate, and gift tax returns by the Committee on Un-American Activities, House of Representatives..... 5351

EXECUTIVE AGENCIES

Agricultural Marketing Service

PROPOSED RULE MAKING:
Grapefruit grown in the Indian River District in Florida; notice of hearing with respect to proposed amendments to marketing agreement and order..... 5390

RULES AND REGULATIONS:
Federal Seed Act regulations; miscellaneous amendments..... 5361
Milk in Fort Wayne, Ind., marketing area; order amending order..... 5365
Milk in Indianapolis, Ind.; order amending order..... 5366
Nectarines grown in California; shipment limitations (3 documents)..... 5362, 5363
Plums grown in California:
Regulation by grade and size... 5364
Regulation by size (2 documents)..... 5363, 5365

Agriculture Department

See Agricultural Marketing Service; Commodity Credit Corporation.

Army Department

See Engineers Corps.

Coast Guard

RULES AND REGULATIONS:
Dangerous cargo regulations; miscellaneous amendments..... 5378

Commerce Department

See Maritime Administration.

Commodity Credit Corporation

NOTICES:
Directors et al.; delegation of authority..... 5394

Defense Department

See Engineers Corps.

Emergency Planning Office

NOTICES:
Manganese and chromium ferroalloys, electrolytic manganese and chromium; investigation of imports..... 5400
Tennessee; amendment to notice of major disaster..... 5399

Engineers Corps

RULES AND REGULATIONS:
Anchorage, bridge and danger zone regulations..... 5376

Federal Aviation Agency

PROPOSED RULE MAKING:
Federal airway; alteration; control zone and transition area, revocation..... 5390

RULES AND REGULATIONS:
Control zone and transition area, designation; transition area alteration; modification of amendment..... 5353
Federal airway and associated control areas, alteration; reporting point, revocation..... 5353
Fees for copying and certifying records..... 5353
Standard instrument approach procedures; miscellaneous amendments..... 5354

Federal Communications Commission

NOTICES:
Hearings, etc.:
D and E Broadcasting Co., and Great State Broadcasters, Inc..... 5395

Mountford, Leonard W..... 5396
Spanish International Television et al..... 5396
Stone, Charles W. (KCHY) et al..... 5398

RULES AND REGULATIONS:
Industrial radio services; certain changes in availability of certain frequencies..... 5385
Radio frequency devices; telemetering devices and wireless microphones..... 5387

Federal Maritime Commission

NOTICES:
River Plate/United States and Canada Freight Conference; notice of filing of agreement... 5398

Federal Power Commission

NOTICES:
Hearings, etc.:
El Paso Electric Co..... 5399
Florida Gas Transmission Co... 5399
Transcontinental Gas Pipe Line Corp..... 5399

Food and Drug Administration

Food additives; release agents... 5375
Tolerances for residues:
Carbaryl (1-naphthyl N-methylcarbamate)..... 5374
Dodine..... 5375

Health, Education, and Welfare Department

See Food and Drug Administration.

Housing and Home Finance Agency

NOTICES:
Acting Regional Administrator, et al., Region V; designations... 5399

(Continued on next page)

Comm. Hyde

Immigration and Naturalization Service

RULES AND REGULATIONS:
Nonimmigrant classes; transit ports..... 5374

Interior Department

See also Land Management Bureau.

NOTICES:
Persons, Marvin Francis; statement of changes in financial interests..... 5394

International Development Agency

RULES AND REGULATIONS:
Procedures for furnishing assistance to cooperating countries; special rules relating to exports to Latin American countries financed by AID..... 5376

Interstate Commerce Commission

NOTICES:
Fourth section application for relief..... 5400
Motor carrier transfer proceedings (2 documents)..... 5400, 5401

RULES AND REGULATIONS:
Track motor cars and push trucks; applicability of safety regulations..... 5389

Justice Department

See Immigration and Naturalization Service.

Land Management Bureau

NOTICES:
Correction of proposed withdrawal and reservation of lands; California..... 5392

Proposed withdrawals and reservations of lands:
Alaska..... 5393
California (2 documents)..... 5393, 5394
Idaho (2 documents)..... 5392
New Mexico..... 5394
Termination of proposed withdrawal and reservation of lands; Nevada..... 5393

RULES AND REGULATIONS:
California; public land order..... 5377

Maritime Administration

NOTICES:
Bloomfield Steamship Co.; application for operating-differential subsidy..... 5395

Post Office Department

RULES AND REGULATIONS:
Metered stamps; prepayment of metered reply postage..... 5377
Transportation of mail by railroads; preparation and processing of forms for payment... 5377

Securities and Exchange Commission

NOTICES:
Continental Vending Machine Corp.; order summarily suspending trading..... 5400

Small Business Administration

NOTICES:
Managers, Disaster Field Offices; delegations relating to financial assistance:
Hazard, Ky..... 5400
Pikeville, Ky..... 5400
Prestonsburg, Ky..... 5400

State Department

See also International Development Agency.

RULES AND REGULATIONS:
Visas, documentation of nonimmigrants; miscellaneous amendments..... 5375

Treasury Department

See also Coast Guard.

NOTICES:
Steel wire rods from France; determination of sales at less than fair value..... 5392

Codification Guide

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

Monthly, quarterly, and annual cumulative guides, published separately from the daily issues, include the section numbers as well as the part numbers affected.

3 CFR
EXECUTIVE ORDERS:
11109..... 5351

7 CFR
201..... 5361
916 (3 documents)..... 5362, 5363
917 (3 documents)..... 5363-5365
1047..... 5365
1049..... 5366

PROPOSED RULES:
912..... 5390

8 CFR
214..... 5374

14 CFR
71 [New] (2 documents)..... 5353
187 [New]..... 5353
609..... 5354

PROPOSED RULES:
71 [New]..... 5390

21 CFR
120 (2 documents)..... 5374, 5375
121..... 5375

22 CFR
41..... 5375
201..... 5376

33 CFR
202..... 5376
203..... 5376
204..... 5376

39 CFR
33..... 5377
92..... 5377

43 CFR
PUBLIC LAND ORDERS:
3097..... 5377

46 CFR
30..... 5378
70..... 5379
78..... 5379
90..... 5379
97..... 5379
146..... 5379

47 CFR
11..... 5385
15..... 5387

49 CFR
131..... 5389



Telephone WOrth 3-3261

prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for \$1.50 per month or \$15.00 per year, payable in advance. The charge for individual copies (minimum 15 cents) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D.C.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER, or the CODE OF FEDERAL REGULATIONS.

Presidential Documents

Title 3—THE PRESIDENT

Executive Order 11109

INSPECTION OF INCOME, EXCESS-PROFITS, ESTATE, AND GIFT TAX RETURNS BY THE COMMITTEE ON UN-AMERICAN ACTIVITIES, HOUSE OF REPRESENTATIVES

By virtue of the authority vested in me by section 55(a) of the Internal Revenue Code of 1939, as amended (53 Stat. 29, 54 Stat. 1008; 26 U.S.C. (1952 Ed.) 55(a)), and by section 6103(a) of the Internal Revenue Code of 1954 (68A Stat. 753; 26 U.S.C. 6103(a)), it is hereby ordered that any income, excess-profits, estate, or gift tax return for the years 1947 to 1963, inclusive, shall, during the Eighty-eighth Congress, be open to inspection by the Committee on Un-American Activities, House of Representatives, or any duly authorized subcommittee thereof, for the purpose of carrying on those investigations of subversive and un-American activities and propaganda authorized by clause 18 of Rule XI of the Rules of the House of Representatives, agreed to January 9, 1963. Such inspection shall be in accordance and upon compliance with the rules and regulations prescribed by the Secretary of the Treasury in Treasury Decisions 6132 and 6133, relating to the inspection of returns by committees of the Congress, approved by the President on May 3, 1955.

This order shall be effective upon its filing for publication in the FEDERAL REGISTER.

JOHN F. KENNEDY

THE WHITE HOUSE,
May 27, 1963.

[F.R. Doc. 63-5802; Filed, May 28, 1963; 1:00 p.m.]

Rules and Regulations

The following rules and regulations shall govern the conduct of all members of the organization. It is the duty of every member to observe these rules and regulations and to report any violation to the proper authorities.

1. All members must adhere to the highest standards of moral and ethical conduct. Any member found guilty of a serious offense may be expelled from the organization.

2. Members must attend all meetings and conferences as scheduled. Excuses must be provided in advance.

3. Members must maintain confidentiality of all information obtained through their membership. This information is to be used only for the purposes of the organization.

4. Members must contribute to the organization's financial well-being by paying their dues on time.

5. Members must respect the rights and opinions of other members. Harassment and discrimination are strictly prohibited.

6. Members must comply with all applicable laws and regulations. Any member who is found to be in violation of the law will be held accountable.

7. Members must maintain a positive and professional image at all times. Any behavior that brings the organization into disrepute is unacceptable.

8. Members must be active and engaged in the organization's activities. Inactivity may result in the suspension of membership.

9. Members must be open to constructive criticism and feedback. This is essential for the growth and development of the organization.

10. Members must be loyal and supportive of the organization's mission and vision. They must work together to achieve our common goals.

Rules and Regulations

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 62-AL-4]

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

Alteration of Federal Airway, Associated Control Areas and, Revocation of Reporting Point

On February 19, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 1558) stating that the Federal Aviation Agency was considering the realignment of VOR Federal airway No. 436 and its east alternate between King Salmon, Alaska, and Kenai, Alaska, and the revocation of Chinitna, Alaska, reporting points.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted and no comments were received regarding the proposed amendments.

Subsequent to the publication of the notice, it has been determined that to provide adequate controlled airspace, the airway width should be increased to 16 miles. However, to keep the controlled airspace to a minimum, the expansion of the airway is accomplished herein by increasing the width in graduated steps of one mile for every 5 nautical miles in length beginning at 45 nautical miles from King Salmon to 75 nautical miles from this terminal, thence a 16-mile-wide airway to 75 nautical miles from Kenai, thence decreasing in graduated steps of one mile for every 5 nautical miles in length to 45 nautical miles from Kenai.

In consideration of the foregoing and for the reasons stated herein and in the notice, the following actions are taken:

1. In § 71.125 (27 F.R. 220-36, November 10, 1962) V-436 "via INT of Homer, Alaska, 269° radial and King Salmon direct radial to Anchorage, Alaska; INT of Kenai, Alaska, 217° and Homer 269° radials; Kenai, including an E alternate from INT of Kenai 217° and Homer 269° radials to Kenai via Homer;" is deleted and "via INT of King Salmon direct radial to Homer, Alaska, and Kenai, Alaska, 217° radial; Kenai (beginning at 45 nautical miles from King Salmon increasing in width of one mile for every 5 nautical miles in length to 75 nautical miles from King Salmon, thence a 16-mile-wide airway to 75 nautical miles from Kenai, thence decreasing in width of one mile for every 5 nautical miles in length to 45 nautical miles from Kenai), including an E alternate from INT of King Salmon direct radial to Homer and Kenai 217° radial to Kenai via Homer;" is substituted therefor.

2. In § 71.211 (27 F.R. 220-174, November 10, 1962) "Chinitna INT:" is revoked.

These amendments shall become effective 0001, e.s.t., July 25, 1963.

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

Issued in Washington, D.C., on May 23, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63-5719; Filed, May 29, 1963; 8:45 a.m.]

[Airspace Docket No. 61-KC-29]

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

Modification of Amendment

On April 27, 1963, there was published in the FEDERAL REGISTER (28 F.R. 4163) amendments to Part 71 [New] of the Federal Aviation Regulations that designated the Fort Riley, Kans., control zone, the Manhattan, Kans., transition area and altered the Salina, Kans., transition area.

Subsequent to publication of the amendments, it was noted that the airspace excluded from the Fort Riley control zone, and described as the portion extending clockwise from a line 2 miles northwest of and parallel to the Fort Riley VOR 042° True radial to the 318° True bearing from the Fort Riley radio beacon, should be redescribed for charting purposes. Therefore, action is taken herein to exclude the portion of the Fort Riley control zone bounded on the northeast by the 318° True bearing from the Fort Riley radio beacon and on the southeast by a line 2 miles northwest of and parallel to the Fort Riley VOR 042° True radial.

In addition, reference is made to the Hutchinson, Kans., radio beacon in the above cited amendment to the description of the Salina transition area. Since the Hutchinson radio beacon previously had been deleted from the description of the Salina transition area, action is taken herein to delete reference to this facility.

Since these amendments are editorial in nature and impose no additional burden on any person, the effective date of the Final Rule as initially adopted may be retained.

In consideration of the foregoing, effective immediately, Airspace Docket No. 61-KC-29 (28 F.R. 4163) is hereby modified as follows:

1. In the description of the Fort Riley, Kans., control zone "extending clockwise from a line 2 miles NW of and parallel to the Fort Riley VOR 042° radial to the 318° bearing from the Fort Riley RBN," is deleted and "bounded on the NE by the 318° bearing from the Fort Riley RBN and on the SE by a line 2 miles NW of and parallel to the Fort Riley VOR 042° radial." is substituted therefor.

2. In the amendment to the description of the Salina, Kans., transition area "excluding the portion within 25 miles of the Hutchinson RBN and" is deleted and "excluding the portion within 25 miles of

latitude 38°00'53'' N., longitude 97°51'40'' W." is substituted therefor.

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

Issued in Washington, D.C., on May 23, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63-5720; Filed, May 29, 1963; 8:45 a.m.]

[Docket No. 1151; Amdt. 187-1]

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

Copying and Search of Records

The purpose of this amendment is to amend Part 187 [New] to correctly reflect the fees charged for a duplicate original medical certificate and for duplicate copies of miscellaneous documents.

Section 414.3(b) of the Regulations of the Administrator established the fees to be charged for searching of records and supplying of duplicate original documents. It provided for a \$2.00 fee for airman and medical certificates and a \$1.00 (per page) fee for other miscellaneous documents. The notice of proposed rule making on the recodification of that part (Draft Release 62-12, 27 F.R. 2803) correctly stated these fees. However, in the final rule (27 F.R. 4957), a typographical error was made which changed the fee for a medical certificate to \$1.00 and dropped any reference to miscellaneous documents. In order to remedy this situation § 187.3 [New] is being amended to reflect the proper fees.

Since this amendment is clarifying in nature, and merely restates the substance of the regulations in accordance with Draft Release 61-25 (26 F.R. 10698) and 62-12 (27 F.R. 2803), I find that notice and public procedure hereon are unnecessary, and it may be made effective on less than 30 days' notice.

In consideration of the foregoing, Part 187 [New] (14 CFR PART 187 [New]) is amended as follows, effective May 30, 1963:

By amending paragraph (b) of § 187.3 to read as follows:

§ 187.3 Copying and search of records.

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

	<i>Each page</i>
Airman certificate.....	\$2.00
Medical certificate.....	2.00
Other documents.....	1.00

This amendment is made under the authority of § 501 of the Act of August 31, 1951 (5 U.S.C. 140).

Issued in Washington, D.C., on May 24, 1963.

N. E. HALABY,
Administrator.

[F.R. Doc. 63-5735; Filed, May 29, 1963; 8:46 a.m.]

RULES AND REGULATIONS

Chapter III—Federal Aviation Agency
SUBCHAPTER E—AIR NAVIGATION REGULATIONS
 [Reg. Docket No. 1737; Amdt. 323]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to standard instrument approach procedures contained herein are being adopted to become effective when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act would be contrary to the public interest and is therefore not required.

Pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 609 is amended as follows:
 1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
MLB VOR.....	MA LFR.....	Direct.....	1500	T-dn.....	300-1	300-1	200-1½
				C-dn.....	400-1	500-1	500-1½
				S-dn-16.....	400-1	400-1	400-1
				A-dn.....	800-2	800-2	800-2

Procedure turn W side of crs, 339° Outbnd, 159° Inbnd, 1500' within 10 miles.

Minimum altitude over facility on final approach crs, 700'.

Crs and distance, facility to airport, 159°—2 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.0 miles after passing MA-LFR, climb to 1500' on S crs within 20 miles.

City, Melbourne; State, Fla.; Airport Name, Melbourne-Eau Gallie; Elev., 28'; Fac. Class., SBRAZ; Ident., MA; Procedure No. 1, Amdt. 10; Eff. Date, 8 June 63; Sup. Amdt. No. 9; Dated, 30 Sept. 61

PROCEDURE CANCELLED, EFFECTIVE 8 JUNE 1963.

City, Tucumcari; State, N. Mex.; Airport Name, Tucumcari Municipal; Elev., 4063'; Fac. Class., SBMRAZ; Ident., TCC; Procedure No. 1, Amdt. 6; Eff. Date, 15 Feb. 54; Sup. Amdt. No. 5; Dated, 1 Aug. 50

2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
AKO VOR.....	AKO RBn.....	Direct.....	5800	T-dn.....	300-1	300-1	NA
				C-dn.....	500-1	600-1	NA
				A-dn.....	800-2	800-2	NA

Procedure turn N side of crs, 097° Outbnd, 277° Inbnd, 5800' within 10 miles.

Minimum altitude over facility on final approach crs, 5300'.

Crs and distance, facility to airport, 277°—1.0 mile.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.0 mile after passing AKO RBn, right climbing turn, climb to 7000' on AKO VOR R-351 within 15 miles.

CAUTION: Radio tower 5002' 2 miles W of airport.

City, Akron; State, Colo.; Airport Name, Washington County; Elev., 4695'; Fac. Class., H; Ident., AKO; Procedure No. 1, Amdt. Orig.; Eff. Date, 8 June 63, or upon conversion to SABH

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Macon VOR.....	LOM.....	Direct.....	1600	T-dn.....	300-1	300-1	200-1/2
Powersville Int.....	LOM (final).....	Direct.....	1500	C-dn.....	500-1	500-1	500-1 1/2
Robins Int.....	LOM.....	Direct.....	1600	S-dn-5.....	500-1	500-1	500-1
				A-dn.....	800-2	800-2	800-2

Radar transitions and vectoring utilizing Macon Radar authorized in accordance with approved patterns.
 Procedure turn S side SW crs, 227° Outbnd, 047° Inbnd, 1600' within 10 miles. Beyond 10 miles not authorized.
 Minimum altitude over facility on final approach crs, 1500'.
 Crs and distance, facility to airport, 047°—3.8 miles.
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing LOM, climb to 2000' on crs 047° within 20 miles or, when directed by ATC, turn left, climbing to 2000' direct to LOM.
 City, Macon; State, Ga.; Airport Name, Macon (Cochran); Elev., 354'; Fac. Class., LOM; Ident., MC; Procedure No. 1, Amdt. 7; Eff. Date, 8 June 63; Sup. Amdt. No. 6; Dated, 18 May 63

MIM-VOR.....	MIA RBn.....	Direct.....	1500	T-dn.....	300-1	300-1	200-1/2				
				Direct.....	1000	C-d.....	700-1	700-1	700-1 1/2		
				C-n.....	500-2	500-2	500-2				
				S-d-9L.....	500-1	500-1	500-1				
				S-n-9L.....	500-2	500-2	500-2				
				A-dn**.....	NA	NA	NA				
				H aircraft equipped with dual ADF receivers and Ruby Int* identified on final, the following minimums are authorized:				C-dn.....	500-1	500-1	500-1 1/2
				S-dn-9L.....	400-1	400-1	400-1				

Procedure turn N side of crs, 297° Outbnd, 117° Inbnd, 1500' within 10 miles.
 Minimum altitude over facility on final approach crs, 1500'; over *Ruby Int, 700'.
 Crs and distance, facility to airport, 097°—7.2 miles.
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.8 miles after passing Ruby Int* or 7.2 miles after passing MIA RBn, climb to 1500' on 097° crs from MIA RBn within 20 miles.
 NOTE: This approach authorized during Opa Locka tower hours of operation 0600-2200 daily.
 Other change: Eliminated Ruby Int.
 *Ruby Int: Int 097° crs from MIA RBn and 182° bearing to MF (LOM).
 **No weather information available.
 City, Miami; State, Fla.; Airport Name, Opa Locka; Elev., 9'; Fac. Class., SABH; Ident., MIA; Procedure No. 1, Amdt. 2; Eff. Date, 8 June 63; Sup. Amdt. No. 1; Dated, 13 April 63

SHR VOR.....	SHR RBn.....	Direct.....	6000	T-d.....	400-1	400-1	400-1
Ucross FM.....	Sheridan FM.....	Direct.....	5900	T-n.....	400-2	400-2	400-2
Sheridan FM.....	Sheridan RBn (final).....	Direct.....	5000	C-d.....	800-1	800-1	800-1 1/2
				C-n.....	800-2	800-2	800-2
				A-dn.....	800-2	800-2	800-2

Procedure turn E side of crs, 117° Outbnd, 297° Inbnd, 6000' within 10 miles.
 Minimum altitude over facility on final approach crs, *5000'.
 Crs and distance, facility to airport, 297°—1.4 miles.
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.4 miles after passing SHR RBn, climb to 8000' on bearing 297° from SHR RBn Outbnd within 20 miles or, when directed by ATC, climb to 8000' on the SHR VOR R-295 within 20 miles.
 CAUTION: High terrain to SE and SW.
 *Descent below 5500' not authorized until Sheridan FM is positively identified.
 City, Sheridan; State, Wyo.; Airport Name, Sheridan County; Elev., 4021'; Fac. Class., BH; Ident., SHR; Procedure No. 1, Amdt. 1; Eff. Date, 8 June 63; Sup. Amdt. No. 1; Dated, 18 May 63

TLH-VOR.....	LOM.....	Direct.....	1800	T-dn.....	300-1	300-1	200-1/2
TLH-RBn.....	LOM.....	Direct.....	1800	C-dn.....	400-1	500-1	500-1 1/2
Camp Int*.....	LOM.....	Direct.....	1800	S-dn-36.....	400-1	400-1	400-1
Creek Int**.....	LOM.....	Direct.....	1800	A-dn.....	800-2	800-2	800-2
Jackson Int#.....	LOM.....	Direct.....	1800				

Procedure turn E side of crs, 178° Outbnd, 358° Inbnd, 1600' within 10 miles.
 Minimum altitude over facility on final approach crs, 1200'.
 Crs and distance, facility to airport, 358°—4.1 miles.
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.1 miles after passing LOM, climb to 1600' on crs 358° from LOM, make left turn, proceeding direct to LOM or, when directed by ATC, climb to 1800' on crs 358° from LOM, proceed to TLH-VOR via R-265.
 *Camp Int: Int R-152 TLH-VOR and 090° crs from LOM.
 **Creek Int: Int R-139 MAI-VOR and R-228 TLH-VOR.
 #Jackson Int: Int R-286 TLH-VOR and N crs of localizer.
 City, Tallahassee; State, Fla.; Airport Name, Tallahassee Municipal; Elev., 82'; Fac. Class., LOM; Ident., TL; Procedure No. 1, Amdt. 2; Eff. Date, 8 June 63; Sup. Amdt. No. 1; Dated, 27 Oct. 62

Raspberry Int.....	TLH RBn.....	Direct.....	1800	T-dn.....	300-1	300-1	200-1/2
Holland Int.....	TLH RBn.....	Direct.....	1800	C-dn.....	400-1	500-1	500-1 1/2
Blountstown Int.....	TLH RBn.....	Direct.....	1800	A-dn.....	800-2	800-2	800-2
Cody Int.....	TLH RBn.....	Direct.....	1800				
Iddo Int.....	TLH RBn.....	Direct.....	1800				
St Marks Int.....	TLH RBn.....	Direct.....	1800				
Havanna Int.....	TLH RBn.....	Direct.....	1800				
TLH VOR.....	TLH RBn.....	Direct.....	1800				
TL LOM.....	TLH RBn.....	Direct.....	1800				

Procedure turn S side of crs, 297° Outbnd, 117° Inbnd, 1800' within 10 miles.
 Minimum altitude over facility on final approach crs, 800'.
 Crs and distance, facility to airport, 140°—2.4 miles.
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.4 miles after passing RBn, climb to 1800' on crs 140° from TLH RBn or right turn, climb to 1800' and proceed direct to TLH RBn.
 City, Tallahassee; State, Fla.; Airport Name, Municipal; Elev., 82'; Fac. Class., BH; Ident., TLH; Procedure No. 2, Amdt. 3; Eff. Date, 8 June 63; Sup. Amdt. No. 2; Dated, 2 Feb. 63

RULES AND REGULATIONS

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
SBY-VOR Crisfield Int.	Snow Hill VOR	Direct	2000	T-dn	300-1	300-1	200-1/2
	Snow Hill VOR	Direct	2000	C-d	500-1	500-1	500-1 1/2
				C-n	500-2	500-2	500-2
				S-dn	NA	NA	NA
				A-dn	NA	NA	NA

Procedure turn W side of crs, 009° Outbnd, 189° Inbnd, 2000' within 10 miles.
 Minimum altitude over facility on final approach crs, 2000'.
 Crs and distance, facility to airport, 189°—6.5 miles.
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.5 miles after passing VOR, make right turn, climb to 2000' and return to Snow Hill VOR. Hold NE R-035, 1-minute, left turns.
 CAUTION: R-45 restricted area directly S of NASA Wallops Island Station Airport.
 NOTES: 1. Weather observations Monday through Friday only. 2. Clearance and void time must be obtained by commercial telephone prior to takeoff in IFR conditions.
 City, Chincoteague; State, Va.; Airport Name, NASA Wallops Island; Elev., 38'; Fac. Class., BVOR; Ident., SWL; Procedure No. 1, Amdt. 1; Eff. Date, 8 June 63; Sup. Amdt. No. Orig.; Dated, 10 June 61

FYV VOR	DAK VOR	Direct	3500	T-dn	500-2	500-2	NA
				C-d	800-2	800-2	NA
				A-dn	1000-2	1000-2	NA

Procedure turn W side of crs, 320° Outbnd, 140° Inbnd, 3500' within 10 miles.
 Minimum altitude over facility on final approach crs, 2200'.
 Crs and distance, facility to airport, 140°—2.3 miles.
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.3 miles after passing DAK VOR, climb to 3500' on R-178 of the DAK VOR within 20 miles.
 NOTE: Sliding scale not authorized.
 City, Fayetteville; State, Ark.; Airport Name, Municipal; Elev., 1250'; Fac. Class., TVOR; Ident., DAK; Procedure No. 2, Amdt. Orig.; Eff. Date, 8 June 63

Bailey Int*	MKG VOR (final)	Direct	2000	T-dn	300-1	300-1	200-1/2
Sparta Int**	MKG VOR (final)	Direct	2000	C-d	700-1	700-1	700-1 1/2
MKG LOM	MKG VOR	Direct	2300	C-n	700-2	700-2	700-2
				A-dn	800-2	800-2	800-2

The following minimums apply for VOR and ADF equipped aircraft and Int MKG R-272 and 007° bearing from MKG LOM identified:
 C-dn----- 400-1 500-1 500-1 1/2
 A-dn----- 800-2 800-2 800-2

Procedure turn N side of crs, 092° Outbnd, 272° Inbnd, 2300' within 10 miles.
 Minimum altitude over facility on final approach crs, 2000'; over Int MKG R-272 and 007° bearing from MKG LOM, 1300'.
 Crs and distance, facility to airport, 272°—8.4 miles; Int MKG VOR R-272 and 007° bearing from MKG LOM, 272°—3.4 miles.
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 8.4 miles after passing MKG VOR, make climbing left turn to 2000' and proceed to Bullfrog Int via MKG-VOR R-253 or, when directed by ATC, climb to 2300' on MKG-VOR R-272, then reverse course and return to MKG-VOR.
 Major change: Deletes transition from MJ-LFR.
 *Bailey Int: Int MKG-VOR R-076 and HIC-VOR R-200.
 **Sparta Int: Int MKG-VOR R-115 and HIC-VOR R-200.
 City, Muskegon; State, Mich.; Airport Name, Muskegon County; Elev., 628'; Fac. Class., BVORTAC; Ident., MKG; Procedure No. 1, Amdt. 3; Eff. Date, 8 June 63; Sup. Amdt. No. 2; Dated, 10 Nov. 62

Scarsdale VHF Int	Randall Int**	Direct	1500	T-dn	300-1	300-1	200-1/2
Randall Int**	LGA VOR (final)	Direct	*700	C-dn	700-1	700-2	700-2
				A-dn	800-2	800-2	800-2

Procedure turn not authorized. Final approach crs, 226°.
 Minimum altitude over facility on final approach crs, 700'.
 Crs and distance, facility to airport, 178°—0.4 mile.
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.4 mile after passing LGA VOR, climb to 2500' on LGA VOR R-221 to Prospect Int. Hold SW Prospect Int left turns, 1-minute Inbnd, crs 041°.
 AIR CARRIER NOTE: Sliding scale not authorized for landing on Runway 13, 31, and 22; not authorized for alternate minimums.
 NOTES: 1. Radar vectors may be substituted for the above transitions. 2. Dual VOR equipment required for execution of this procedure.
 *Descent to landing minimums authorized only after passing Randall VHF Int.**
 **Randall VHF Int: Int LGA VOR R-046 and IDL VOR R-002.
 †Takeoff minimums for Runways 4 and 31 will not be less than 200-1 during period when tower advisories indicate presence of surface ships in channel.
 City, New York; State, N.Y.; Airport Name, La Guardia; Elev., 20'; Fac. Class., L-VOR; Ident., LGA; Procedure No. 1, Amdt. 1; Eff. Date, 8 June 63, Sup. Amdt. No. Orig.; Dated, 4 May 63

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Liberty VHF Int.-----	Int LGA ILS SW crs and IDL R-270.	Via radar vectors to IDL R-270	2500	T-dn----- C-dn----- A-dn-----	300-1 700-1 800-2	300-1 700-2 800-2	200-1/2 700-2 800-2
Keansburg VHF Int.-----	Prospect VHF Int.-----	Direct-----	2500				
Int LGA ILS SW crs and IDL R-270	Prospect VHF Int.-----	Direct-----	2500				
Prospect VHF Int.-----	Diamond Int**-----	Direct-----	*1200				
Diamond Int**-----	LGA VOR (final)-----	Direct-----	700				

Procedure turn not authorized. Final approach crs, 041°. Minimum altitude over Diamond Int on final approach, 1200'. Crs and distance, Diamond Int** to VOR, 041°—5.0 miles. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing LGA VOR, climb to 4000' on LGA VOR R-046 to Stamford Int. Cross Scarsdale Int at 3000' or above. Hold NE Stamford Int, 1-minute left turns, Inbnd crs 226°. AIR CARRIER NOTE: Sliding scale not authorized for landing on Runways 13, 31, and 22, not authorized for alternate minimums. NOTES: 1. Radar vectors may be substituted for the above transitions. 2. Dual VOR equipment required for execution of this procedure. *Descent to landing minimums authorized only after passing Diamond VHF Int.** **Diamond VHF Int: Int LGA VOR R-221 and IDL VOR R-317. †Takeoff minimums for Runways 4 and 31 will not be less than 200-1 during period when tower advisories indicate presence of surface ships in channel. City, New York; State, N.Y.; Airport Name, La Guardia; Elev., 20'; Fac. Class., L-VOR; Ident., LGA; Procedure No. 2, Amdt. 1; Eff. Date, 8 June 63; Sup. Amdt. No. Orig.; Dated, 4 May 63

4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Chatham Int.-----	DAN VOR-----	Direct-----	2700	T-dn-----	300-1	300-1	200-1/2
Sandy River Int.-----	DAN VOR-----	Direct-----	2500	C-dn-----	500-1	500-1	500-1 1/2
Milton Int.-----	DAN VOR-----	Direct-----	2300	S-dn-2----- A-dn-----	500-1 800-2	500-1 800-2	500-1 800-2

Procedure turn E side of crs, 212° Outbnd, 032° Inbnd, 2200' within 10 miles. Minimum altitude over facility on final approach crs, 1100'. Crs and distance, breakoff point to approach end of Runway 2, 020°—0.9 mile. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing DAN VOR, make right-climbing turn to 2200' hold SW DAN VOR 1-minute right turns. City, Danville; State, Va.; Airport Name, Danville; Elev., 582'; Fac. Class., BVOR; Ident., DAN; Procedure No. TerVOR-2, Amdt. 3; Eff. Date, 8 June 63; Sup. Amdt. No. 2; Dated, 14 Apr. 62

MIA VOR-----	FLL-VOR-----	Direct-----	2000	T-dn-----	300-1	300-1	200-1/2
MIA-RBN-----	FLL-VOR-----	Direct-----	2000	C-dn-----	600-1	600-1	600-1 1/2
New River VHF Int.-----	FLL-VOR-----	Direct-----	1500	S-dn-9-----	600-1	600-1	600-1
Int BSY-VOR-345/FLL-VOR-278	Big Horse Int**-----	Direct-----	1500	A-dn#-----	800-2	800-2	800-2
Big Horse Int**-----	Wagon Wheel Int* (final)-----	Direct-----	600	If aircraft equipped with VOR and ADF receivers and Wagon Wheel Int* identified, the following minimum applies: S-dn-9-----			
					500-1	500-1	500-1

Procedure turn N side of crs, 278° Outbnd, 098° Inbnd, 1500' within 10 miles. Minimum altitude over facility on final approach crs, 600'; over Wagon Wheel Int* 600'. Crs and distance, Wagon Wheel Int* to breakoff point, 098°—3.3 miles. Crs and distance breakoff point to Runway 9, 091°—0.6 mile. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing FLL-VOR, turn left and climb to 2000' on 079° rad, and proceed to Martin VHF Int. Other change: Deletes transition from Oakland VHF Int. *Wagon Wheel Int: Int FLL-VOR R-278 and 008° bearing to FLL RBN. **Big Horse Int: Int FLL-VOR R-278 and MIA VOR R-053. #Limited weather information available to public. Alternate usage authorized for air carriers only. City, Ft. Lauderdale; State, Fla.; Airport Name, Broward County International; Elev., 10'; Fac. Class., VOR; Ident., FLL; Procedure No. TerVOR-9, Amdt. 2; Eff. Date, 30 May 63; Sup. Amdt. No. 1; Dated, 9 Mar. 63

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
MIA-VOR	FLL-VOR	Direct	2000	T-dn	300-1	300-1	200-1/2
MIA Rbn	FLL-VOR	Direct	2000	C-dn	600-1	600-1	600-1 1/2
New River VHF Int.	FLL-VOR	Direct	1500	S-dn-13	600-1	600-1	600-1
Int BSY VOR-345/FLL VOR-306	Play Boy Int**	Direct	1500	A-dn#	800-2	800-2	800-2
Play Boy Int**	Levee Int* (final)	Direct	600	If aircraft equipped with VOR and ADF receivers and Levee Int* identified the following minimum applies:			
				S-dn-13	500-1	500-1	500-1

Procedure turn N side of crs, 306° Outbnd, 126° Inbnd, 1500' within 10 miles of Levee Int.* Nonstandard due Miami, Fla., terminal traffic.

Minimum altitude over facility on final approach crs 600'; over Levee Int* 600'.

Crs and distance, Levee Int* to breakoff point 126°—3.5 miles.

Crs and distance breakoff point to Runway 13, 135°—0.4 mile.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing FLL-VOR, turn left and climb to 2000' on R-079, and proceed to Martin VHF Int.

Other change: Deletes transition from Oakland VHF Int.

#Limited weather information available to public. Alternate usage authorized for air carriers only.

*Levee Int: Int FLL-VOR R-306 and 008° bearing to FLL Rbn.

**Play Boy Int: Int FLL VOR R-306 and MIA VOR R-042.

City, Ft. Lauderdale; State, Fla.; Airport Name, Broward County International; Elev., 10'; Fac. Class., VOR; Ident., FLL; Procedure No. TerVOR-13, Amdt. 2; Eff. Date, 30 May 63; Sup. Amdt. No. 1; Dated, 9 Mar. 63

				T-dn	300-1	300-1	200-1/2
				C-dn	500-1	600-1	600-1 1/2
				S-dn-07R	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns.

Procedure turn S side of crs, 251° Outbnd, 071° Inbnd, 2000' within 10.0 miles.

Minimum altitude over facility on final approach course 600'.

Crs and distance, facility to airport 071°—0.6 mile.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.6 mile after passing LAX VOR, climb to Firestone Int* at 2000' via R-068.

NOTES: *Firestone Int—LAX R-068 and LGB R-311.

City, Los Angeles; State, Calif.; Airport Name, Los Angeles International; Elev., 126'; Fac. Class., BVOR; Ident., LAX; Procedure No. TerVOR-7R, Amdt. Orig.; Eff. Date, 8 June 63

Long Beach VOR	Firestone Int**	Direct	2000	T-dn	300-1	300-1	200-1/2
Santa Ana VOR	Firestone Int**	Direct	2000	S-dn 25L	500-1	500-1	500-1
Downey Rbn/FM	Freeway Int*	Direct	1800	C-dn	500-1	600-1	600-1 1/2
Firestone Int**	Freeway Int*	Direct	1800	A-dn	800-2	800-2	800-2
LAX VOR	Freeway Int*	Direct	2400				

Radar vectoring authorized in accordance with approved patterns.

Procedure turn S*** side of crs, 068° Outbnd, 248° Inbnd, 2400' within 10.0 miles of Freeway Int.*

Minimum altitude over Freeway Int on final approach course 1800'.

Crs and distance, Freeway Int to airport 248°—5.4 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.4 miles after passing Freeway Intersection,* climb to 2000' via LAX R-248 within 20 miles.

NOTES: *Freeway Int: LAX VOR R-068 and LGB VOR R-297 (LAX ILS LOM). **Firestone Int: LAX VOR R-068 and LGB VOR R-311. ***Nonstandard procedure turn due to traffic restrictions N of final approach course. All turns S of course.

City, Los Angeles; State, Calif.; Airport Name, Los Angeles International; Elev., 126'; Fac. Class., BVOR; Ident., LAX; Procedure No. TerVOR-25L, Amdt. Orig.; Eff. Date, 8 June 63

MA-LFR	MLB-VOR	Direct	1500	T-dn	300-1	300-1	200-1/2
				C-dn	600-1	600-1	600-1 1/2
				S-dn-9	600-1	600-1	600-1
				A-dn	800-2	800-2	800-2

Procedure turn S side of crs, 263° Outbnd, 083° Inbnd, 1500' within 10 miles.

Minimum altitude over facility on final approach crs, 600'.

Crs and distance, breakoff point to end of Runway 9, 087°—0.3 mile.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile, turn right and climb to 1500' on R-162 within 20 miles of MLB-VOR.

City, Melbourne; State, Fla.; Airport Name, Melbourne-Eau Gallie; Elev., 28'; Fac. Class., BVOR; Ident., MLB; Procedure No. TerVOR-9, Amdt. 1; Eff. Date, 8 June 63; Sup. Amdt. No. Orig.; Dated, 26 Aug. 61

PROCEDURE CANCELLED, EFFECTIVE 8 JUNE 1963.

City, Minneapolis; State, Minn.; Airport Name, Flying Cloud; Elev., 909'; Fac. Class., VOR; Ident., FCM; Procedure No. TerVOR-36, Amdt. Orig.; Eff. Date, 12 May 62

5. The very high frequency omnirange-distance measuring equipment (VOR/DME) procedures prescribed in § 609.300 are amended to read in part:

VOR-DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
 If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition		Course and distance	Minimum altitude (feet)	Condition	Ceiling and visibility minimums		
From—	To—				2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
TUS R-260/37 M; DME fix	R-260, 17-mile DME fix	Direct	5000	T-dn	300-1	300-1	200-1/2
R-260, 17-mile DME fix	R-260, 10-mile DME fix	Direct	4200	C-dn	500-1	500-1	500-1 1/2
R-260, 10-mile DME fix	R-260, 6.9-mile DME fix	Direct	3100	A-dn	800-2	800-2	800-2
TUS R-303/20-mile DME fix	R-260, 20-mile DME fix	Via 20-mile DME orbit.	6000				

Procedure turn S side of crs 260° Outbnd, 080° Inbnd, 5000' within 17.0 miles.
 Minimum altitude over 10-mile DME fix R-260 on final approach course 4200'.
 Crs and distance, facility to airport 080°—3.1 miles. Breakoff point to runway 0.0 mile.
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 6.9-mile DME fix, make right-climbing turn, climb via R-260 to 17.0-mile DME fix at 5000' or, when directed by ATC, climb ahead to VOR, turn right, climb via R-230 to cross 16-mile fix at 6000', orbit via 17-mile DME are to R-260, or climb ahead to VOR, turn left, climb via R-303 to 20-mile DME fix at 6000', orbit via 20-mile DME counterclockwise to R-260.
 NOTE: When authorized by ATC, DME may be used within 20 miles from 210°-310° at 6000' m.s.l. to position aircraft for a straight-in approach with the elimination of the procedure turn.
 City, Tucson; State, Ariz.; Airport Name, Tucson Municipal; Elev., 2630'; Fac. Class., H-BVORTAC; Ident., TUS; Procedure No. VOR-DME No. 2, Amdt. Orig.; Eff. Date, 8 June 63

6. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
 If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition		Course and distance	Minimum altitude (feet)	Condition	Ceiling and visibility minimums		
From—	To—				2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
AT LOM	ATL RBn	Direct	2500	T-dn	300-1	300-1	200-1/2
Atlanta VOR	ATL RBn	Direct	2500	C-dn	400-1	500-1	500-1 1/2
AZ LOM	ATL RBn	Direct	2500	S-dn-27L	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns.
 Procedure turn S side E crs, 080° Outbnd, 269° Inbnd, 2500' within 10 miles of ATL RBn.
 No glide slope.
 Minimum altitude over ATL RBn Inbnd, 2000'.
 Bearing and distance to approach end of runway at ATL RBn 269°—5.2 miles.
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.2 miles after passing ATL RBn, climb to 2500' on W crs ILS within 10 miles.
 CAUTION: 1182' tower 3/4 mile W airport.
 City, Atlanta; State, Ga.; Airport Name, Atlanta; Elev., 1024'; Fac. Class., ILS; Ident., I-ATL; Procedure No. ILS-27, Amdt. 8; Eff. Date, 8 June 63; Sup. Amdt. No. 7; Dated, 29 Sept. 62

PROCEDURE CANCELLED, EFFECTIVE 8 JUNE 1963.

City, Great Falls; State, Mont.; Airport Name, Great Falls International; Elev., 3671'; Fac. Class., ILS; Ident., I-GTF; Procedure No. ILS-16, Amdt. Orig.; Eff. Date, 27 Oct. 62

GTF RBn	LOM	Direct	6200	T-dn**	300-1	300-1	200-1/2
GTF-VOR	LOM	Direct	6200	C-dn	500-1	500-1	500-1 1/2
Belt FM	LOM	Direct	6200	S-dn-34*	200-1/2	200-1/2	200-1/2
Cascade FM	LOM	Direct	6200	A-dn	600-2	600-2	600-2
Millegan Int.	S crs ILS	349°-11	#6200				

Radar vectoring authorized in accordance with approved patterns.
 Procedure turn W side of crs, 161° Outbnd, 341° Inbnd, 6200' within 10 miles. NA beyond 10 miles. All turns W side of course—high terrain E.
 Minimum altitude at glide slope interception inbnd, 6200'.
 Altitude of glide slope and distance to approach end of runway at OM, 5835'—6.5 miles; at MM, 3915'—0.6 mile.
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 6000' on bearing of 341° from LOM within 20 miles or, when directed by ATC, climb to 5000' on 311° bearing from GTF RBn or R-311 GTF-VOR within 15 miles; or R-311 GTF-VOR within 15 miles.
 CAUTION: 3843' towers 0.9 mile SW of airport.
 *400-34 required with glide slope inoperative.
 **300-1 required for runways 11-29.
 #Maintain 6200' until interception of glide slope. Descend on glide slope to cross LOM at 5835'. Procedure turn not required when using this transition.
 City, Great Falls; State, Mont.; Airport Name, Great Falls International; Elev., 3671'; Fac. Class., ILS; Ident., I-GTF; Procedure No. ILS-34, Amdt. 9; Eff. Date, 8 June 63; Sup. Amdt. No. 8; Dated, 2 Feb. 63

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

SUBCHAPTER K—FEDERAL SEED ACT

PART 201—FEDERAL SEED ACT REGULATIONS

Miscellaneous Amendments

On January 22, 1963, there was published in the FEDERAL REGISTER (28 F.R. 558) a notice of rule making and of public hearing with respect to proposed amendments to the regulations (7 CFR Part 201, as amended) under the Federal Seed Act, as amended (7 U.S.C. 1551 et seq.). After consideration of all relevant matters with respect to the proposed amendments, and under the authority of section 402 of the Federal Seed Act and delegation of authority under the Act (19 F.R. 74, as amended; and 28 F.R. 496) said regulations are hereby amended as follows:

§ 201.2 [Amendment]

1. Section 201.2(h) is amended as follows:

a. Amend the introductory language to read: (h) *Agricultural seeds*. The term "agricultural seeds" means the following kinds of grass, forage, and field crop seeds, which are used for seeding purposes in the United States.

Sorghum-sudangrass hybrid, *S. vulgare* × *S. sudanense*.
Wheatgrass, streambank, *Agropyron riparium*.....

c. Under "Vegetable Seed" insert in alphabetical order and in the appropriate columns the following:

Kale, Siberian—*Brassica napus* var. *pabularia*.....

§ 201.48 [Amendment]

5. Section 201.48(f) is amended by deleting the words "reflected light" and inserting the words "transmitted light (diaphanoscope)".

§ 201.50 [Amendment]

6. Section 201.50 is amended by deleting from the second sentence the word

b. Add to the list of kinds in alphabetical order the following:

Sorghum-sudangrass hybrid—*S. vulgare* × *S. sudanense*.
Wheatgrass, streambank—*Agropyron riparium* Scribn. and Smith

c. Delete from the list of kinds "Bluegrass, annual—*Poa annua* L." since this seed is not used for seeding purposes in the United States, within the meaning of the Act.

2. Section 201.2(i) is amended by inserting in alphabetical order:

Kale, Siberian—*Brassica napus* var. *pabularia* (DC) Retcb.

§ 201.31 [Amendment]

3. Section 201.31 is amended by adding to both lists of garden bean varieties in alphabetical order the following names:

Earlgreen.
Sienderwhite.
Slimgreen.
Tenderwhite.

§ 201.46 [Amendment]

4. Table 1 in § 201.46 is amended as follows:

a. Delete from the list of agricultural seeds under "Bluegrass;" and the appropriate columns the following:

Annual—*Poa annua*..... 1 25 2, 636

b. Under "Agricultural Seed" insert in alphabetical order and in the appropriate columns the following:

Sorghum-sudangrass hybrid, *S. vulgare* × *S. sudanense*.
Wheatgrass, streambank, *Agropyron riparium*.....

c. Under "Vegetable Seed" insert in alphabetical order and in the appropriate columns the following:

Kale, Siberian—*Brassica napus* var. *pabularia*.....

"empty" and inserting in lieu thereof the word "undeveloped".

§ 201.51 [Amendment]

7. Section 201.51(b) (4) is amended as follows:

a. Delete the words "Morning-glory (Convolvulaceae)" and insert immediately after the word "(Compositae)" the phrase "and empty seeds of species in the

morning-glory family (Convolvulaceae)." b. Delete the words "reflected light" and substitute the words "transmitted light (diaphanoscope)".

§ 201.56-3 [Amendment]

8. Section 201.56-3 is amended by inserting in alphabetical order following

Annual—*Poa annua*.....

b. Under "Agricultural Seed" insert in the last column the following information for "Orchardgrass": "Prechill at 5° or 10° C. for 7 days and test at 15°-25° C."

c. Under "Agricultural Seed" revise the information for Ryegrass, Italian (annual); Ryegrass, perennial; and Ryegrass, Wimmera in column 3 "Temperature" to read: "20-30; 15-25"

d. Under "Agricultural Seed" with respect to Italian (annual), perennial, and Wimmera ryegrass, add, following the

Sorghum-sudangrass hybrid.....

f. Add, below "Slender" under "Wheatgrass," in the list of kinds of agricultural seed, and in the appropriate columns, the following:

Streambank—*Agropyron riparium*.....

g. Under "Vegetable Seed" insert in alphabetical order the following kind and information therefor in the appropriate columns:

Kale, Siberian—*Brassica napus* var. *pabularia*.....

§ 201.58a [Amendment]

10. Section 201.58a(a) is amended to read as follows:

(a) *Ryegrass*. In determining the proportions of perennial and annual or Italian ryegrass seed, 400 seeds shall be grown on filter paper and the number of fluorescent seedlings determined under ultraviolet light at the end of the germination period. The percentages of pure ryegrass seed, normal fluorescent seed-

the subheading "Kinds of seed" the words "Siberian kale".

§ 201.58 [Amendment]

9. Table 2 in § 201.58(c) is amended as follows:

a. Delete from the list of kinds of agricultural seed under "Bluegrass;" and the appropriate columns the following:

Annual—*Poa annua*.....

b. Under "Agricultural Seed" in the word "Light;" in column 6, the word "(Optional);", delete the wording in column 7, and insert the following to be applicable to Italian (annual), perennial, and Wimmera ryegrass: "Light; KNO₃; prechill at 5° or 10° C. for 5 days and test at 15°-25° C.; if seeds are still dormant, rechill for 3 days and continue the test at 15°-25° C. an additional 4 days."

c. Add, preceding "sorghum," in the list of kinds of agricultural seed, and in the appropriate columns, the following:

Sorghum-sudangrass hybrid.....

f. Add, below "Slender" under "Wheatgrass," in the list of kinds of agricultural seed, and in the appropriate columns, the following:

Streambank—*Agropyron riparium*.....

g. Under "Vegetable Seed" insert in alphabetical order the following kind and information therefor in the appropriate columns:

Kale, Siberian—*Brassica napus* var. *pabularia*.....

lings, and normal nonfluorescent seedlings shall be determined. The percentage of normal fluorescent seedlings or normal nonfluorescent seedlings is the number of each found in the test divided by the total number of seeds in the test. The results shall be applied as follows:

(1) If the quotient obtained by dividing the number of normal fluorescent seedlings by the number of normal seedlings is greater than 75 percent, the following formula shall be used:

$$\frac{\% \text{ fluorescent seedlings} \times \% \text{ pure ryegrass}}{\% \text{ germination}}$$

$$\frac{\% \text{ annual or Italian ryegrass}}{\% \text{ germination}}$$

The percentage of perennial ryegrass is determined by subtracting the percentage of annual or Italian ryegrass found from the percentage of pure ryegrass.

(2) If the quotient referred to in (1) is 75 percent or less, the following formula shall be used:

$$\text{Percent perennial ryegrass} = \frac{1.0526 \times \% \text{ nonfluorescent} \times \% \text{ pure ryegrass seedlings}}{\% \text{ germination}}$$

The percentage of annual or Italian ryegrass is determined by subtracting the percentage of perennial ryegrass found from the percentage of pure ryegrass.

§ 201.107 [Amendment]

11. Section 201.107 is amended as follows:

a. In paragraph (a), amend the first sentence to read: (a) When occurring in importations subject to the Act, seeds or bulbets of all plants belonging to the following plant families, except those listed as agricultural or vegetable seeds, or recognized as seeds of ornamentals, are detrimental to the agricultural interests of the United States, or a part thereof, and therefore are considered weed seeds.

b. In paragraph (b), amend the introductory text to read: (b) When occurring in an importation of other agricultural or vegetable seeds, the following agricultural and vegetable seeds are detrimental to the agricultural interests of the United States, or a part thereof, and therefore are considered weed seeds, unless they are declared in the entry papers for importation as agricultural or vegetable seeds:

c. Amend paragraph (b) by deleting from the list "Bluegrass, annual—*Poa annua* L."

(Sec. 402, 53 Stat. 1285, 7 U.S.C. 1592; 19 F.R. 74, as amended; 28 F.R. 496)

The amendments of the sections of the regulations set forth above are the same as proposed in the notice of rule making for the respective sections with the following exceptions. New wording is adopted in § 201.58a(a), and the word "(Optional)" is added following "Light", and the word "rechill" is substituted for "postchill", with respect to the requirements in § 201.58(c) for testing Italian (Annual), perennial, and Wimmera ryegrass. The change in § 201.58a(a) is for clarification only and the changes in § 201.58(c) impose no new requirements. These changes were made pursuant to comments received with respect to the notice of rule making. In addition, §§ 201.2 and 201.107 are amended to incorporate findings on which the provisions of the regulations in these sections are based, but no change is made in the substance of these regulations by such amendments. It appears that further notice and other public procedure on the amendments would not make additional information available to the Department with respect to the changes. Therefore under section 4 of the Administrative Procedure Act (5 U.S.C. 1003) it is found upon good cause that further notice of rule-making and other public procedure on the amendments are unnecessary.

The amendments shall become effective on July 1, 1963.

Done at Washington, D.C., this 21st day of May 1963.

W. A. DAVIDSON,
Director, Agricultural Marketing
Service Grain Division.

[F.R. Doc. 63-5752; Filed, May 29, 1963;
8:48 a.m.]

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

[Nectarine Order 1]

PART 916—NECTARINES GROWN IN CALIFORNIA

Limitation of Shipments

§ 916.307 Nectarine Order 1.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 916 (7 CFR Part 916) regulating the handling of nectarines grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the Nectarine Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of nectarines as hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such nectarines must await the development of the crop thereof, and adequate information thereon was not available to the Nectarine Administrative Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such nectarines. Interested persons were afforded

an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such nectarines are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such nectarines and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on May 24, 1963.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., May 31, 1963, and ending at 12:01 a.m., P.s.t., November 1, 1963, no handler shall handle any package or container of any variety of nectarines unless such nectarines grade at least U.S. No. 1.

(2) When used in this section "U.S. No. 1" shall have the same meaning as set forth in the United States Standards for Nectarines (7 CFR 51.3145-51.3159) and all other terms shall have the same meaning as when used in the marketing agreement and order.

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

Dated: May 28, 1963.

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

[F.R. Doc. 63-5787; Filed, May 29, 1963;
8:49 a.m.]

[Nectarine Order 2]

PART 916—NECTARINES GROWN IN CALIFORNIA

Limitation of Shipments

§ 916.308 Nectarine Order 2.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 916 (7 CFR Part 916) regulating the handling of nectarines grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the Nectarine Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of nectarines of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days

after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such nectarines must await the development of the crop thereof, and adequate information thereon was not available to the Nectarine Administrative Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such nectarines. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such nectarines are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; information concerning such provisions and effective time has been disseminated among handlers of such nectarines; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on May 24, 1963.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., May 31, 1963, and ending at 12:01 a.m., P.s.t., November 1, 1963, no handler shall handle any package or container of Grand River nectarines unless:

(i) Such nectarines, when packed in a standard basket, are of a size not smaller than a size that will pack a 3 x 4 x 5 standard pack; or

(ii) Such nectarines, when packed in any container other than the container specified in subdivision (i) of this subparagraph, measure not less than one and fourteen-sixteenth ($1\frac{1}{16}$) inches in diameter: *Provided*, That not to exceed ten (10) percent, by count, of the nectarines in any such container may fail to meet such diameter requirement.

(2) When used in this section, "diameter" and "standard pack" shall have the same meaning as set forth in the United States Standards for Nectarines (7 CFR 51.3145-51.3159); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; and all other terms shall have the same meaning as when used in the marketing agreement and order.

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

Dated: May 28, 1963.

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

[F.R. Doc. 63-5788; Filed, May 29, 1963;
8:49 a.m.]

[Nectarine Order 4]

PART 916—NECTARINES GROWN IN CALIFORNIA

Limitation of Shipments

§ 916.309 Nectarine Order 4.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 916 (7 CFR Part 916) regulating the handling of nectarines grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the Nectarine Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of nectarines of the varieties hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such nectarines must await the development of the crop thereof, and adequate information thereon was not available to the Nectarine Administrative Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such nectarines. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such nectarines are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the

declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such nectarines; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on May 24, 1963.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., May 31, 1963, and ending at 12:01 a.m., P.s.t., November 1, 1963, no handler shall handle any package or container of Sunrise, John River, Early River, Grand Haven, or Panamint nectarines unless:

(i) Such nectarines, when packed in a standard basket, are of a size not smaller than a size that will pack a 4 x 4 standard pack;

(ii) Such nectarines, when packed in a No. 26 standard lug box, or in a No. 27 standard lug box, are of a size that will pack, in accordance with the requirements of a standard pack, not more than 108 nectarines in the respective lug box; or

(iii) Such nectarines, when packed in any container other than the containers specified in subdivisions (i) and (ii) of this subparagraph, measure not less than two (2) inches in diameter: *Provided*, That not to exceed ten (10) percent, by count, of the nectarines in any such container may fail to meet such diameter requirement.

(2) When used in this section, "diameter" and "standard pack" shall have the same meaning as set forth in the United States Standards for Nectarines (7 CFR 51.3145-51.3159); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "No. 26 standard lug box," and "No. 27 standard lug box," respectively, shall have the same meaning as set forth in section 828.4 of the Agricultural Code of California, and all other terms shall have the same meaning as when used in the marketing agreement and order.

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

Dated: May 28, 1963.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Veg-
etable Division, Agricultural
Marketing Service.

[F.R. Doc. 63-5789; Filed, May 29, 1963;
8:49 a.m.]

[Plum Order 4]

PART 917—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

Regulation by Size

§ 917.321 Plum Order 4. (Santa Rosa, Formosa, El Dorado)

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part

917), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the varieties hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such plums and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on May 23, 1963.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., June 2, 1963, and ending at 12:01 a.m., P.s.t., November 1, 1963, no shipper shall ship any package or container of Santa Rosa, Formosa, or El Dorado plums, unless:

(i) Such plums are of a size that, when packed in a standard basket, they will pack at least a 4 x 5 standard pack; and

(ii) The diameters of the smallest and largest plums in such package or container do not vary more than one-fourth ($\frac{1}{4}$) inch: *Provided*, That a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) When used in this section, "standard pack" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) (§§ 51.1520-1537 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(3) Section 917.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

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

Dated: May 27, 1963.

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

[F.R. Doc. 63-5755; Filed, May 29, 1963;
8:48 a.m.]

[Plum Order 5]

PART 917—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

Regulation by Grade and Size

§ 917.322 Plum Order 5. (Tragedy)

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; information concerning such provisions and effective time has been disseminated among handlers of such plums; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on May 23, 1963.

(b) *Order.* (1) The provisions of § 917.318 (Plum Order 1; 28 F.R. 5045) shall not apply to Tragedy plums during the period specified in subparagraph (2) of this paragraph.

(2) During the period beginning at 12:01 a.m., P.s.t., June 15, 1963, and ending at 12:01 a.m., P.s.t., November 1, 1963, no shipper shall ship any package or container of Tragedy plums, unless:

(i) Such plums grade at least U.S. No. 1, with a total tolerance of ten (10) percent for defects not considered serious damage in addition to the tolerances permitted by such grade;

(ii) Such plums are of a size that, when packed in a standard basket, they will pack at least a 5 x 6 standard pack; and

(iii) The diameters of the smallest and largest plums in such package or container do not vary more than one-fourth ($\frac{1}{4}$) inch: *Provided*, That a total of not more than five (5) percent, by count, of the plums in the package or

container may fail to meet this requirement.

(3) When used in this section, "standard pack" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) (§§ 51.1520-1537 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(4) Section 917.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

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

Dated: May 27, 1963.

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

[F.R. Doc. 63-5756; Filed, May 29, 1963; 8:48 a.m.]

[Plum order 6]

PART 917—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

Regulation by Size

§ 917.323 Plum Order 6. (Wickson)

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) in that,

as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such plums and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on May 23, 1963.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., June 15, 1963, and ending at 12:01 a.m., P.s.t., November 1, 1963, no shipper shall ship any package or container of Wickson plums, unless:

(i) Such plums are of a size that, when packed in a standard basket, they will pack at least a 4 x 4 standard pack; and

(ii) The diameters of the smallest and largest plums in such package or container do not vary more than one-fourth (1/4) inch: *Provided*, That a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) When used in this section, "standard pack" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) (§§ 51.1520-1537 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(3) Section 917.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

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

Dated: May 27, 1963.

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

[F.R. Doc. 63-5757; Filed, May 29, 1963; 8:48 a.m.]

Chapter X—Agricultural Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order No. 47]

PART 1047—MILK IN THE FORT WAYNE, INDIANA, MARKETING AREA

Order Amending Order

§ 1047.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Fort Wayne, Indiana, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order

as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than June 1, 1963. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Assistant Secretary of Agriculture was issued March 27, 1963, and the decision of the Secretary containing all amendment provisions of this order, was issued April 25, 1963. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective June 1, 1963, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER (sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001-1011).

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is

marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Fort Wayne, Indiana, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

Section 1047.51(a) is revised to read as follows:

§ 1047.51 Class prices.

* * * * *

(a) *Class I milk price.* Through December 31, 1964, the price for Class I milk of 3.5 percent butterfat content shall be the basic formula price for the preceding month plus \$1.20; and (Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Effective date: June 1, 1963.

Signed at Washington, D.C., on May 27, 1963.

JOHN P. DUNCAN, Jr.,
Assistant Secretary.

[F.R. Doc. 63-5753; Filed, May 29, 1963; 8:48 a.m.]

[Milk Order No. 49]

PART 1049—MILK IN THE INDIANAPOLIS, INDIANA, MARKETING AREA

Order Amending Order

Sec. 1049.0 Findings and determinations.

DEFINITIONS

1049.1 Act.
1049.2 Secretary.
1049.3 Department.
1049.4 Person.
1049.5 Cooperative association.
1049.6 Marketing area.
1049.7 Producer.
1049.8 Handler.
1049.9 Producer-handler.
1049.10 Distributing plant.
1049.11 Supply plant.
1049.12 Pool plant.
1049.13 Nonpool plant.
1049.14 Producer milk.
1049.15 Fluid milk product.
1049.16 Other source milk.
1049.17 Route.
1049.18 Butte price.

MARKET ADMINISTRATOR

1049.25 Designation.
1049.26 Powers.
1049.27 Duties.

1049.30 Reports of receipts and utilization.
1049.31 Other reports.
1049.32 Payroll reports.
1049.33 Records and facilities.
1049.34 Retention of records.

CLASSIFICATION

1049.40 Skim milk and butterfat to be classified.
1049.41 Classes of utilization.
1049.42 Shrinkage.
1049.43 Responsibility of handlers.
1049.44 Transfers.
1049.45 Computation of skim milk and butterfat in each class.
1049.46 Allocation of skim milk and butterfat classified.

MINIMUM PRICES

1049.50 Basic formula price.
1049.51 Class prices.
1049.52 Butterfat differentials to handlers.
1049.53 Location differentials to handlers.
1049.54 Use of equivalent prices.

APPLICATION OF PROVISIONS

1049.61 Plants subject to other Federal orders.

DETERMINATION OF PRICES TO PRODUCERS

1049.70 Computation of value of producer milk.

Sec. 1049.71 Computation of uniform price.
1049.72 Butterfat differentials to producers.
1049.73 Location differentials to producers.

PAYMENTS

1049.80 Time and method of payment.
1049.81 Producer-settlement fund.
1049.82 Payments to the producer-settlement fund.

1049.83 Payments from the producer-settlement fund.
1049.84 Adjustment of accounts.
1049.85 Marketing services.
1049.86 Expense of administration.
1049.87 Termination of obligations.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

1049.90 Effective time.
1049.91 Suspension or termination.
1049.92 Continuing power and duty of the market administrator.
1049.93 Liquidation after suspension or termination.

MISCELLANEOUS PROVISIONS

1049.100 Separability of provisions.
1049.101 Agents.

AUTHORITY: §§ 1049.0 to 1049.101 issued under secs. 1-19, 48 Stat. 31, as amended, 7 U.S.C. 601-674.

§ 1049.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Indianapolis, Indiana, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and con-

ditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and whole-some milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administration for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, four cents per hundredweight or such amount not to exceed four cents per hundredweight as the Secretary may prescribe, with respect to skim milk and butterfat contained in (a) producer milk (including a handler's own farm production), and (b) other source milk at a pool plant which is allocated to Class I milk pursuant to § 1049.46(a) (3), (4), and (5) and the corresponding steps in § 1049.46 (b).

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than June 1, 1963. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Assistant Secretary of Agriculture was issued November 6, 1962, and the decision of the Assistant Secretary containing all amendment provisions of this order, was issued May 10, 1963. The changes effected by this

order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective June 1, 1963, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER (sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001-1011).

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who participated in a referendum and who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Indianapolis, Indiana, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order as amended, and as hereby further amended, as follows:

DEFINITIONS

§ 1049.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 1049.2 Secretary.

"Secretary" means the Secretary of Agriculture or any other officer or employee of the United States authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 1049.3 Department.

"Department" means the United States Department of Agriculture.

§ 1049.4 Person.

"Person" means any individual, partnership, corporation, association, or other business unit.

§ 1049.5 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association,

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and is engaged in making collective sales of or marketing milk or milk products for its members.

§ 1049.6 Marketing area.

"Indianapolis, Indiana, marketing area", hereinafter called "the marketing area", means all of the territory within the boundaries of the counties of Bartholomew, Boone, Brown, Clay, Clinton, Decatur, Delaware, Fayette, Franklin, Grant, Hamilton, Hancock, Hendricks, Henry, Howard, Jackson, Johnson, Lawrence, Madison, Marion, Miami, Monroe, Montgomery, Morgan, Owen, Putnam, Randolph, Rush, Shelby, Tippecanoe, Tipton, Union, Vigo, and Wayne, all in the state of Indiana, including territory wholly or partly within such boundaries occupied by government (Municipal, State or Federal) reservations, installations, institutions or other similar establishments.

§ 1049.7 Producer.

"Producer" means any person, except a producer-handler, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority, which milk is received at a pool plant directly from the farm of such producer or is caused to be diverted by a handler as producer milk pursuant to § 1049.14. "Producer" shall not include any person with respect to milk which is fully subject to pricing and pooling under another order issued pursuant to the Act.

§ 1049.8 Handler.

"Handler" means: (a) Any person in his capacity as the operator of a distributing plant or a supply plant; or

(b) A cooperative association with respect to producer milk diverted for the account of such association pursuant to § 1049.14.

§ 1049.9 Producer-handler.

"Producer-handler" means a person who operates a dairy farm and a distributing plant and who receives no fluid milk products from other dairy farmers or from sources other than pool plants: *Provided*, That such person provides proof satisfactory to the market administrator that the care and management of all dairy animals and other resources used in his own farm production and the operation of the processing and distributing business are at the personal expense and risk of such person.

§ 1049.10 Distributing plant.

"Distributing plant" means a plant in which any Grade A fluid milk product is processed and packaged and from which such product is disposed of during the month on routes in the marketing area.

§ 1049.11 Supply plant.

"Supply plant" means a plant from which Grade A milk, skim milk or cream is shipped during the month to a pool plant.

§ 1049.12 Pool plant.

"Pool plant" means a plant specified in paragraphs (a), (b) or (c) of this section except the plant of a producer-handler or a plant exempt pursuant to § 1049.61: *Provided*, That if a portion of a plant is physically separated from the Grade A portion of such plant, is operated separately and is not approved by any health authority for the receiving, processing or packaging of any fluid milk product for Grade A disposition it shall not be considered as part of a pool plant pursuant to this section.

(a) A distributing plant from which Grade A milk received at such plant (excluding such milk received by diversion from a plant at which such milk is fully subject to pricing and pooling under the terms and provisions of another order

§ 1049.14 Producer milk.

"Producer milk" means all skim milk and butterfat contained in milk which is:

- (a) Received during the month at a pool plant directly from a producer except that received by diversion pursuant to (b) (1) of this section: *Provided*, That milk received at a pool plant by diversion from a plant at which such milk would be fully subject to pricing and pooling under the terms and provisions of another order issued pursuant to the Act shall not be producer milk; or
- (b) Diverted by a handler in his capacity as operator of a pool plant or by a cooperative association pursuant to § 1049.8(b) subject to the following conditions:

- (1) Diverted during the month from a pool plant to another pool plant(s) for not more days of production of producer milk than is physically received at a pool plant(s) pursuant to paragraph (a) of this section;
- (2) Diverted from a pool plant to a nonpool plant(s) at which the handling of milk is not fully subject to the pricing and pooling provisions of another order issued pursuant to the Act on any day during the months of April through August and in any other month, for not more days of production of producer milk than is physically received at a pool plant(s) pursuant to paragraph (a) of this section;
- (3) Diverted during the month from a pool plant to a nonpool plant(s) at which the handling of milk is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act for not more days of production of producer milk than is received at a pool plant(s) pursuant to paragraph (a) of this section: *Provided*, That milk so diverted shall not be producer milk if, notwithstanding the provisions of this subparagraph, such milk is fully subject to the pricing and pooling provisions of the other order;
- (4) Milk diverted for the account of a handler in his capacity as operator of a pool plant shall be deemed to have been received at the pool plant from which diverted; and
- (5) Milk diverted for the account of a cooperative association shall be deemed to have been received by the cooperative

association at a pool plant at the location of the pool plant from which diverted.

§ 1049.15 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, milk drinks (plain or flavored), including "fortified" products and "dietary" milk products, concentrated milk, cream or any mixture in fluid form of cream and milk or skim milk (except eggnog, milkshake mix, frozen dessert mix, sour cream, aerated cream products, evaporated and plain or sweetened condensed milk or skim milk, and sterilized products packaged in hermetically sealed containers).

§ 1049.16 Other source milk.

"Other source milk" means all skim milk and butterfat contained in or represented by:

- (a) Receipts during the month of fluid milk products except: (1) Fluid milk products received from pool plants either by transfer or diversion, (2) producer milk, or (3) inventory of fluid milk products on hand at the beginning of the month;
- (b) Products, other than fluid milk products, from any source (including those produced at the plant) which are reprocessed or converted into or combined with another product in the plant during the month; and
- (c) Any disappearance of nonfluid milk products not otherwise accounted for.

§ 1049.17 Route.

"Route" means delivery (including disposition from a plant store or from a distribution point and distribution by a vendor or vending machine) of any fluid milk product classified as Class I pursuant to § 1049.41(a) (1) to a retail or wholesale outlet other than a milk plant.

§ 1049.18 Butter price.

"Butter price" means the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of Grade A (92-score) bulk creamery butter at Chicago, as reported for the month by the Department.

issued pursuant to the Act) is disposed of during the month on routes and not less than 10 percent of such receipts is disposed of on routes in the marketing area: *Provided*, That a distributing plant which is a pool plant in each of the months of September through May, inclusive, shall continue to be a pool plant in the months of June, July and August immediately following, if such plant disposes of fluid milk products on routes in the marketing area during such month;

- (b) A supply plant from which not less than 50 percent of the Grade A milk received from dairy farmers at such plant during the month is shipped as fluid milk products to pool plants pursuant to paragraph (a) of this section: *Provided*, That a pool plant qualified pursuant to this paragraph in each of the immediately preceding months of September through February shall be a pool plant for the months of April through August unless written application is filed with the market administrator on or before the first day of any such month to be designated a nonpool plant for such month and for each subsequent month through August during which it would otherwise not qualify as a pool plant: *And provided further*, That shipments to a plant described in the proviso in paragraph (a) of this section during the months of June, July and August shall be excluded in determining a plant's qualification pursuant to this paragraph; and
- (c) A plant which was a pool plant in each of the preceding months of August through March and which was a pool supply plant in each of such months of December through March shall be a pool plant for the months of April through July, unless written application is filed with the market administrator on or before the first day of any such month to be designated a nonpool plant for such month and for each subsequent month through July during which it would not otherwise qualify as a pool plant.

§ 1049.13 Nonpool plant.

"Nonpool plant" means a plant which (a) is neither a pool plant nor the plant of a producer-handler, and (b) receives milk from dairy farmers or is a milk manufacturing, processing or bottling plant.

MARKET ADMINISTRATOR

§ 1049.25 Designation.

The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 1049.26 Powers.

The market administrator shall have the following powers with respect to this part:

- (a) To administer its terms and provisions;
- (b) To receive, investigate, and report to the Secretary complaints of violations;
- (c) To make rules and regulations to effectuate its terms and provisions; and
- (d) To recommend amendments to the Secretary.

§ 1049.27 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

- (a) Within 30 days following the date on which he enters upon his duties, or such lesser period, as may be prescribed by the Secretary, execute and deliver to the Secretary a bond effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;
- (b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;
- (c) Obtain a bond in a reasonable amount, and with satisfactory surety thereon, covering each employee who handles funds entrusted to the market administrator;
- (d) Pay out of the funds provided by § 1049.86 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses except those incurred under § 1049.85 necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;
- (e) Keep such books and records as will clearly reflect the transactions pro-

vided for in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly announce at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 1049.30, 1049.31, and 1049.32, nor payments pursuant to §§ 1049.80, 1049.82, 1049.84, 1049.85, and 1049.86;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be required by the Secretary;

(h) Verify all reports and payments of each handler by audit of such handler's records and of the records of any other handler or person upon whose milk or butterfat for such handler depends, or by such investigation as the market administrator deems necessary.

(i) Prepare and disseminate to the public such statistics and such information as he deems advisable and as do not reveal confidential information;

(j) Publicly announce on or before:

- (1) The 6th day of each month, the minimum price for Class I milk pursuant to § 1049.51(a) and the Class I butterfat differential pursuant to § 1049.52(a), both for the current month, and the minimum price for Class II milk pursuant to § 1049.51(b) and the Class II butterfat differential pursuant to § 1049.52(b), both for the preceding month; and
- (2) The 14th day after the end of each month, the uniform price pursuant to § 1049.71 and the butterfat differential pursuant to § 1049.72; and

(k) On or before the 14th day after the end of each month, report to each cooperative association, upon request by such association, the percentage of the milk caused to be delivered by the cooperative association or its members which was utilized in each class at each pool plant receiving such milk. For the purpose of this report, the milk so received shall be allocated to each class at each pool plant in the same ratio as all producer milk received at such plant during the month.

(1) On or before the 14th day after the end of each month, notify each handler who reported pursuant to § 1049.30 of:

- (1) The amount and value of his milk in each class computed pursuant to § 1049.46 and § 1049.70;
- (2) The uniform price computed pursuant to § 1049.71; and
- (3) The amounts to be paid by such handler pursuant to §§ 1049.82, 1049.85, and 1049.86 and the amount, if any, due such handler pursuant to § 1049.83.

REPORTS, RECORDS AND FACILITIES

§ 1049.30 Reports of receipts and utilization.

On or before the 8th day after the end of each month, each handler for each of his pool plants and a cooperative association as a handler pursuant to § 1049.8(b), shall report to the market administrator for such month, in the detail and on forms prescribed by the market administrator as follows:

- (a) The quantities of skim milk and butterfat contained in:
 - (1) Receipts of producer milk;
 - (2) Fluid milk products received by transfer or diversion from pool plants;
 - (3) Other source milk;
 - (4) A separate report of producer milk diverted pursuant to § 1049.14; *Provided*, That on or before the day prior to diverting producer milk pursuant to § 1049.14, each handler shall notify the market administrator of his intention to divert such milk, the date or dates of such diversion, and the plant to which such milk is to be diverted; and
 - (5) Inventories of fluid milk products on hand at the beginning and end of the month;
- (b) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement, if requested by the market administrator, of the disposition of Class I milk outside the marketing area; and
- (c) Such other information with respect to receipts and utilization of skim milk and butterfat as the market administrator may prescribe.

§ 1049.31 Other reports.

(a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the

market administrator may prescribe; and

(b) On or before the 8th day after the end of each month, each handler who operates a nonpool plant from which fluid milk products are disposed of during the month on routes in the marketing area shall report to the market administrator the quantities of skim milk and butterfat so disposed of, and shall report in the detail and on forms prescribed by the market administrator the information required of handlers operating pool plants pursuant to § 1049.30 substituting receipts from dairy farmers for receipts from producers.

§ 1049.32 Payroll reports.

(a) On or before the 20th day after the end of each month, each handler, except a producer-handler and a handler exempt pursuant to § 1049.61, shall report to the market administrator in the detail and on forms prescribed by the market administrator, his producer payroll for that month which shall show for each producer:

- (1) His name and address;
- (2) The total pounds of milk received from such producer and the number of days, if less than the entire month, on which milk was received from such producer;
- (3) The average butterfat content of such milk; and
- (4) The net amount of such handlers payment, together with the price paid and the amount and nature of any deductions;

(b) Each handler operating a nonpool distributing plant shall report to the market administrator on or before the 20th day after the end of the month for each dairy farmer from whom milk was received the same information as required from handlers operating pool plants pursuant to paragraph (a) of this section.

§ 1049.33 Records and facilities.

Each handler shall maintain and make available to the market administrator, during the usual hours of business, such accounts and records of his operations, together with such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form during the month;

(b) The weights and butterfat and other content of all milk and milk products handled during the month;

(c) The pounds of skim milk and butterfat contained in or represented by all milk products in inventory at the beginning and end of each month; and

(d) Payments to producers or dairy farmers, as the case may be, and cooperative associations, including the amount and nature of any deductions and the disbursement of moneys so deducted.

§ 1049.34 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notified the handler in writing that the retention of such books and records is necessary in connection with a proceeding under section 8c(15)(A) of the Act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 1049.40 Skim milk and butterfat to be classified.

Skim milk and butterfat which are required to be reported pursuant to § 1049.30 shall be classified each month by the market administrator pursuant to the provisions of §§ 1049.41 through 1049.46.

§ 1049.41 Classes of utilization.

Subject to the conditions set forth in § 1049.42 through § 1049.46, the classes of utilization shall be as follows:

(a) *Class I milk*. Class I milk shall be all skim milk (including that used to produce concentrated and reconstituted skim milk) and butterfat:

(1) Disposed of from the plant in the form of fluid milk products, other than those classified pursuant to paragraph

(b) (2), (3), (4) and (5) of this section, except that fluid milk products which have been fortified by the addition of milk solids shall be Class I only up to the weight of an equal volume of an unmodified fluid milk product of the same nature and butterfat content; and

(2) Not specifically accounted for as Class II milk;

(b) *Class II milk.* Class II milk shall be:

(1) Skim milk and butterfat used to produce any product other than a fluid milk product;

(2) Skim milk and butterfat contained in fluid milk products disposed of for livestock feed or in products which are dumped, if the market administrator has been notified in advance and afforded the opportunity to verify such dumping;

(3) Skim milk and butterfat in fluid milk products delivered in bulk to and used at commercial food establishments devoted exclusively to the manufacture of bakery products, candy, or processed foods packaged in hermetically sealed containers;

(4) Skim milk contained in that portion of fortified fluid milk products not classified as Class I milk pursuant to paragraph (a) (1) of this section;

(5) Skim milk and butterfat contained in inventory of fluid milk products on hand at the end of the month; and

(6) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1049.42 (b) (2) and (b) (3) not to exceed the following:

(i) Two percent of that physically received direct from producers' farms and by diversion from other pool plants, plus

(ii) One and one-half percent of that received by transfer from other pool plants in bulk (except bulk cream), less

(iii) One and one-half percent of that transferred in bulk to other plants (except bulk cream); and

(7) In shrinkage of skim milk and butterfat, respectively, assigned to other source milk pursuant to § 1049.42 (b) (1).

§ 1049.42 Shrinkage.

The market administrator shall assign shrinkage to each handler's receipts at each pool plant as follows:

(a) Compute the total shrinkage of skim milk and butterfat; and

(b) Pro rate the resulting amounts among (1) skim milk and butterfat in

other source milk received in bulk fluid form, (2) skim milk and butterfat in producer milk (excluding milk diverted to other plants pursuant to § 1049.14) and (3) skim milk and butterfat in bulk fluid receipts including diversions (except bulk cream) from other pool plants in excess of transfers of bulk fluid milk products (except bulk cream) to other plants.

§ 1049.43 Responsibility of handlers.

All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

§ 1049.44 Transfers.

Skim milk and butterfat disposed of during the month by a handler shall be classified as follows:

(a) As Class I milk, if transferred or diverted in the form of a fluid milk product to a pool plant, unless utilization as Class II milk is claimed by both handlers in their reports pursuant to § 1049.30 or § 1049.31 (b); *Provided*, That the amount of skim milk and butterfat so assigned to Class II milk shall be limited to the amount of skim milk and butterfat remaining in Class II milk at the pool plant receiving such milk after the subtraction pursuant to § 1049.46 (a) (10); *And provided further*, That if other source milk was received at either or both plants, the skim milk and butterfat transferred or diverted shall be classified so as to allocate the greatest possible Class I utilization (except Class I pursuant to § 1049.46 (a) (2)) to producer milk at either or both plants;

(b) As Class I milk if transferred in the form of a fluid milk product from a pool plant to the plant of a producer-handler;

(c) As Class I milk if transferred or diverted to a nonpool plant in the form of a fluid milk product (except that in cream transferred pursuant to paragraph (f) of this section); *Provided*, That if the following conditions are met, such transfers or diversions shall be classified pursuant to paragraphs (d) or (e) of this section as the case may be:

(1) The nonpool plant is located less than 300 miles from Monument Circle, Indianapolis, Indiana, by the shortest highway distance as determined by the market administrator;

(2) The transferring or diverting handler claims classification as Class II milk in his report submitted pursuant to §§ 1049.30 or 1049.31 (b); and

(3) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant and such books and records are made available if requested by the market administrator;

(d) As Class I milk if transferred or diverted to a nonpool plant (which is not a pool plant under another order issued pursuant to the Act) in the form of a bulk fluid milk product (except that in cream transferred pursuant to paragraph (f) of this section) to the extent of the following pro rata computation, unless such skim milk and butterfat is classified as Class I pursuant to paragraph (c) of this section:

(1) From the total skim milk and butterfat, respectively, disposed of from such nonpool plant and classified as Class I pursuant to the classification provisions of this Part applied to such nonpool plant, subtract the skim milk and butterfat received at such plant directly from dairy farmers who are approved to supply Grade A milk and who the market administrator determines constitute the regular source of supply for such nonpool plant;

(2) Prorate the remaining Class I milk to receipts at the nonpool plant from plants which are fully subject to the classification and pricing provisions of this order or other Federal milk orders issued pursuant to the Act;

(e) As Class I milk if transferred or diverted in the form of bulk fluid milk products to, and utilized at, a nonpool plant (which is a pool plant under another order issued pursuant to the Act) unless such fluid milk products are allocated to another class under Order No. 30; Part 1030 of this Chapter, in which case such transfers, unless classified as Class I pursuant to paragraph (c) of this section, will be Class II; *Provided*, That in the event such nonpool plant receives skim milk and butterfat from two or more plants regulated by an order(s) other than that under which it is regulated, the amount classified in each class shall be a pro rata share of such receipts allocated to that class; and

(f) As Class II milk if transferred as cream to a nonpool plant located more

than 300 miles from Monument Circle, Indianapolis, Indiana, as determined by the market administrator, if the following conditions are met:

(1) The transferor handler establishes that such cream was transferred without Grade A certification;

(2) The shipment was invoiced accordingly; and

(3) The market administrator was given sufficient notice to allow him to verify the conditions of shipment.

§ 1049.45 Computation of skim milk and butterfat in each class.

For each month the market administrator shall correct for mathematical and other obvious errors, the reports submitted by each handler pursuant to this part and compute the total pounds of skim milk and butterfat, respectively, in each class at each of the plants of such handler: *Provided*, That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by the handler, the pounds of skim milk used or disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product plus all the water originally associated with the milk solids.

§ 1049.46 Allocation of skim milk and butterfat classified.

(a) The pounds of skim milk in each class allocated to producer milk at each pool plant shall be determined by the market administrator each month as follows:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified pursuant to § 1049.41 (b) (6);

(2) Subtract from the pounds of skim milk in Class I the pounds of skim milk received in the form of a fluid milk product in consumer-type packages (including dispenser cans) which has been classified and priced as Class I under another order issued pursuant to the Act, and disposed of as Class I in the same package as received;

(3) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II, the pounds of skim milk in nonfluid milk products reprocessed or converted to another product in the plant during the month;

(4) Subtract from the remaining pounds of skim milk in each class, in

APPLICATION OF PROVISIONS

§ 1049.61 Plants subject to other Federal orders.

In the case of a handler in his capacity as the operator of a plant specified in paragraph (a) or (b) of this section the provisions of this part shall not apply, except that such handler shall, with respect to his total receipts and disposition of skim milk and butterfat, make reports to the market administrator at such time and in such manner as the market administrator may require and shall allow verification of such reports by the market administrator:

(a) A distributing plant from which the Secretary determines a greater proportion of fluid milk products is disposed of on routes in another marketing area regulated by another order issued pursuant to the Act and such plant is fully subject to regulation of such other order: *Provided*, That a distributing plant which was a pool plant under this order in the immediately preceding month shall continue to be subject to all of the provisions of this part until the third consecutive month in which a greater proportion of its Class I disposition on routes is made in such other marketing area unless, notwithstanding the provisions of this paragraph, it is regulated by such other order; and

(b) A distributing plant which meets the requirements set forth in § 1049.12 (a) which also meets the requirements of another marketing order on the basis of its distribution in such other marketing area and from which the Secretary determines a greater quantity of milk is disposed of during the month on routes in this marketing area than is so disposed of in such other marketing area but which plant is nevertheless fully regulated under such other marketing order.

DETERMINATION OF PRICES TO PRODUCERS
§ 1049.70 Computation of value of producer milk.

The value of producer milk received during the month by each handler at each pool plant shall be a sum of money computed by the market administrator as follows:

(a) Multiply the pounds of milk in each class by the applicable class price and add the resulting amounts;

26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents and multiply by 8.2.

§ 1049.52 Butterfat differentials to handlers.

For milk containing more or less than 3.5 percent butterfat, class prices for the month pursuant to § 1049.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat variation at the appropriate rate, rounded to the nearest one-tenth cent, determined as follows:

(a) *Class I price.* Multiply the butter price for the preceding month by 0.120.
(b) *Class II price.* Multiply the butter price for the month by 0.113.

§ 1049.53 Location differentials to handlers.

For producer milk which is received at a pool plant 70 miles or more from Monument Circle in Indianapolis, Indiana, by the shortest hard-surfaced highway distance as determined by the market administrator and which milk is classified as Class I milk, the price specified in § 1049.51 (a) shall be reduced at a rate set forth in the following schedule:

Distance (miles):	Rate per hundredweight (cents)
70 but less than 80	10.0
For each additional 10 miles or fraction thereof	1.5

Provided, That for the purpose of calculating such location differential, fluid milk products transferred between pool plants shall be assigned to Class I milk in a volume not in excess of that by which Class I disposition at the transferree plant exceeds receipts from producers, such assignment to transferree plants to be made first to plants at which no location adjustment is applicable and then in sequence beginning with the plant at which the least location differential would apply.

§ 1049.54 Use of equivalent prices.

If for any reason a price quotation required by this part for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

(13) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the remaining pounds of skim milk in each class, in series beginning with Class II. Any amount so subtracted shall be known as "overage".

(b) Butterfat shall be allocated in accordance with the same procedure prescribed for skim milk in paragraph (a) of this section; and

(c) Determine the weighted average butterfat content of producer milk in each class as determined pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 1049.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota as reported by the United States Department of Agriculture for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the butter price for the month. The basic formula price shall be rounded to the nearest full cent.

§ 1049.51 Class prices.

Subject to the provisions of §§ 1049.52 and 1049.53, the minimum class prices per hundredweight of milk containing 3.5 percent butterfat shall be as follows:

(a) *Class I milk price.* The Class I milk price each month for the first 18 months beginning with the effective date of this section shall be the basic formula price for the preceding month, plus \$1.27.

(b) *Class II milk price.* The Class II milk price shall be the basic formula price computed pursuant to § 1049.50, except that in no event shall such price exceed the price computed from the sum of subparagraphs (1) and (2) of this paragraph rounded to the nearest cent, plus 10 cents:

- (1) From the butter price, subtract three cents, and multiply by 4.2; and
- (2) From the simple average of the weighted averages of carlot prices per pound of spray and roller process nonfat dry milk for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the

series beginning with Class II, the pounds of other source milk received from a producer-handler in the form of fluid milk products;

(5) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II, the pounds of skim milk in other source milk received in the form of fluid milk products, except as specified in subparagraphs (2), (4), and (7) of this paragraph;

(6) Subtract from the remaining pounds of skim milk in Class II such remainder or the pounds of skim milk in inventory of fluid milk products at the end of the month, whichever is less;

(7) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II, the pounds of skim milk in other source milk received in the form of fluid milk products (except that subtracted pursuant to subparagraph (2) of this paragraph) which were classified and priced as Class I pursuant to another order issued pursuant to the Act or for which classification and pricing under such other order is dependent on assignment under this part: *Provided*, That if the pounds of skim milk from which the subtraction is to be made pursuant to this paragraph are less than the pounds to be subtracted, the difference shall be subtracted pursuant to subparagraph (9) of this paragraph;

(8) Add to the remaining pounds of skim milk in Class II the pounds of skim milk subtracted pursuant to subparagraph (6) of this paragraph;

(9) Subtract from the remaining pounds of skim milk in Class II the difference specified in the proviso of subparagraph (7) of this paragraph;

(10) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II, the pounds of skim milk in inventory of fluid milk products at the beginning of the month;

(11) Add to the remaining pounds of skim milk in Class II the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(12) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk received from other pool plants according to its classification as determined pursuant to § 1049.44(a); and

(b) Add the amounts computed by multiplying the average deducted from each class pursuant to § 1049.46(a) (13) and the corresponding step of § 1049.46 (b) by the applicable class prices; and

(c) Add an amount equal to the difference between the value at the applicable Class I price for the current month and the value at the applicable Class II price for the preceding month with respect to skim milk and butterfat allocated to Class I pursuant to § 1049.46(a) (10) and the corresponding step of § 1049.46 (b), that is in excess of the volumes assigned in the preceding month pursuant to § 1049.46(a) (9) and the corresponding step in § 1049.46(b); *Provided*, That for the first month following the effective date of the order as herein amended, the amount computed pursuant to this subparagraph shall be the difference between the values stated in this subparagraph with respect to skim milk and butterfat allocated to Class I pursuant to § 1049.46(a) (10) and the corresponding step of § 1049.46(b) that is in excess of volumes which would have been assigned pursuant to § 1049.46(a) (9) and the corresponding step of § 1049.46(b) had the order as amended been in effect.

§ 1049.71 Computation of uniform price.

The market administrator shall compute the uniform price for each month as follows:

(a) Combine into one total the values computed pursuant to § 1049.70 for all handlers for which reports prescribed in § 1049.30 for such month were made, except those in default of payments required pursuant to § 1049.82 for the preceding month;

(b) Add or subtract for each one-tenth percent that the average butterfat content of producer milk represented by the values included in paragraph (a) of this section is less or more, respectively, than 3.5 percent an amount computed by multiplying such difference by the butterfat differential to producers and multiplying the result by the hundred-weight of such producer milk;

(c) Add an amount equal to the sum of the location differential deductions to be made pursuant to § 1049.73;

(d) Subtract for each month of April through July the amount obtained by multiplying the hundredweight of producer milk included in these computa-

tions by eight percent of the Class I price for such month;

(e) Add during each month of September through December, one-fourth of the total amount subtracted pursuant to paragraph (d) of this section;

(f) Add an amount equal to one-half of the unobligated balance in the producer-settlement fund;

(g) Divide the value computed pursuant to paragraph (f) of this section by the total hundredweight of producer milk included in these computations; and

(h) Subtract not less than four nor more than five cents from the price computed pursuant to paragraph (g) of this section.

§ 1049.72 Butterfat differentials to producers.

The uniform price for producer milk shall be increased or decreased for each one-tenth of one percent that the butterfat content of such milk is above or below 3.5 percent, respectively, at the rate determined by multiplying the pounds of butterfat in producer milk allocated to Class I and Class II milk pursuant to § 1049.46 by the respective butterfat differential for each class, dividing the sum of such values by the total pounds of such butterfat and rounding the resultant figure to the nearest one-tenth cent.

§ 1049.73 Location differentials to producers.

The uniform price to be paid for producer milk received at a pool plant shall be reduced according to the location of the pool plant at the rates set forth in § 1049.53.

PAYMENTS

§ 1049.80 Time and method of payment.

(a) Each handler shall pay each producer for producer milk for which payment is not made to a cooperative association pursuant to paragraph (b) of this section, as follows:

(1) On or before the last day of each month, for producer milk received during the first 15 days of the month at not less than the Class II price for the preceding month; and

(2) On or before the 18th day after the end of each month, for each hundredweight of producer milk received during such month, an amount computed at not less than the uniform price adjusted pursuant to §§ 1049.72, 1049.73,

and 1049.85, less any payment made pursuant to subparagraph (1) of this paragraph: *Provided*, That if by such date the handler has not received full payment from the market administrator pursuant to § 1049.83 for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payment to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following receipt of the balance due from the market administrator.

§ 1049.81 Producer-settlement fund.

The market administrator shall maintain a separate fund known as the producer-settlement fund into which he shall deposit all payments and out of which he shall make all payments pursuant to §§ 1049.82, 1049.83 and 1049.84: *Provided*, That the market administrator shall offset the payment due to a handler against payments due from such handler.

§ 1049.82 Payments to the producer-settlement fund.

On or before the 15th day after the end of each month, each handler shall pay to the market administrator the amount by which the obligation pursuant to § 1049.80 of such handler for producer milk received during the month is less than the value of such producer milk pursuant to § 1049.70.

§ 1049.83 Payments from the producer-settlement fund.

(a) On or before the 16th day after the end of each month, the market administrator shall pay to each handler the amount by which the obligation pursuant to § 1049.80 of such handler for producer milk received during the month exceeds the value of such producer milk pursuant to § 1049.70: *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds become available.

§ 1049.84 Adjustment of accounts.

Whenever verification by the market administrator of reports or payments of any handler discloses errors resulting in money due (a) the market administrator from such handler, (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made not later than the date for making payment next following such disclosure.

§ 1049.85 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler in making payments to each producer pursuant to § 1049.80 shall deduct five cents per

hundredweight or such lesser amount as the Secretary may prescribe with respect to producer milk received by such handler (except such handler's own farm production) during the month, and shall pay such deductions to the market administrator not later than the 15th day after the end of the month. Such money shall be used by the market administrator to verify or establish weights, samples, and tests of producer milk and to provide producers with market information. Such services shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of producers for whom a cooperative association is performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions as are authorized by such producers and, on or before the 15th day after the end of each month, pay over such deductions to the association rendering such services.

§ 1049.86 Expense of administration.

As his pro rata share of the expense of the administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of each month four cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to skim milk and butterfat contained in (a) producer milk (including a handler's own farm production), and (b) other source milk at a pool plant which is allocated to Class I milk pursuant to § 1049.46(a) (3), (4), and (5) and the corresponding step of § 1049.46 (b).

§ 1049.87 Termination of obligations.

The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation unless within such two-year period the

market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following:

- (1) The amount of the obligation;
- (2) The months during which the milk, with respect to which the obligation exists, was received or handled; and
- (3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representative.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed,

unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1049.90 Effective time.

The provisions of this part, or any amendments to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 1049.91 Suspension or termination.

The Secretary shall suspend or terminate any or all of the provisions of this part whenever he finds that it obstructs or does not tend to effectuate the declared policy of the Act. This part shall, in any event, terminate whenever the provisions of the Act authorizing it cease to be in effect.

§ 1049.92 Continuing power and duty of the market administrator.

(a) If, upon the suspension or termination of any or all of the provisions of this part, there are any obligations arising hereunder, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons or agency as the Secretary may designate.

(b) The market administrator or such other person as the Secretary may designate shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all funds or property on hand together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct; and (3) if so directed by the Secretary execute such assignment or

other instruments necessary or appropriate to vest in such person full title to all funds, property and claims vested in the market administrator or such person pursuant thereto.

§ 1049.93 Liquidation after suspension or termination.

Upon the suspension or termination of any or all provisions of this part the market administrator, or such person as the Secretary may designate shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1049.100 Separability of provisions.

If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

§ 1049.101 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

Effective date: June 1, 1963.

Signed at Washington, D.C., on May 27, 1963.

JOHN F. DUNCAN, Jr.,
Assistant Secretary.

[F.R. Doc. 63-5754; Filed, May 29, 1963; 8:48 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 214—NONIMMIGRANT CLASSES

Transit Ports

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

The second sentence of subparagraph (1) of paragraph (c) of § 214.2 is amended by adding the port of Washington, D.C., so that when taken with the introductory material, subparagraph (1) will read as follows:

§ 214.2 Special requirements for admission, extension, and maintenance of status.

The general requirements in § 214.1 are modified for the following non-immigrant classes:

(c) *Transits*—(1) *Without visas*. Any alien, except a citizen and resident of the Union of Soviet Socialist Republics, Estonia, Latvia, Lithuania, Poland, Czechoslovakia, Hungary, Rumania, Bulgaria, Albania, Cuba, Communist-controlled China ("Chinese People's Republic"), North Korea ("Democratic People's Republic of Korea"), the Soviet Zone of Germany ("German Democratic Republic"), North Viet-Nam ("Democratic Republic of Viet-Nam"), and Outer Mongolia ("Mongolian People's Republic"), applying for immediate and continuous transit through the United States, must establish that he is admissible; that he has confirmed and onward reservations to at least the next country beyond the United States (except that, if seeking to join a vessel or aircraft in the United States as a crewman, the vessel or aircraft will depart directly foreign, and his departure will be completed within a maximum of 5 calendar days after his arrival, and, if joining a vessel, the crewman is in possession of, or makes application upon arrival for, a Form I-184 permanent landing permit and identification card), and that he has a document establishing his ability to enter some country other than the United States. Except for transit from one part of foreign contiguous territory to another part of the same territory, application for direct transit without a visa must be made at one of the following ports of entry: Buffalo, N.Y.; Rouses Point, N.Y.; Boston, Mass.; New York, N.Y.; Norfolk, Va.; Baltimore, Md.; Philadelphia, Pa.; Washington, D.C.; Miami, Fla.; Tampa, Fla.; New Orleans, La.; San Antonio, Tex.; Dallas, Tex.; Houston, Tex.; Brownsville, Tex.; San Diego, Calif.; Los Angeles, Calif.; San Francisco, Calif.; Honolulu, Hawaii; Seattle, Wash.; Portland, Oreg.; St. Paul, Minn.; Chicago, Ill.; Detroit, Mich.; Anchorage, Alaska; San Juan, P.R.; Charlotte Amalie, V.I.; Christiansted, V.I.; Agana, Guam. The privilege of transit without a visa may be

authorized only under the conditions that the alien will depart voluntarily from the United States, that he will not apply for adjustment of status under section 245 of the Act, and that at all times he is not aboard an aircraft which is in flight through the United States he shall be in the custody directed by the district director, provided that if admissibility is established only after exercise of the discretion contained in section 212(d)(3)(B) of the Act the alien shall be in the custody of the Service at carrier expense and must depart on the earliest and most direct foreign-destined plane or vessel.

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

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

Dated: May 27, 1963.

RAYMOND F. FARRELL,
Commissioner of
Immigration and Naturalization.

[F.R. Doc. 63-5766; Filed, May 29, 1963; 8:49 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

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

Tolerances for Residues of Carbaryl (1-Naphthyl N-Methylcarbamate)

A petition was filed with the Food and Drug Administration by Union Carbide Corporation, 270 Park Avenue, New York 17, New York, requesting the establishment of tolerances for residues of the insecticide 1-naphthyl N-methylcarbamate in or on pea vines at 100 parts per million and in or on garden peas (peas with pods) at 10 parts per million.

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

After consideration of the data submitted in the petition and other relevant material which show that the tolerance established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (2), 68 Stat. 512; 21 U.S.C. 346a(d) (2)) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities are amended as set forth below:

§ 120.3 [Amendment]

1. In § 120.3 *Tolerances for related pesticide chemicals* (21 CFR 120.3), paragraph (e) (5) is amended by deleting the item "1-Naphthyl N-methylcarbamate" and by adding as the first item "Carbaryl (1-naphthyl N-methylcarbamate)."

2. Section 120.169 (21 CFR 120.169; 28 F.R. 865) is amended by including the common name "carbaryl" in the section heading and introduction and by adding tolerances for pea vines and peas (with pods). As amended, the affected portions of this section read:

§ 120.169 Carbaryl; tolerances for residues.

Tolerances are established for residues of the insecticide carbaryl (1-naphthyl N-methylcarbamate), including its hydrolysis product 1-naphthol calculated as 1-naphthyl N-methylcarbamate, in or on raw agricultural commodities as follows:

100 parts per million in or on alfalfa, alfalfa hay, bean forage, bean hay, clover, clover hay, corn fodder, corn forage, cotton forage, cowpea forage, cowpea hay, grass, grass hay, pea vines, peanut hay, rice straw, sorghum forage, soybean forage, soybean hay, sugarbeet tops.

10 parts per million in or on apples, apricots, asparagus, bananas, beans, blueberries, broccoli, brussels sprouts, cabbage, carrots, cauliflower, cherries, Chinese cabbage, citrus fruits, cranberries, cucumbers, eggplants, endive (escarole), grapes, kohlrabi, lettuce, melons, nectarines, okra, olives, peaches, pears, peas (with pods), peppers, plums (fresh prunes), pumpkins, salsify (tops), sorghum grain, strawberries, summer squash, tomatoes, winter squash.

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

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

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

Dated: May 21, 1963.

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

[F.R. Doc. 63-5616; Filed, May 29, 1963; 8:45 a.m.]

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

Tolerance for Residues of Dodine

A petition was filed with the Food and Drug Administration by American Cyanamid Company, Agricultural Division, Post Office Box 400, Princeton, New Jersey, requesting the establishment of a tolerance for residues of dodine (*n*-dodecylguanidine acetate) in or on sweet cherries at 5 parts per million.

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

After consideration of the data submitted in the petition and other relevant material which show that the tolerance established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities are amended by adding to § 120.172 a tolerance for dodine in or on sweet cherries. As amended, the affected portion reads as follows:

§ 120.172 Dodine; tolerances for residues.

* * * * *
5 parts per million in or on apples, cherries (sour and sweet), pears, strawberries.

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

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

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

Dated: May 21, 1963.

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

[F.R. Doc. 63-5615; Filed, May 29, 1963; 8:45 a.m.]

PART 121—FOOD ADDITIVES
Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

RELEASE AGENTS

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition (FAP 1041) filed by National Dairy Products Corporation, 801 Waukegan Road, Glenview, Illinois, and other relevant material, has concluded that § 121.2509 should be amended to provide for the safe use of saturated fatty acid amides as release agents in polymeric resins. The Commissioner has further concluded that § 121.2559 should be revoked and that the release agent in that section, oleyl palmitamide, should be included in revised § 121.2509. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the food additive regulations are amended as set forth below:

1. Section 121.2509 is revised to read as follows:

§ 121.2509 Release agents.

Substances listed in paragraph (b) of this section may be safely used as release agents in polymeric resins that contact food subject to the provisions of this section.

(a) The quantity used shall not exceed the amount reasonably required to accomplish the intended technical effect or any limitations prescribed in this section.

(b) Release agents:

List of substances:	Limitations
Erucamide (erucylamide).	-----
Oleyl palmitamide.	-----
Saturated fatty acid amides manufactured from fatty acids derived from animal or vegetable fats and oils.	-----

§ 121.2559 [Revocation]

2. Section 121.2559 *Oleyl palmitamide* is revoked and reserved for future use.

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

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: May 21, 1963.

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

[F.R. Doc. 63-5617; Filed, May 29, 1963; 8:45 a.m.]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.495]

PART 41—VISAS: DOCUMENTATION OF NONIMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

Miscellaneous Amendments

Part 41, Chapter I, Title 22 of the Code of Federal Regulations is being amended (1) to provide that consular officers, in their discretion, need not require a new photograph in connection with a nonimmigrant visa application if there is a satisfactory photograph on file at the consular office which was submitted in connection with a prior visa application, (2) to provide that a new Form FS-257 need not be submitted in connection with a nonimmigrant visa application if there is on file in the consular office a Form FS-257 previously executed by the applicant which can be brought up to date with proper endorsements, (3) to delete the requirement that Form FS-257 be stamped with the seal of the consular office, and (4) to authorize indefinite revalidation, in the discretion of the consular officer, of nonimmigrant visas issued under the provisions of section 101(a)(15)(C) of the Immigration and Nationality Act to airmen or seamen who are being issued or are in possession of individual D visas.

1. Section 41.111(c) is amended to read as follows:

§ 41.111 Supporting documents.

* * * * *
(c) *Photographs.* Except as otherwise provided in this paragraph, every alien shall furnish with his application identical photographs of himself in such number as may be required in the discretion of the consular officer. The photographs shall reflect a reasonable likeness of the alien as of the time they are furnished, and shall be 1½ by 1½ inches in size, unmounted, without head covering, have a light background, and clearly show a full front view of the facial features of the alien. The reverse of each copy of the photograph shall be signed by the person executing the application (see § 41.115(a)) with the full name of the applicant. The photograph requirement may be waived, in the discretion of the consular officer, in the case of any alien who is (1) within a class of nonimmigrants described in sections 101(a)(15)(A), 101(a)(15)(G) or 212(d)(8) of the Act, (2) within a

class of nonimmigrants classifiable under the visa symbol NATO-1 through NATO-7, (3) an applicant for a diplomatic visa, (4) an applicant for an official visa, or (5) under sixteen years of age. A notation of any such waiver shall be made in the space provided in the application form for the alien's photograph. A new photograph need not be required, in the discretion of the consular officer, if there is on file at the consular office a photograph which was submitted in connection with a prior nonimmigrant visa application and which still reflects a reasonable likeness of the applicant.

2. Section 41.115(a) is amended to read as follows:

§ 41.115 Application forms.

(a) *Aliens required to execute applications.* Every alien applying for a nonimmigrant visa shall make application therefor on Form FS-257 (Application for Nonimmigrant Visa and Alien Registration) or Form FS-257a (see definition of Form FS-257 contained in § 41.1) unless personal appearance is waived and submission of the application form by the applicant is not required or unless there is a Form FS-257 on file at the consular office which can be appropriately amended to bring the application up to date. In such cases the application form shall be completed by the consular officer from available information. In the case of an alien under 16 years of age, or one physically incapable of making an application, the application may be made by the alien's parent or guardian, or if the alien has no parent or guardian, by any person having legal custody of, or a legitimate interest in, the alien.

3. Section 41.117 is amended to read as follows:

§ 41.117 Signature.

When personal appearance is required, Form FS-257 shall be signed by or on behalf of the applicant in the presence of the consular officer. The application shall be verified by the applicant before the consular officer who shall then sign the Form FS-257. If personal appearance is waived, and the submission of an application form by the alien is required, the form shall be signed by the applicant.

(Sec. 222, 66 Stat. 193; 8 U.S.C. 1202)

4. Section 41.125(d) is amended by the addition of subparagraph (3), which reads as follows:

§ 41.125 Revalidation of visas.

* * * * *

(d) *Revalidation of visas for crewmen.*

* * * * *

(3) *Crewmen in transit.* A nonimmigrant visa issued under the provisions of section 101(a)(15)(C) of the Act to an airman or seaman who is being issued, or is in possession of, an individual D visa, may be revalidated any number of times for the period and number of applications for admission prescribed by the Secretary of State if the conditions set out in paragraph (a) of this section and in subparagraphs (1) and (2) of this paragraph are met.

Effective date. The amendments to the regulations contained in this order shall become effective upon publication in the FEDERAL REGISTER.

The provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) relative to notice of proposed rule making are inapplicable to this order because the regulations contained herein involve foreign affairs functions of the United States.

Dated: May 20, 1963.

ABBA P. SCHWARTZ,
Administrator, Bureau of
Security and Consular Affairs.

[F.R. Doc. 63-5733; Filed, May 29, 1963;
8:46 a.m.]

Chapter II—Agency for International
Development, Department of State

PART 201—PROCEDURES FOR FURNISHING ASSISTANCE TO COOPERATING COUNTRIES

Special Rules for AID Forms 280 and 18-24, Supplier's Certificate and Contract Abstract, for Exports From the United States to Latin American Countries Financed by the Agency for International Development

The following Special Rules for AID Form 280 and Form 18-24 Supplier's Certificate and Invoice and Contract Abstract are effective May 30, 1963 for exports from the United States to Latin American Countries financed by the Agency for International Development.

1. The introductory sentence in these Supplier's Certificates will be interpreted by A.I.D. to read as follows.

"By executing the certificate on the reverse hereof, the supplier acknowledges notice that the sum indicated on the accompanying invoice as claimed to be due and owing under the terms of the underlying contract may be paid out of funds made available by the United States under the Foreign Assistance Act, or similar provisions of subsequent law, as in effect on the date hereof, and subject to such regulations as the Agency for International Development (A.I.D.) may promulgate from time to time, and in the event said sum is paid out of such fund, in whole or in part, directly or indirectly, the supplier further certifies and agrees with the Administrator of A.I.D. as follows * * *"

2. Adjustment Refunds or Credits. Under paragraph 2, which pertains to adjustment refunds or credits arising out of the terms of the contract or customs of the trade, the supplier will not be required to notify A.I.D. of such refunds or credits if the supplier is not advised that the contract was financed from A.I.D. funds.

3. Commission in Invoice Amount. Block 20 (Form 18-24) Block 21 (Form 280). If the supplier is required to forward the Supplier's Certificate to the aid recipient country (i.e., under collections or time draft procedures), the amount of the commission may be omitted, but the supplier must be prepared to furnish this information to the Agency for International Development upon request.

4. Price charged by the supplier in a comparable sale.

In view of the special circumstances existing in export sales from the United States to Latin American countries, the rule in

paragraph 8 of the supplier's certificates will be modified as follows: A sale to one country will not necessarily be considered comparable to a sale to another country.

The term "comparable sale" includes all sales which are comparable as to quantity, quality, grade, period of delivery, supply area, terms of sale and class of customer.

Dated: May 22, 1963.

DAVID E. BELL,
Administrator.

[F.R. Doc. 63-5744; Filed, May 29, 1963;
8:46 a.m.]

Title 33—NAVIGATION AND
NAVIGABLE WATERS

Chapter II—Corps of Engineers,
Department of the Army

PART 202—ANCHORAGE
REGULATIONS

PART 203—BRIDGE REGULATIONS

PART 204—DANGER ZONE
REGULATIONS

Chicago Harbor, Ill., Lake Pontchartrain, La., Pacific Ocean, Guam

1. Pursuant to the provisions of section 7 of an Act of Congress approved March 4, 1915 (38 Stat. 1053; 33 U.S.C. 471), § 202.205 establishing and governing the use of anchorages in Chicago Harbor, Illinois, is hereby amended by revising subparagraphs (4) and (5) of paragraph (a), redesignating the boundaries of anchorages "D" and "E", effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 202.205 Chicago Harbor, Ill.

(a) *The anchorage grounds.* * * *

(4) *Anchorage D, Grant Park North.* Beginning at a point about 150 feet west of the south end of the northerly U.S. Inner Breakwater at latitude 41°52'36", longitude 87°36'38"; thence southwesterly to latitude 41°52'34", longitude 87°36'47"; thence westerly to latitude 41°52'34", longitude 87°36'56"; thence northerly to latitude 41°52'48", longitude 87°36'57"; thence easterly to latitude 41°52'48", longitude 87°36'54"; thence northerly to latitude 41°52'55", longitude 87°36'55"; thence easterly to latitude 41°52'55", longitude 87°36'54"; thence northerly to latitude 41°52'59", longitude 87°36'54"; thence easterly to latitude 41°52'59", longitude 87°36'49"; thence northerly to latitude 41°53'00", longitude 87°36'49"; thence easterly to latitude 41°53'00", longitude 87°36'37"; thence southerly to the point of beginning.

NOTE: * * *

(5) *Anchorage E, Grant Park South.* Beginning at a point about 150 feet west of the north end of the southerly U.S. Inner Breakwater at latitude 41°52'29", longitude 87°36'38"; thence southerly to latitude 41°52'27", longitude 87°36'38"; thence southeasterly to latitude 41°52'08", longitude 87°36'54"; thence northwesterly to latitude 41°52'10", longitude 87°36'56"; thence northerly to latitude

41°52'31", longitude 87°36'56"; thence easterly to latitude 41°52'31", longitude 87°36'47"; thence southeasterly to the point of beginning.

NOTE: * * *

[Regs., May 16, 1963, 1507-32 (Chicago Harbor, Ill.)—ENGCW-ON] (Sec. 7, 38 Stat. 1053; 33 U.S.C. 471)

2. 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), § 203.245 is hereby amended with respect to paragraph (i) by adding a new subparagraph (23-a) to govern the operation of the south drawspans of the Louisiana Department of Highways and Southern Railway System bridges across Lake Pontchartrain near New Orleans, Louisiana, effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 203.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

* * * * *

(i) *Waterways discharging into the Gulf of Mexico east of the Mississippi River.* * * *

(23-a) Lake Pontchartrain, La.; Louisiana Department of Highways and Southern Railway System bridges near New Orleans. At least 48 hours' advance notice required for opening the south drawspan except in case of an emergency, the drawspans shall be placed in operation not later than 12 hours after notice of the emergency and shall be kept in condition for immediate operation until the emergency is over.

* * * * *

[Regs., May 15, 1963, 1507-32 (Lake Pontchartrain, La.)—ENGCW-ON] (Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

3. 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), § 204.226 is hereby prescribed establishing and governing the use and navigation of a danger zone in the Pacific Ocean off the Island of Guam, effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 204.226 Pacific Ocean off Orote Point, Apra Harbor, Island of Guam, Marianas Islands; small arms firing range.

(a) *The danger zone.* The waters within an area delineated by a line joining the following positions:

Latitude	Longitude
13 26 03.9	144 37 38.3
13 25 26.0	144 36 14.2
13 24 51.2	144 36 31.9
13 25 28.7	144 37 59.1
13 25 43.2	144 38 09.5

(b) *The regulations.* (1) The danger zone shall be closed to shipping on specific dates to be designated for actual firing and no vessel or other craft shall enter or remain in the danger zone during the times designated for firing except as may be authorized by the enforcing

agency. Notification to maritime interests of specific dates of firing will be disseminated by the enforcing agency. On dates not specified for firing, the danger zone shall be open to normal maritime traffic.

(2) The regulations in this section shall be enforced by the Commanding Officer, U.S. Naval Station, Guam, Marianas Islands and such agencies as he may designate.

[Regs., May 16, 1963, 1507-32 (Pacific Ocean, Guam)—ENGCW-ON] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

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

[F.R. Doc. 63-5717; Filed, May 29, 1963; 8:45 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 33—METERED STAMPS

Prepayment of Metered Reply Postage

The regulations of the Post Office Department in paragraph (a) of § 33.5 are amended, effective July 1, 1963, to require that meter reply pieces be fully prepaid. As so amended, paragraph (a), effective July 1, 1963, reads as follows:

§ 33.5 Metered reply postage.

Metered stamps may be used to prepay reply or return postage under the following conditions:

(a) Metered stamps must be printed directly on the envelope or card that bears the printed return address of the license holder in an amount sufficient to prepay in full the first-class or airmail rate.

NOTE: The corresponding Postal Manual section is 143.5a.

(R.S. 161, as amended, 5 U.S.C. 22, 39 U.S.C. 501, 4051-4053)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 63-5730; Filed, May 29, 1963; 8:45 a.m.]

PART 92—TRANSPORTATION OF MAIL BY RAILROADS

Preparation and Processing of Forms for Payment

The regulations of the Post Office Department in § 92.12 *Preparation and processing of forms for payment* are amended by revising subdivision (iii) of paragraph (c)(1), as published in 28 F.R. 3349, to correctly reflect the present procedure for the reconciliation of Form 5118 with the train baggageman report. As so amended, subdivision (iii) reads as follows:

(c) *Preparation of forms for line haul mail storage services*—(1) *Form 5118, Daily Reporting of Line Haul Mail Storage and Related Terminal Services.*

* * * * *

(iii) *Reconciliation for form 5118 with train baggageman report.* (a) Where there is a difference in the count of pieces recorded on a baggageman's report and the count as shown on Form 5118, the form 5118 will govern at the points where it is prepared insofar as the "on" and "off" count at these points are concerned. The baggageman's report will govern at all other points.

(b) Form 5118 recording, as taken from car placard, shall be accepted as the unloading record at final destination for destination and destination-relay mail.

(c) All mail will be counted in a working storage car. Mail volumes shall be determined independently for the purposes of computing line haul and terminal payments, respectively. Form 5366 and baggageman reports will show working storage car mail by actual count as well as footage. The actual count will be used by the train baggageman for recording the volume of mail carried in a working storage car.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 6201-6215)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 63-5731; Filed, May 29, 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 3097]

[Los Angeles 0170434]

CALIFORNIA

Withdrawal From Mineral Leasing

The following described lands are hereby withdrawn from leasing under the provisions of the Mineral Leasing Act of February 25, 1920 (41 Stat. 437; 30 U.S.C. 181), as amended and supplemented:

SAN BERNARDINO MERIDIAN

- T. 10 S., R. 9 E.,
Sec. 24, E½SW¼.
- T. 10 S., R. 10 E.,
Sec. 24.
- T. 11 S., R. 10 E.,
Secs. 12 and 24.
- T. 10 S., R. 11 E.,
Sec. 30.
- T. 11 S., R. 11 E.,
Secs. 6, 8, 18, and 20;
Sec. 28, E½, NW¼, and E½SW¼;
Sec. 30, S½S½;
Sec. 32, E½;
Sec. 34, N½.

The areas described aggregate approximately 6,586 acres.

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

MAY 27, 1963.

[F.R. Doc. 63-5734; Filed, May 29, 1963; 8:46 a.m.]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

[CGFR 63-19]

DAINGEROUS CARGO REGULATIONS

Miscellaneous Amendments

Pursuant to the notices of proposed rule making published in the FEDERAL REGISTER on February 2, 1963 (28 F.R. 1052-1058) and February 16, 1963 (28 F.R. 1510, 1511), and the Merchant Marine Council Public Hearing Agenda, dated March 25, 1963 (CG-249), the Merchant Marine Council held a Public Hearing on March 25, 1963, for the purpose of receiving comments, views and data. The proposals considered were identified as Items I to XI, inclusive. Item VIII contained the proposals regarding dangerous cargoes and Item XI contained the proposals regarding the inflammable and combustible liquids and compressed gases (CG-249, VIII, pages 211-257, XI, pages 277-293). This document is the fourth of a series covering the regulations and actions considered at this public hearing and annual session of the Merchant Marine Council.

As announced at the public hearing, the final actions with respect to the proposals regarding "poisonous articles—radioactive materials" (CG-249, VIII, pages 220-246) were deferred so that the requirements of the Interstate Commerce Commission and the Coast Guard will be in agreement when published. The ICC notice of proposed rule making on this subject was published in the FEDERAL REGISTER on April 19, 1963 (28 F.R. 3876-3888). This postponement of final action was also requested by the Atomic Energy Commission so that the Commission could review both the ICC and Coast Guard proposals and submit identical comments with respect to identical proposals. The text of all comments received by the Coast Guard have been made available to the Interstate Commerce Commission. The comments submitted to the Interstate Commerce Commission on subjects included in the Coast Guard proposals will be also considered as comments on the Coast Guard proposals.

Based on comments received at the public hearing, the proposed entry for castor beans and castor pomace in 46 CFR 146.27-100 was changed to provide for sift proof bags as containers for the castor beans as well as for the pomace.

The other proposals in Item VIII which were changed to reflect improvements based on comments received were 46 CFR 146.20-100 and 146.20-200. These changes substituted "Commandant" for "ICC" with respect to approving alternate methods for packing "jet thrust units-(jato) Class A and Class B."

With respect to the proposals regarding "inflammable and combustible liquids and compressed gases" in Item XI (CG-249, pages 283, 287, 288), changes were made as a result of comments received. The provisions of 46 CFR 146.21-15 and 146.21-100 were modified

so as to allow inflammable liquids to be transported on a trainship or trailership on a first deck below the weather deck stowage. A number of comments reflected concern if these proposals were applicable to specific types of vessels; however, no change in the proposals were deemed to be necessary.

Except for the proposals concerning "poisonous articles—radioactive materials," which will be acted on at a later date, the proposals in Items VIII and XI, as revised, are adopted and they are set forth in this document.

The provisions of R.S. 4472, as amended (46 U.S.C. 170), require that the land and water regulations governing the transportation of dangerous articles or substances shall be as nearly parallel as practical. The provisions in 46 CFR 146.02-18 and 146.02-19 make the Dangerous Cargo Regulations applicable to all shipments of dangerous cargoes by vessels. The Interstate Commerce Commission in Order Nos. 57, 58 and 59 has made changes in the ICC regulations with respect to definitions, descriptive names, classifications, specifications of containers, packing, marking, labeling, and certification for certain dangerous cargoes, which are now in effect for land transportation. Various amendments to the Dangerous Cargo Regulations in 46 CFR Part 146 have been included in this document in order that these regulations governing water transportation of certain dangerous cargoes will be as nearly parallel as practicable with the regulations of the Interstate Commerce Commission which govern the land transportation of the same commodities. For those changes in 46 CFR Part 146, which involved changes other than shippers' requirements, the proposed amendments were considered at the Merchant Marine Council Public Hearing held on March 25, 1963.

The amendments to 46 CFR Part 146, which were not described in the FEDERAL REGISTER of February 2, 1963 (28 F.R. 1056) and February 16, 1963 (28 F.R. 1510), are considered to be interpretations of law, or revised requirements to agree with existing ICC regulations, or relaxations of previous requirements, or changes which are editorial in nature, and it is hereby found that compliance with the Administrative Procedure Act (respecting notice of proposed rule making, public rule-making procedure thereon, and effective date requirements thereof) is unnecessary with respect to such changes.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), 167-14, dated November 26, 1954 (19 F.R. 8026), CGFR 56-28, dated July 24, 1956 (21 F.R. 5659), and 167-38, dated October 26, 1959 (24 F.R. 8857), to promulgate regulations in accordance with the statutes cited with the regulations below, the following amendments are prescribed and shall be effective on July 1, 1963; however, the regulations in this document may be complied with in lieu of existing requirements prior to that date.

SUBCHAPTER D—TANK VESSELS

PART 30—GENERAL PROVISIONS

Subpart 30.01—Administration

1. Section 30.01-5(a) is amended to read as follows:

§ 30.01-5 Application of regulations—TB/ALL.

(a) The regulations in this subchapter contain requirements for materials, design construction, inspection, manning, and operation of tank vessels, including handling and stowage of cargo and duties of officers and crew. However, vessels certificated as passenger, cargo or miscellaneous vessels, where the principal purpose or use of the vessel is not for the carriage of inflammable or combustible liquid cargo in bulk, may be granted a permit to carry limited quantities of inflammable or combustible liquid cargo in bulk in the grades indicated:

(1) Passenger vessels:

(i) Grade E in integral tanks or in approved portable containers of the type described in Subpart 98.35 in Part 98 of Subchapter I (Cargo and Miscellaneous Vessels) of this chapter.

(ii) Grade D in portable containers in accordance with Part 146 of Subchapter N (Explosives or Other Dangerous Articles or Substances and Combustible Liquids on Board Vessels) of this chapter.

(2) Cargo vessels:

(i) Grades D and E in integral tanks or in approved portable containers in accordance with Subpart 98.35 in Part 98 of Subchapter I (Cargo and Miscellaneous Vessels) of this chapter.

(ii) Grades A and lower in portable containers in accordance with Part 146 of Subchapter N (Explosives or Other Dangerous Articles or Substances and Combustible Liquids on Board Vessels) of this chapter.

(3) Miscellaneous vessels, such as cable, salvage, pile driving, and oil drilling rig vessels:

(i) Grades B and lower in fixed independent or integral tanks when specially authorized by the Commandant.

2. Section 30.01-20 is amended to read as follows:

§ 30.01-20 Portable containers—interpretive rulings—TB/ALL.

(a) The phrase "drums, barrels, or other packages," as used in R.S. 4417a, as amended (46 U.S.C. 391a), and in R.S. 4472, as amended (46 U.S.C. 170), is interpreted to mean portable containers having a maximum capacity of 110 U.S. gallons and ICC specification cylinders having a water capacity of not more than 1,000 pounds, which are actually loaded and discharged from vessels with their contents intact.

(b) The phrase "inflammable or combustible liquid cargo in bulk" as used in R.S. 4417a, as amended (46 U.S.C. 391a), and in R.S. 4472, as amended (46 U.S.C. 170), is interpreted to include such cargo in portable containers of a capacity of more than 110 U.S. gallons.

(c) The phrase "liquid cargo" as used in R.S. 4417a, as amended (46 U.S.C. 391a), is interpreted to mean inflammable or combustible liquids.

(R.S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U.S.C. 375, 391a, 416. Interpret or apply R.S. 4472, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 170, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917; 3 CFR 1952 Suppl.)

PART 70—GENERAL PROVISIONS

Subpart 70.05—Application

Subpart 70.05 is amended by adding a new section at the end thereof reading as follows:

§ 70.05-25 Portable containers—interpretive rulings.

(a) The phrase "drums, barrels, or other packages," as used in R.S. 4417a, as amended (46 U.S.C. 391a), and in R.S. 4472, as amended (46 U.S.C. 170), is interpreted to mean portable containers having a maximum capacity of 110 U.S. gallons and ICC specification cylinders having a water capacity of not more than 1,000 pounds, which are actually loaded and discharged from vessels with their contents intact.

(b) The phrase "inflammable or combustible liquid cargo in bulk" as used in R.S. 4417a, as amended (46 U.S.C. 391a), and in R.S. 4472, as amended (46 U.S.C. 170), is interpreted to include such cargo in portable containers of a capacity of more than 110 U.S. gallons.

(c) The phrase "liquid cargo" as used in R.S. 4417a, as amended (46 U.S.C. 391a), is interpreted to mean inflammable or combustible liquids.

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417a, as amended, 4472, as amended; 46 U.S.C. 391a, 170)

PART 78—OPERATIONS

Subpart 78.80—Power-Operated Industrial Trucks

Section 78.80-10 is amended by revising paragraph (d)(1) to read as follows:

§ 78.80-10 Use of power-operated industrial truck in various locations.

* * * * *

(d) *Use of power-operated industrial trucks in spaces containing hazardous articles.*

(1) In a space in which packaged or baled hazardous articles of a fibrous nature or bulk sulfur are stowed, only approved power-operated industrial trucks with a recognized testing laboratory designation of EX, EE, GS, LPS and DS may be used for handling cargo, including the handling of such packaged or baled hazardous articles of a fibrous nature or bulk sulfur.

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S.

4417a, as amended, 4472, as amended, 4488, as amended, 4491, as amended; 46 U.S.C. 391a, 170, 481, 489. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167-38, October 26, 1959, 24 F.R. 8857)

SUBCHAPTER I—CARGO AND MISCELLANEOUS VESSELS

PART 90—GENERAL PROVISIONS

Subpart 90.05—Application

Section 90.05-30 is amended to read as follows:

§ 90.05-30 Portable containers—interpretive rulings.

(a) The phrase "drums, barrels, or other packages," as used in R.S. 4417a, as amended (46 U.S.C. 391a), and in R.S. 4472, as amended (46 U.S.C. 170), is interpreted to mean portable containers having a maximum capacity of 110 U.S. gallons and ICC specification cylinders having a water capacity of not more than 1,000 pounds, which are actually loaded and discharged from vessels with their contents intact.

(b) The phrase "inflammable or combustible liquid cargo in bulk" as used in R.S. 4417a, as amended (46 U.S.C. 391a), and in R.S. 4472, as amended (46 U.S.C. 170), is interpreted to include such cargo in portable containers of a capacity of more than 110 U.S. gallons.

(c) The phrase "liquid cargo" as used in R.S. 4417a, as amended (46 U.S.C. 391a), is interpreted to mean inflammable or combustible liquids.

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417a, as amended, 4472, as amended; 46 U.S.C. 391a, 170)

PART 97—OPERATIONS

Subpart 97.70—Power-Operated Industrial Trucks

Section 97.70-10 is amended by revising paragraph (d)(1) to read as follows:

§ 97.70-10 Use of power-operated industrial trucks in various locations.

* * * * *

(d) *Use of power-operated industrial trucks in spaces containing hazardous articles.*

(1) In a space in which packaged or baled hazardous articles of a fibrous nature or bulk sulfur are stowed, only approved power-operated industrial trucks with a recognized testing laboratory designation of EX, EE, GS, LPS and DS may be used for handling cargo, including the handling of such packaged or baled hazardous articles of a fibrous nature or bulk sulfur.

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417a, as amended, 4472, as amended, 4488, as amended, 4491, as amended; 46 U.S.C. 391a, 170, 481, 489. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167-38, October 26, 1959, 24 F.R. 8857)

PART 146—TRANSPORTATION OR STORAGE OF EXPLOSIVES OR OTHER DANGEROUS ARTICLES OR SUBSTANCES, AND COMBUSTIBLE LIQUIDS ON BOARD VESSELS

Subpart—Preface

1. After § 146.01-12, add a new § 146.01-13 to read as follows:

§ 146.01-13 Penalties.

(a) Whoever shall knowingly violate any of the provisions of R.S. 4472, as amended, or any of the regulations established thereunder shall be subject to a penalty of not more than \$2,000 for each violation. In the case of any such violation on the part of the owner, charterer, agent, master, or person in charge of the vessel, such vessel shall be liable for the penalty and may be seized and proceeded against by way of libel in the district court of the United States in any district in which such vessel may be found.

(b) When the death or bodily injury of any person results from the violation of R.S. 4472, as amended, or any regulations made in pursuance thereof, the person or persons who shall have knowingly violated or caused to be violated such provisions or regulations shall be fined not more than \$10,000 or imprisoned not more than ten years, or both.

Subpart—General Regulations

2. Section 146.02-30 is amended by changing the text to read as follows:

§ 146.02-30 Portable containers—interpretive rulings.

(a) The phrase "drums, barrels, or other packages," as used in R.S. 4417a, as amended (46 U.S.C. 391a), and in R.S. 4472, as amended (46 U.S.C. 170), is interpreted to mean portable containers having a maximum capacity of 110 U.S. gallons and ICC specification cylinders having a water capacity of not more than 1,000 pounds, which are actually loaded and discharged from vessels with their contents intact.

(b) The phrase "inflammable or combustible liquid cargo in bulk" as used in R.S. 4417a, as amended (46 U.S.C. 391a), and in R.S. 4472, as amended (46 U.S.C. 170), is interpreted to include such cargo in portable containers of a capacity of more than 110 U.S. gallons.

(c) The phrase "liquid cargo" used in R.S. 4417a, as amended (46 U.S.C. 391a), is interpreted to mean inflammable or combustible liquids.

(Interpret or apply R.S. 4417a, as amended (46 U.S.C. 391a))

Subpart—List of Explosives or Other Dangerous Articles Containing the Shipping Name or Description of Articles Subject to the Regulations in This Subchapter

3. Section 146.04-5 is amended by adding or changing certain items as follows:

§ 146.04-5 List of explosives and other dangerous articles and combustible liquids.

Article	Classed as—	Label required ¹
* * * * *		
ITEMS ADDED		
Aircraft rocket engines (commercial)	Inf. S	Yellow.
Aircraft rocket engine igniters (commercial)	Inf. S	Yellow.
* * * * *		
Barium azide—50 percent or more water, wet	Inf. S	Yellow.
* * * * *		
Castor beans	Haz.	
Castor pomace (see: "Castor beans")		
* * * * *		
ITEMS CHANGED		
Alkaline corrosive battery fluid	Cor. L	White.
* * * * *		

¹ Unless otherwise exempt by the provisions of the detailed regulations.

Subpart—Shippers' Requirements re: Packing, Marking, Labeling and Shipping Papers

4. Section 146.05-15 is amended by changing subparagraph (g) (15) to read as follows:

§ 146.05-15 Marking and labeling applying to domestic shipments only.

(g) * * * * *

(15) "Empty label" as described and illustrated in § 146.05-17(u) shall be applied to containers which have been emptied and on which the old label has not been removed, obliterated, or destroyed. It must be so placed on the container as to completely cover the old label.

Subpart—Detailed Regulations Governing Explosives

5. Section 146.20-15 is amended by changing in introductory text (but not following subparagraphs) of paragraph (b) to read as follows:

§ 146.20-15 Stowage of explosives.

(a) * * * * *

(b) The District Commander or the Captain of the Port may approve the stowage of blasting caps or small quantities of explosives in locations other than "Under deck," such as in an isolated compartment, mast or deck house, or in magazines (which may be portable) secured "On deck" provided:

6. Section 146.20-100 Table A—Classification: Class A; dangerous explosives is amended as follows:

A. Amend "Jet thrust units (jato), Class A explosives, etc." as follows:

(1) In column 4, amend the last paragraph to read:

Jet thrust units (jato), Class A explosives, and igniters, jet thrust (jato), Class A explosives, packed or prepared for shipment in any other manner must be approved by the Commandant, U.S. Coast Guard.

7. Section 146.20-200 Table B—Classification: Class B; less dangerous explosives is amended as follows:

A. Amend "Jet thrust units (jato), Class B explosives, etc." as follows:

(1) In column 4, add the following:

Jet thrust units (jato), Class B explosives, and igniters, jet thrust (jato), Class B explosives, packed or prepared for ship-

ment in any other manner must be approved by the Commandant, U.S. Coast Guard.

B. Amend "Propellant explosives (liquid), Class B" as follows:

(1) In column 4, change "Metal barrels or drums (ICC-5B, 6A, 6B, 6C), etc." to read as follows:

Metal barrels or drums (ICC-5B, 6A, 6B, 6C, 6J), (17C, 17H) STC, WIC ICC-2S polyethylene in metal drum or glasslined aluminum carboy, not over 12 gal. cap.

Subpart—Detailed Regulations Governing Inflammable Liquids

8. Section 146.21-15 is amended by designating the present text as paragraph (a) and adding a new paragraph (b) to read as follows:

§ 146.21-15 Stowage on board vessels.

(a) * * * * *

(b) ICC specification portable tanks, not over 20,000 pounds gross weight and ICC specification tank cars and motor vehicle tank trucks approved for the commodity carried and permitted transportation on board vessels by § 146.21-100 shall be stowed in the specific location provided by § 146.21-100. The conversion table 46 CFR 146.07-40(c) does not apply.

9. Section 146.21-20 is amended by changing paragraph (c) and adding a new paragraph (d) as follows:

§ 146.21-20 "On deck" stowage.

(c) The fire hose at each fire hydrant on the vessel in the vicinity of inflammable liquids stowed "On deck" shall be fitted with an approved combination spray nozzle. During loading and unloading operations, the pressure shall be maintained in the fire mains. Two hand portable fire extinguishers of the dry chemical type of at least 15 pounds capacity or two portable 2½ gallon foam type extinguishers are also required and shall be located so as to be accessible in the event of fire occurring in the vicinity of such inflammable liquid cargo. Any foam used shall be of a type suitable for use with the lading.

(d) When portable tanks, tank cars and motor vehicle tank trucks containing inflammable liquids are stowed as permitted by the regulations in this subpart, the area in way of each 21,000 U.S. gallons or less of inflammable liquids

shall also be protected by one or more B-V semiportable foam (40 gal. capacity) or dry chemical (100 lbs. minimum capacity) fire extinguishers, or alternatively, by a fire hose fitted with an approved portable mechanical foam nozzle with pick-up tube and two 5-gallon cans of foam liquid concentrate. When carrying commodities incompatible with the conventional foam system, the foam shall be of a type suitable for use with the lading. The fire extinguishers shall be located so as to be accessible in the event of fire occurring in the vicinity of these portable tanks.

10. Section 146.21-50 is amended by changing the text to read as follows:

§ 146.21-50 Electrical equipment in holds.

Inflammable liquids shall not be stowed in holds or compartments in which electrical apparatus of any type except explosion proof are fitted unless positive means for disconnecting all such electrical apparatus are provided and such control means are located outside the boundaries of said space. Electrical power lines passing through a hold that is to be used for the stowage of inflammable liquids shall have such run of cable protected by metal covering to prevent damage and possible short circuit. Such metal protection shall be substantial enough to prevent crushing by reason of cargo which might be stowed against same.

11. Section 146.21-100 Table D—Classification: Inflammable liquids is amended as follows:

A. Amend the following items as indicated:

1. Alcohol, n.o.s., etc.
2. Allyl bromide, etc.
3. Anti-freeze compounds, liquid, etc.
4. Box toe gum, etc.
5. Butyl acetate, etc.
6. Cement, leather, etc.
7. Cigar and cigarette lighter fluid
8. Coal tar distillate, etc.
9. Compounds, cleaning, liquid, etc.
10. Compounds, lacquer, paint or varnish, etc. removing, reducing or thinning, liquid, etc.
11. Compounds, tree or weed killing, liquid
12. Crude oil petroleum, etc.
13. Dimethylamine, aqueous, etc.
14. Drugs, chemicals, medicines or cosmetics, n.o.s.
15. Ether, etc.
16. Ethylene dichloride, etc.
17. Inflammable liquids, n.o.s., etc.
18. Ink, etc.
19. Insecticide, liquid, etc.
20. Methylchlorosilane
21. Methyl methacrylate monomer
22. Oil, etc.
23. Paint, enamel, lacquer, etc.
24. Polishes, metal, stove, etc.
25. Pyridine, etc.
26. Resin solution, etc.
27. Road asphalt or tar, liquid, etc.
28. Sodium methylate, alcohol, mixture, etc.
29. Solvents, n.o.s., etc.
30. Toluol, etc.
31. Turpentine substitutes, etc.
32. Xylol, etc.

(1) In columns 5, 6 and 7, where applicable, delete:

Portable tanks (ICC-51) not over 20,000 lb. gr. wt.

(2) In column 7, where applicable, delete the following:

Tank cars complying with ICC regulations.

B. Amend the following items as indicated:

1. Acetaldehyde, etc.
2. Acetone, etc.
3. Alcohol, n.o.s., etc.
4. Allyl bromide, etc.
5. Aluminum triethyl, etc.
6. Amyl nitrite
7. Anti-freeze compounds, liquid, etc.
8. Benzene (benzol), etc.
9. Box toe gum, etc.
10. Butyl acetate, etc.
11. Butyraldehyde
12. Cement, leather, etc.
13. Cigar and cigarette lighter fluid
14. Coal tar distillate, etc.
15. Collodion
16. Compounds, cleaning, liquid, etc.
17. Compounds, lacquer, paint or varnish, etc., removing, reducing or thinning, liquid, etc.
18. Compounds, tree or weed killing, liquid
19. Crotonaldehyde
20. Crude oil petroleum, etc.
21. Cyclohexane, etc.
22. Diethylamine, etc.
23. Dimethylamine aqueous solution, etc.
24. Drugs, chemicals, medicines or cosmetics, n.o.s.
25. Ether, etc.
26. Ethyl acetate
27. Ethyl formate
28. Ethyl methyl ketone, etc.
29. Ethyl nitrite, etc.
30. Ethylene dichloride, etc.
31. Gas drips, hydrocarbon, etc.
32. Heptane
33. Hexane
34. Inflammable liquids, n.o.s., etc.
35. Ink, etc.
36. Insecticide, liquid, etc.
37. Isooctane, etc.
38. Isopentane
39. Isopropyl acetate
40. Methyl acetate, etc.
41. Methyl formate
42. Methyl iso-propenyl ketone, inhibited
43. Methyl methacrylate monomer
44. Motor fuel, n.o.s., etc.
45. Neohexane
46. Oil, etc.
47. Paint, enamel, lacquer, etc.
48. Pentane, etc.
49. Polishes, metal, stove, etc.
50. Propylene oxide
51. Pyridine, etc.
52. Resin solution, etc.
53. Road asphalt or tar, liquid, etc.
54. Sodium methylate, alcohol mixture, etc.
55. Solvents, n.o.s., etc.
56. Toluol, etc.
57. Turpentine substitutes, etc.
58. Vinylidene chloride inhibited
59. Xylol, etc.

(1) In column 4, wherever applicable, delete the entries "Tank cars, etc." and "Portable tanks (ICC-51, etc.)" and insert in lieu thereof:

Authorized for stowage "On deck in open" only:

Portable tanks (ICC-51) not over 20,000 lb. gr. wt.

Authorized for stowage "On deck" and "First deck below":

Motor vehicle tank trucks complying with ICC regulations (trailerships and trainships only).

Tank cars complying with ICC regulations (trainships only).

C. Amend the following items as indicated:

1. Acrolein (inhibited)

2. Carbon bisulfide (disulfide)
3. Ethylene oxide

(1) In column 4, delete the entry "Tank cars complying with ICC regulations."

D. Amend the following items as indicated:

1. Ethyl chloride
2. Ethyl trichlorosilane, etc.
3. Mercaptans, etc.
4. Methylchlorosilane
5. Methylhydrazine, etc.
6. Monoethylamine
7. Trichlorosilane

(1) In column 4, delete "Tank cars complying with ICC regulations."

(2) In column 4, add the following:

Authorized for stowage "On deck" and "First deck below":

Motor vehicle tank trucks complying with ICC regulations (trailerships and trainships only).

Tank cars complying with ICC regulations (trainships only).

Subpart—Detailed Regulations Governing Inflammable Solids and Oxidizing Materials

12. Section 146.22-25 is amended by adding items to paragraph (d) as follows:

§ 146.22-25 Exemptions for inflammable solids and oxidizing materials.

(d) * * *

- Aircraft rocket engines (commercial)
- Aircraft rocket engine igniters (commercial)
- * * *
- Barium azide, 50 percent or more water, wet

13. Section 146.22-100 Table E—Classification: Inflammable solids and oxidizing materials is amended as follows:

A. After "Acetyl peroxide, solid" insert the following:

(1) In column 1, insert:

- Aircraft rocket engines (commercial)
- Aircraft rocket engine igniters (commercial)

(2) In column 2, insert:

Aircraft rocket engines (commercial) are standby aircraft propulsion engines which are for civil aircraft installation only, comprising of a metal case containing a solid composite fuel other than one classified as an explosive and containing non-explosive materials or elements.

Rocket engine igniters are devices used to ignite the chemical mixture of rocket engines.

These units are for aircraft use only.

If approved by ICC, aircraft rocket engine igniters may be packed in the same outside shipping containers as the rocket engines provided the igniters are separately packaged in sealed metal containers in strong inside containers.

(3) In column 3, insert:

Yellow

(4) In column 4, insert:

Stowage:

- "On deck under cover."
- "Tween decks readily accessible."
- "Under deck away from heat."

Outside containers:

Wooden boxes:
(ICC-15A, 15B, 15E, 16A). Igniters must be packaged in sealed metal containers approved by ICC and packed in wooden boxes as specified above when shipped separately from the aircraft rocket engines.

Aircraft rocket engines and/or their igniters packed in any other manner than specified here must be in containers of a type approved by ICC.

(5) In columns 5, 6 and 7, insert:

Not permitted.

B. After "Bags, nitrate of soda, etc.", insert the following:

(1) In column 1, insert:

Barium azide, wet (when wet with 50 percent or more water)

(2) In column 2, insert:

Barium compound suspended in water solution.

In the dry state, this material is classified as a high explosive but is not sensitive in this respect when wet with 50 percent or more water.

Toxic.

Keep cool.

Stow well away from steam pipes and other sources of heat.

If the material is to be exposed to freezing weather, anti-freeze must be added to keep from freezing.

In accepting shipments, observe outside containers carefully for signs of leakage of water content. Refuse leaking containers or ones showing signs of having leaked.

(3) In column 3, insert:

Yellow

(4) In column 4, insert:

Stowage:

- "On deck protected."
- "On deck under cover."
- "Tween decks readily accessible."

Outside containers:

Wooden boxes:
(ICC-15A, 15B, 15C, 16A, 19A) WIC glass not over 1 lb. cap. ea.

(5) In columns 5, 6 and 7, insert:

Not permitted.

C. Under "Nitrates" amend the following items as indicated:

Ammonium nitrate (organic coated), etc.
Ammonium nitrate (no organic coating), etc.

Ammonium nitrate phosphate (no organic coating), etc.

Ammonium nitrate-carbonate mixtures, etc.

Ammonium nitrate mixed fertilizer, etc.

(1) In columns 4, 6 and 7, wherever applicable, change "Multi-ply paper bags, not over 200 lb. net wt., etc." to read as follows:

Multi-ply paper bags, not over 200 lb. net wt., moisture proof made tight against sifting and of a strength not less than bags made of 7½ ounce burlap.

(2) In columns 4, 6 and 7, wherever applicable, after "Multi-ply paper bags, not over 200 lb. net wt., etc." insert the following:

Burlap bags, not over 200 lb. net wt., moisture proof, made tight against sifting, and of not less than 7½ ounce burlap.

D. Amend "Sodium, metallic, dispersed in organic solvent" as follows:

(1) In column 4, after "Metal drum, etc." insert:

Fiberboard box (ICC-12B) WIMC not over 65 lb. gr. wt.

E. Amend "Titanium metal powder, dry" as follows:

(1) In column 4, after "Steel barrels or drums, etc." insert:

Metal barrels or drums (ICC-5B) not over 15 gal. cap.

F. Amend "Wet nitrocellulose—20% water, etc." as follows:

(1) In columns 4, 5, 6 and 7, change "Wooden boxes (ICC-15A, 15B) WIL, not over 250 lb. gr. wt." to read:

Wooden boxes:

(ICC-14) WIL, ICC(2M) not over 140 lb. gr. wt.

(ICC-15A, 15B) WIL, ICC(2M) not over 250 lb. gr. wt.

(2) In Columns 4, 5, 6 and 7, delete "Authorized only for nitrocellulose or colloid cotton, wet, or nitrocellulose, colloided, granular or flake, wet:".

Subpart—Detailed Regulations Governing Corrosive Liquids

14. Section 146.23-100 Table F—*Classification: Corrosive liquids* is amended as follows:

A. Amend "Alkaline battery fluid" as follows:

(1) In column 1, change "Alkaline battery fluid" to read:

Alkaline corrosive battery fluid.

B. Amend "Dimethyl sulfate" as follows:

(1) In column 4, after "Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A), etc." insert the following:

Fiberboard boxes (ICC-12B) with not more than six inside glass containers of not over 1 qt. cap. ea.

C. Amend "Hydrobromic acid" as follows:

(1) In column 2, delete "Shall not be accepted in metal drums."

(2) In columns 4 and 7, under "For Hydrobromic acid greater than 49% strength but not over 63% strength:" insert the following:

Wooden box (ICC-15A) WIC polyethylene, not over 1 gal. cap.

D. Amend "Hydrochloric (muriatic) acid, etc." as follows:

(1) In columns 4, 5, 6 and 7, after "Carboys, in plywood drums, glass (ICC-1E) not over 6½ gal. cap." insert the following:

Carboys, boxed, glass (ICC-1K) not over 13 gal. cap.

(2) In columns 4, 5, 6 and 7, after "Fiber drum (ICC-21C) WIC, etc." insert the following:

Polystyrene cases (ICC-33A) NRC with not more than 4 glass containers of not over 5 pint cap. ea.

E. Amend "Hypochlorite solutions, etc." as follows:

(1) In column 4, change "Steel barrels or drums (ICC-6J) WIC, etc." to read:

Steel barrels or drums (ICC-6J) WIC (ICC-2S, 2SL polyethylene) not over 55 gal. cap.

F. Amend "Nitric acid" as follows:

(1) In column 4, after "Carboys in plywood drums, glass (ICC-1E) not over 6½ gal. cap." insert the following:

Carboys, boxed, glass (ICC-1K) not over 13 gal. cap.

(2) In column 4, after "Carboys, boxed, glass, earthenware, clay, etc." insert the following:

Polystyrene cases (ICC-33A) NRC with not more than 4 glass containers of not over 5 pint cap. ea.

G. Amend "Perchloric acid not in excess of 72 percent" as follows:

(1) In column 4, after "Carboys in plywood drums, glass (ICC-1E) not over 7 gal. cap." insert the following:

Carboys, boxed, glass (ICC-1K) not over 13 gal. cap.

(2) In column 4, under "Outside containers:" add the following:

Polystyrene cases (ICC-33A) NRC with not more than 4 glass containers of not over 5 pint cap. ea.

H. Amend "Phosphorus trichloride" as follows:

(1) In column 4, under "Steel barrels or drums:" change "(ICC-17C) STC, WIL, not over 55 gal. cap." to read:

(ICC-17C) STC, WIL (not required for stainless steel drum), not over 55 gal. cap.

I. Amend "Sodium chlorite solution, etc." as follows:

(1) In columns 4, 5, 6 and 7, after "Carboys in plywood drums, glass (ICC-1E) not over 6½ gal. cap." insert the following:

Carboys, boxed, glass (ICC-1K) not over 13 gal. cap.

(2) In columns 4, 5, 6 and 7, delete "Fiber drum (ICC-21B) WIC, etc." and insert:

Fiber drum (ICC-21C) WIC (ICC-2T, 2S, 2SL, 2U) not over 80 gal. cap.

Polystyrene cases (ICC-33A) NRC with not more than 4 glass containers of not over 5 pint cap. ea.

J. Amend "Sulfuric acid (oil of vitriol), etc." as follows:

(1) In columns 4, 5, 6 and 7, after "Carboys in plywood drums, glass (ICC-1E) not over 6½ gal. cap." insert the following:

Carboys, boxed, glass (ICC-1K) not over 13 gal. cap.

(2) In columns 4, 5, 6 and 7, under "For sulfuric acid of any concentration:" change "Fiberboard boxes (ICC-12A), etc." to read:

Fiberboard boxes (ICC-12A) WIC, not over 80 lb. gr. wt.

(3) In columns 4, 5, 6 and 7, under "For sulfuric acid of concentrations not to exceed 100.5%:" add the following:

Polystyrene cases (ICC-33A) NRC with not more than 4 glass containers of not over 5 pint cap. ea.

K. Amend "Titanium sulfate solution, etc." as follows:

(1) In column 2, delete all present wording and insert in lieu thereof:

Highly acidic solution of titanium sulfate. Hydrolyzes readily if heated. Keep cool.

(2) In column 4, under "Outside containers" insert:

Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt.

Subpart—Detailed Regulations Governing Compressed Gases

15. Section 146.24-100 Table G—*Classification: Compressed gases* is amended as follows:

A. Amend the following items as indicated:

1. Difluoroethane (ethylene fluoride).
2. Difluoromonochloroethane.
3. Liquefied petroleum gas.
4. Methyl chloride.
5. Methyl chloride-methylene chloride mixture.
6. Monomethylamine anhydrous.
7. Trifluorochloroethylene.

(1) In columns 5, 6 and 7, where applicable, delete the following:

Portable tanks (ICC-51) not over 8,000 lb. gr. wt.

Tanks (ICC-106A500, 106A500X).

Tank cars complying with ICC regulations.

Portable tanks (ICC-51) not over 8,000 lb. gr. wt. (fixed length dip tube gauging devices are not acceptable).

B. Amend the following items as indicated:

1. Difluoromonochloroethane.
2. Dimethyl ether.
3. Hydrocarbon gas, liquefied, etc.
4. Hydrogen sulfide.
5. Methyl acetylene—15% to 20% propadiene mixture.
6. Methyl chloride—methylene chloride mixture.
7. Vinyl methyl ether, inhibited.

(1) In column 4, change "Tank cars complying with ICC regulations" to read:

Authorized for stowage "On deck in open" only:

Tank cars complying with ICC regulations (trainships only).

C. Amend the following items as indicated:

1. Difluoroethane (ethylene fluoride).
2. Vinyl chloride.
3. Vinyl fluoride (inhibited).

(1) In column 4, delete "Tank cars complying with ICC regulations" and insert:

Authorized for stowage "On deck in open" only:

Tank cars complying with ICC regulations (trainships only).

Motor vehicle tank trucks complying with ICC regulations (trailerships only).

D. Amend the following items as indicated:

1. Dimethylamine, anhydrous.
2. Monomethylamine, anhydrous.
3. Trimethylamine, anhydrous.

(1) In column 4, delete "Portable tanks (ICC-51), etc." and "Tank cars, etc." and insert in lieu thereof:

Authorized for stowage "On deck in open" only:

Portable tanks (ICC-51) not over 20,000 lb. gr. wt. (fixed length dip tube gauging devices are not acceptable).

Tank cars complying with ICC regulations (trainships only).

E. Amend "Methyl mercaptan" as follows:

(1) In column 4, delete "Portable tanks (ICC-51), etc." and "Tank cars, etc." and insert in lieu thereof:

Authorized for stowage "On deck in open" only:

Portable tanks (ICC-51) not over 20,000 lb. gr. wt.

Tank cars complying with ICC regulations (trainships only).

Motor vehicle tank trucks complying with ICC regulations (trailerships and trainships only).

F. Amend "Butadiene, inhibited" as follows:

(1) In column 4, delete "Portable tanks, etc." and "Tank cars, etc." and insert in lieu thereof:

Authorized for stowage "On deck in open" only:

- Portable tanks (ICC-51) not over 20,000 lb. gr. wt.
- Tank cars complying with ICC regulations (trainships only).
- Motor vehicle tank trucks complying with ICC regulations (trailerships and trainships only).

G. Amend "Hydrogen" as follows:

(1) In column 4, delete "Tank cars, etc." and "Tanks (ICC-107A****)" and insert in lieu thereof:

Authorized for stowage "On deck in open" only:

- Tank cars complying with ICC regulations (trainships only).

H. Amend "Liquefied petroleum gas" as follows:

(1) In column 4, delete "Portable tanks, etc.", "Tank cars, etc." and "Tank motor vehicles, etc." and insert in lieu thereof:

Authorized for stowage "On deck in open" only:

- Portable tanks (ICC-51) not over 20,000 lb. gr. wt.
- The vapor pressure of the lading at 115° F. shall not exceed the design pressure of the portable containers.
- Tank cars complying with ICC regulations for vapor pressure of the gas (trainships only).
- Motor vehicle tank trucks complying with ICC regulations for the vapor pressure of the gas (trailerships and trainships only).

I. Amend "Methyl chloride" as follows:

(1) In column 4, delete "Tank cars, etc.", "Tanks, etc." and "Portable tanks, etc." and insert in lieu thereof:

Authorized for stowage "On deck in open" only:

- Portable tanks (ICC-51) not over 20,000 lb. gr. wt.
- Tank cars complying with ICC regulations (trainships only).
- Motor vehicle tank trucks complying with ICC regulations (trailerships and trainships only).

J. Amend "Nitrogen fertilizer solution" as follows:

(1) In column 6, add the following:
(Shipped only in tank cars.)

(2) In column 7, add the following:

Ferry stowage (BB).
Containers:
Tank cars complying with ICC regulations.

K. Amend "Nitrogen, pressurized liquid" as follows:

(1) In column 6, delete "(Shipped only in tank cars)."

(2) In column 7, delete the following:

Ferry Stowage (BB).
Containers:
Tank cars complying with ICC regulations.

L. Amend "Trifluorochloroethylene" as follows:

(1) In column 4, delete "Tank cars, etc." and "Tanks, etc." and insert in lieu thereof:

Authorized for stowage "On deck in open" only:

- Tank cars complying with ICC regulations (trainships only).

Subpart—Detailed Regulations Governing Poisonous Articles

16. Section 146.25-25 is amended by changing paragraph (b) to read as follows:

§ 146.25-25 Exemptions for radioactive materials.

(b) Manufactured articles other than liquids, such as instrument or clock dials or electronic tubes and apparatus, of which radioactive materials are a component part, luminous compounds, and thoria nickel in mill shapes, including tubes, plates, sheets and bars, when securely packed in strong outside containers are exempt from specification packaging, marking other than name of contents, and labeling requirements provided the gamma radiation at any surface of the package is less than 10 milliroentgens in 24 hours.

17. Section 146.25-55 is amended by changing the introductory text of paragraph (b) and subparagraph (1), by adding item "j" to subparagraph (3), by redesignating paragraph (e) to (f), and by inserting a new paragraph (e) as follows:

§ 146.25-55 Exemptions for poisons, Class B.

(b) Poisonous solids, Class B as defined in this subpart except those enumerated in subparagraph (3) of this paragraph in tightly closed inside containers, securely cushioned when necessary to prevent breakage and packed as follows are exempt from specification packaging, marking other than name of contents, and labeling requirements:

(1) In, inside glass, earthenware, or composition bottles or jars, or metal containers, or lock-corner sliding-lid wooden boxes, of not over 5 pounds capacity each; or chipboard, pasteboard, or fiber cartons, cans, boxes, or tightly closed strong plastic bags or bottles compatible with product of not over 1 pound capacity each, packed in outside wooden or fiberboard boxes, or wooden barrels or kegs. Net weight of contents of outside container not over 100 pounds.

(3) * * *
j. Carboic acid (phenol) other than as specified in paragraph (e) of this section.

(e) Carboic acid (phenol), not liquid, in tightly closed inside containers, securely cushioned when necessary to prevent breakage and packed as follows, is exempt from specification packaging, marking other than name of contents, and labeling requirements:

(1) In inside glass, earthenware or polyethylene bottles or jars not over 1 pound capacity each, or metal containers not over 5 pounds capacity each, packed in outside wooden boxes, barrels or kegs, or fiberboard boxes. Net weight

of contents in fiberboard boxes shall not exceed 65 pounds, and not more than 100 pounds in wooden boxes, barrels or kegs.

18. Section 146.25-200 Table H—Classification: Class B; less dangerous poisons is amended by revising various items as follows:

A. Amend "Carboic acid (phenol) solid, etc." as follows:

(1) In columns 4, 5, 6 and 7, under "Fiberboard boxes:" delete "(ICC-12A) WIC, not over 20 lb. net wt." and insert in lieu thereof:

- (ICC-12A) WIC, glass, not over 5 lb. cap. ea.; not over 20 lb. net cap. total.
- (ICC-12A) WIC nonfragile plastic, not over 5 lb. cap. ea.; not over 65 lb. gr. wt. total.

B. Amend "Poisonous liquids, n.o.s., etc." as follows:

(1) In columns 4, 6 and 7, under "Steel barrels or drums" add the following:

- (ICC-37B) STC, not over 10 gal. cap.

19. Section 146.25-300 Table H—Classification: Class C; tear gas or irritating substances is amended as follows:

A. Amend "Monochloroacetone, stabilized" as follows:

(1) In column 4, delete "Metal barrels or drums, etc." and insert in lieu thereof:

- Metal barrels or drums:
(ICC-5, 5A) not over 55 gal. cap.
(ICC-17C) STC, not over 55 gal. cap.

Subpart—Detailed Regulations Governing Combustible Liquids

20. Section 146.26-5 is amended to read as follows:

§ 146.26-5 Application to vessels.

(a) The provisions of 46 U.S.C. 170, as amended, require that combustible liquids in barrels, drums, or other packages, when transported, carried, conveyed, stored, stowed, or used on board any passenger vessel shall be regulated to the extent necessary to secure effective provisions against hazards to health, life, limb, or property created by dangerous articles or substances on board such vessels.

(b) The provisions of 46 U.S.C. 391a require that combustible liquids in bulk, when transported or stowed on board any vessel shall be regulated in order to secure effective provision against the hazards of life and property created by the vessels to which this section applies. The provisions of this law are not applicable to combustible liquids that are transported or stowed in barrels, drums, or other packages on board cargo vessels.

(c) The provisions of the regulations in this part are not applicable to combustible liquids that are transported, carried, conveyed, stored or stowed in barrels, drums, or other packages on board cargo vessels.

21. Section 146.26-10 is amended by designating the present text as paragraph (a) and adding a new paragraph (b) to read as follows:

§ 146.26-10 Stowage on board passenger vessels.

- (a) * * *
- (b) ICC specification 51 portable tanks not over 20,000 pounds gross weight per-

mitted for use as a container for combustible liquids by § 146.26-100 and carried aboard passenger vessels shall be stowed "On deck in open" only.

22. Section 146.26-20 is amended by adding new paragraphs (e) and (f) as follows:

§ 146.26-20 "On deck" stowage.

* * * * *

(e) The fire hose at each fire hydrant on the passenger vessel in the vicinity of combustible liquids stowed "On deck" shall be fitted with an approved combination spray nozzle. During loading and unloading operations, the pressure shall be maintained in the fire mains. Two hand portable fire extinguishers of the dry chemical type of at least 15 pounds capacity or two portable 2½-gallon foam type extinguishers are also required and shall be located so as to be accessible in the event of fire occurring in the vicinity of such combustible liquid cargo. Any foam used shall be of a type suitable for use with the lading.

(f) When ICC specification 51 portable tanks not over 20,000 pounds gross weight, containing combustible liquids are stowed on deck of a passenger vessel, the area in way of each 21,000 U.S. gallons or less of combustible liquids shall be protected by one or more D-V semi-portable foam (40 gal. capacity) or dry chemical (100 lbs. minimum capacity) fire extinguishers; or alternatively, by a fire hose fitted with an approved portable mechanical foam nozzle with pick-up tube and two 5-gallon cans of foam liquid concentrate. When carrying commodities incompatible with the conventional foam system, the foam shall be of a type suitable for use with the lading. The fire extinguishers shall be located so as to be accessible in the event of fire occurring in the vicinity of the portable tanks.

23. Section 146.26-100 *Table J—Classification: Combustible liquids* is amended as follows:

A. Amend all entries as follows:

(1) In column 4, delete the present text and insert in lieu thereof:

- 46 U.S.C. 170 is not applicable to combustible liquids in drums, barrels or other packages transported on board cargo vessels, see § 146.02-30 of this chapter.
- 46 U.S.C. 391a is applicable to transportation of combustible liquids in bulk, see § 30.01-5 of this chapter.

B. Amend the following items as indicated:

1. Acetone oils, etc.
2. Amyl acetate, etc.
3. Benzine, etc.
4. Box toe gum, etc.
5. Cement leather, etc.
6. Chlorobenzol, etc.
7. Coal tar distillate, n.o.s., etc.
8. Combustible liquids, n.o.s., etc.
9. Compounds, cleaning, liquid, etc.
10. Compounds, lacquer, paint or varnish, etc., removing, reducing, or thinning, etc.
11. Creosote, coal tar, etc.
12. Crude oil, petroleum, etc.
13. Decahydronaphthalene, etc.
14. Drugs, chemicals, medicines or cosmetics, n.o.s., etc. . . . In containers exceeding 1 quart capacity or 32 ounces by weight.
15. Ethyl benzene, etc.
16. Ethyl silicate, etc.

17. Ethylene glycol monomethyl ether acetate, etc.
18. Fuel oil, C.S. No. 1, etc.
19. Furfural, etc.
20. Gas drips, hydrocarbon, etc.
21. Hexaldehyde, etc.
22. Lacquer base or lacquer chips, plastic, etc.
23. Leather bleach, etc.
24. Mercaptan mixtures, aliphatic, etc.
25. Motor fuel, n.o.s., etc.
26. Oil, etc.
27. Paint, enamel, etc.
28. Petroleum distillate, n.o.s., etc.
29. Pine oil, etc.
30. Plastic solvent, n.o.s., etc.
31. Road asphalt, or tar, liquid, etc.
32. Solvents, n.o.s., etc.
33. Turpentine substitutes, etc.

(1) In column 5, add the following:

Authorized for stowage "On deck in open" only:

Portable tanks (ICC-51) not over 20,000 lb. gr. wt.

(2) In column 6, add the following:

Portable tanks (ICC-51) not over 20,000 lb. gr. wt.

(3) In column 7, add the following:

Portable tanks (ICC-51) not over 20,000 lb. gr. wt.

Tank cars complying with ICC rail carrier regulations.

Subpart—Detailed Regulations Governing Hazardous Articles

24. Section 146.27-35 is amended by changing paragraph (a) to read as follows:

§ 146.27-35 Use of power-operated industrial trucks in spaces containing hazardous articles.

(a) *Articles of a fibrous nature or bulk sulfur.* In a space in which packaged or baled hazardous articles of a fibrous nature or bulk sulfur are stowed, only approved power-operated industrial trucks with a recognized testing laboratory designation of EX, EE, GS, LPS and DS (see § 146.09-15) may be used for handling cargo including the handling of such packaged or baled hazardous articles of a fibrous nature or bulk sulfur.

25. Section 146.27-100 *Table K—Classification: Hazardous articles* is amended as follows:

A. Amend "Bleaching powder, etc." as follows:

(1) In columns 4, 5, 6 and 7, under "Outside containers" add the following:

Fiber drums WIL, polyethylene, not over 275 lbs. net wt.

B. After "Carboys, empty, etc." insert the following:

(1) In column 1, insert:

Castor beans.

Castor pomace.

The originating bill of lading or other shipping paper shall bear the shipper's certifying statement that the pomace has been treated sufficiently to detoxify the ricin content.

(2) In column 2, insert:

Beans poisonous if ingested. Sweep up loose beans, avoid crushing. Sweep up spilled pomace using oil or sweeping compound to keep dust down.

Dust from beans and pomace will cause allergic reaction in sensitive individuals who should not be exposed to beans or pomace. Respiratory protection should be worn in heavy concentrations of dust.

Shower and change clothes after exposure to dust.

Reject containers showing signs of leakage. Stow away from foodstuffs and living quarters.

Outside containers shall be marked "Castor Beans" or "Castor Pomace," as appropriate.

(3) In column 3, insert:

No label required.

(4) In columns 4 and 5, insert:

Stowage:

"On deck under cover."

"Tween decks."

"Under deck."

Outside containers:

Sift-proof five-ply paper bags not over 100 lb. net wt.

Sift-proof paper or plastic-lined burlap bags not over 100 lb. net wt.

Sift-proof paper or plastic-lined cotton bags not over 100 lb. net wt.

Authorized for castor beans only:

Tight vans or containers loaded with castor beans in bulk provided the loading shows no sign of sifting of beans.

(5) In column 6, insert:

Ferry Stowage (AA)

Outside containers:

Sift-proof five-ply paper bags not over 100 lb. net wt.

Sift-proof paper or plastic-lined burlap bags not over 100 lb. net wt.

Sift-proof paper or plastic-lined cotton bags not over 100 lb. net wt.

Authorized for castor beans only:

Tight vans or containers loaded with castor beans in bulk provided the loading shows no sign of sifting of beans.

(6) In column 7, insert:

Ferry stowage (BB)

Outside containers:

Sift-proof five-ply paper bags not over 100 lb. net wt.

Sift-proof paper or plastic-lined burlap bags not over 100 lb. net wt.

Sift-proof paper or plastic-lined cotton bags not over 100 lb. net wt.

Authorized for castor beans only:

Tight vans or containers loaded with castor beans in bulk provided the loading shows no sign of sifting of beans.

C. Amend "Caustic potash, solid, etc." as follows:

(1) In columns 4, 5, 6 and 7, under "Outside containers," add the following:

Burlap asphalt-laminated paper bag, WIC polyethylene not over 102 lb. gr. wt.

D. Amend "Fish scrap or fish meal, etc." as follows:

(1) In column 1, delete the paragraph "The original bill of lading, etc." and insert in lieu thereof:

The original bill of lading or other shipping paper shall bear the shipper's certifying statement that the fish meal when offered for shipment aboard the vessel contains at least 6 percent and not more than 12 percent moisture and that the temperature of the material does not exceed 120° F.

Fish scrap or fish meal containing less than 6 percent or more than 12 percent moisture shall be shipped as a flammable solid in airtight metal containers (see § 146.22-100—Table E).

(2) In column 2, delete "Check temperature of material, etc." and all the following text and insert in lieu thereof:

Smoking shall not be permitted in hatches in which fish meal or fish scrap is stowed or being handled.

Check temperature of material before loading on board the vessel. Reject bags if temperature exceeds 120° F.

Fish meal or fish scrap packed in wet or damp bags shall not be accepted for shipment.

Keep dry. Do not load during rain.

Protect shipment from bilge water, deck drainage or spray.

Observe temperatures during voyage for signs of heating.

Outside containers shall be marked "Fish meal" or "Fish scrap."

(3) In columns 5, 6 and 7, delete the note and text pertaining thereto and insert the following:

Note:

Fish meal and fish scrap shall be stowed so that free ventilation is provided to the entire stowage. This shall be accomplished as follows:

- (A) Do not stow nearer than 4 feet to any bulkhead subject to artificial heat.
- (B) Do not overstow with any other cargo.
- (C) Provide a clear space of at least one foot between top of bags and underside of deck beams.
- (D) Use only dry dunnage.
- (E) Place two layers of plank dunnage on the deck or tank tops. The first layer shall be laid fore and aft and the second athwartships. The dunnage shall be laid no further than nine inches apart in either layer.
- (F) Stack the bags hard against these battens where ships' holds are provided with cargo battens. If battens are not provided, dunnage must be placed against the ship's sides or bulkheads in such a manner as to provide a clear space of at least four inches between the bags and the metal surfaces.

(G) In addition to the above requirements, stowage shall be according to one of the following methods:

1. Strip stowage:

(i) The stowage shall be double rows of bags stowed athwartship with four inch ventilation channels on both sides of the double rows of bags. The bags shall be placed with the ends in a fore and aft direction. The flaps of the bags shall be placed inward in the double rows.

(ii) Along the width of every seventh tier of bags, a single layer of dunnage shall be placed on every third bag with boards running fore and aft. The dunnage must butt hard against the bulkheads fore and aft, and at least 18 inches overlap shall be allowed at the end of one board and the beginning of another in the same fore and aft line to provide stability. Not more than four layers of bags and not less than three should be above the top layer of dunnage.

2. Block stowage:

Sufficient dunnage shall be used between every third tier of bags to provide free circulation of air. The entire stowage shall be so arranged to permit ventilation to all parts of the stowage.

Subpart—Detailed Regulations Governing the Transportation of Military Explosives and Hazardous Munitions on Board Vessels

26. Section 146.29-39 is amended by changing paragraph (d) to read as follows:

§ 146.29-39 Handling and slinging of explosives.

(d) The Captain of the Port may permit the use of cargo-handling vehicles or equipment powered by internal combustion engines on docks, wharves or piers for the handling of military explosives under such conditions as he may prescribe. Such type vehicles or equipment shall not be used within a hatch of a vessel having military explosives in any hold within said hatch. Electric or battery powered vehicles or equipment of explosion-proof or spark-proof type, such as approved power-operated industrial trucks with recognized testing laboratory designations of "EE" and "EX" may be used to handle military explosives on docks, wharves, piers or in the holds of vessels under such conditions as the Captain of the Port may prescribe. All power-operated cargo-handling vehicles or equipment shall at all times be maintained in safe mechanical, electrical and operating condition. The use of cargo-handling vehicles or equipment may be suspended or prohibited by the Captain of the Port or his representative when he considers such use inimical to safety.

27. Section 146.29-89 is amended by changing paragraph (b) to read as follows:

§ 146.29-89 Portable magazine stowage.

(b) Portable magazines shall be constructed of wood, or of metal lined with wood ¼-inch minimum thickness, and not more than 100 cubic feet plus 10 percent of explosives (gross) shall be stowed therein.

28. Section 146.29-100 *Classification, handling and stowage chart* is amended as follows:

A. Amend "class IIB" as follows:

(1) In column 6, add the following:

May be transported in vans stowed on deck.

B. Amend "class III" as follows:

(1) In column 2, change "Point fuzes w/o boosters, etc." to read as follows:

Point fuzes w/o boosters for projectiles and rockets; anti-tank mine fuzes (non-chemical) w/o booster; bomb tail fuzes w/o boosters; primer detonators, cannon primers, other than lock primers, when packed in separate shipping containers. Many ICC Class C fuzes, with or w/o boosters, are also of this class. If these fuzes are shipped with boosters, they must be so made and packed that they will not cause functioning of other fuzes, explosives or explosives devices if one of the fuzes detonates in a shipping container.

C. Amend "Class IX-A" as follows:

(1) In column 2, after "Igniter pads" insert the following:

Igniter, rocket motor, Class A

(R.S. 4405, as amended, 4462, as amended, 4472, as amended; 46 U.S.C. 375, 416, 170. Interpret or apply sec. 3, 68 Stat. 675; 50

U.S.C. 198; E.O. 10402, 17 F.R. 9917, 3 CFR 1952 Supp.)

Dated: May 24, 1963.

[SEAL] D. McG. MORRISON,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 63-5760; Filed, May 29, 1963; 8:49 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 14502, RM-166; FCC 63-479]

PART 11—INDUSTRIAL RADIO SERVICES

Certain Changes in the Availability of Certain Frequencies in the Power, Petroleum, and Forest Products Radio Services

1. This proceeding began on February 9th, 1962, when we released our notice of proposed rule making. That notice was published in the February 14th, 1962 edition of the FEDERAL REGISTER at volume 27, page 1365. The time within which Comments and Reply Comments in response to our notice might be filed, has now expired.

2. The rules amendments proposed in our February 9th, 1962 notice of proposed rule making, with one exception, are now being ordered. The substance of these rules amendments is as follows:

Five frequencies from within the 153 Mc/s band, specifically, the frequencies 153.44, 153.50, 153.56, 153.62, and 153.68 Mc/s, are reallocated to the Power Radio Service for use in the States of Oregon and Washington; and concurrently, these five frequencies are withdrawn from the Forest Products and Petroleum Radio Services use in the two states noted.

3. The subject frequencies will be available for assignment within the Power Radio Service 30 days subsequent to publication of this Report and Order in the FEDERAL REGISTER. Forest Products and Petroleum Radio Services licensees presently operating on any of the subject frequencies will be afforded approximately five years, that is, until June 30, 1968, to vacate their present frequency assignments, and relocate to frequencies regularly available within their respective Services.

4. That which is ordered in this document differs from that which was proposed in our notice in that five rather than seven frequencies are to be made available to the Power Radio Service. The frequencies 158.16 and 158.22 Mc/s, which had been included in our proposal, are not, for the reasons enumerated hereinafter, to be withdrawn from the Forest Products and Petroleum Radio Services.

5. Original Comments in this proceeding were received from the following parties: The National Committee for Utilities Radio (NCUR); Forest Industries Radio Communications (FIRC);

The Central Committee on Communications Facilities of the American Petroleum Institute (API); and the Elk Lumber Company, of Medford, Oregon. Only the NCUR and FIRC chose to file Reply Comments. The NCUR was the Petitioner in this proceeding; and, its Comments supported the reallocation proposed. The API, in its Comments, generally endorsed our proposal, while the Elk Lumber Company and FIRC were in opposition to the proposed reallocation. All matter filed was carefully read and considered before arriving at our conclusions and Order herein.

6. Our proposal in this proceeding generated much controversy between the two user groups that speak for a substantial number of the radio licenses in the two industries most particularly affected by our proposal. The NCUR, speaking for the power utility industry, filed extensive Comments and Reply Comments in favor of the proposed reallocation, while FIRC, speaking for the logging and forestry industry, voiced strong opposition. Both of these user groups predicated their respective arguments on, 1) a need for the frequencies involved; 2) the relative importance of their respective industries to the maintenance of the public health, welfare, and safety; and 3) the hazardous nature of each of their day-to-day operations and the importance of radio as a safety factor in these operations. We acknowledge or recognize all of these matters without crediting one or the other of the industries involved with a greater degree of importance than the other. In so doing, our decision to reallocate the subject frequencies to the Power Radio Service becomes no less difficult. But as choice is difficult, it is also necessary in view of our determination that a more pressing or critical need for the frequencies involved exists on the part of the Power Radio Service.

7. We pointed out in our notice in this proceeding that the "... frequencies which constitute the subject matter of our proposal are 'secondary' or 'split' channels which became available, and were in fact assigned to Radio Services, as an outcome of our rule making proceeding in 1957-58 in Docket No. 1191 ... (and that) the Forest Products and Petroleum Services were granted the privilege of using these frequencies in the six states of heaviest forestry and petroleum activities while the Power Radio Service was given access to the channels in the other 42 of the then 48 States." We went on to point out that since 1958, scant use had been made of the subject frequencies by the Forest Products and Petroleum Radio Services in Oregon and Washington because, in our view, the subject frequencies were interspersed between "old" or "primary" Power Radio Service channels which had been and are now heavily loaded by Power Service licensees. In reply to this contention, FIRC has said that "The Forest Industries did not immediately move on to these channels ... because the Northwest Utility industries using the channels between which these splits lie had them

heavily loaded with old, wide-band equipment"; and further, that "Forest Industries' willingness to cooperate with the local Utilities to avoid interference in these connections, including forbearing to occupy as long as possible, and coordinating of assignments when the frequencies have been brought into use should not now be turned around and used as a justification to take back these frequencies, vital to long range forest use, from the Forest Products Service." However, our predicate in this proceeding was not the sole fact that scant use was being made of the subject frequencies by the Forest Products and Petroleum Radio Services; rather, it was, and is, our purpose to satisfy an impressive and compelling present need within the Power Radio Service for more high-band frequencies in the Pacific Northwest.

8. In the course of administering our many mobile radio services, we have discerned a decided preference on the part of most users in certain services or industries for frequencies within a particular band or bands. Presumably, these preferences reflect, by and large, the best judgment of licensees and applicants insofar as the utility of a particular frequency or band of frequencies, to perform or fulfill certain communications purposes and needs, is concerned. Thus, for example, those persons engaged in tree logging and farming and related woods operations, according to our licensee and frequency lists, have indicated a strong preference for frequencies in the range from 25 to 50 Mc/s. On the other hand, the power utility industry, which pioneered the low or 25 to 50 Mc/s band, has, in recent years, indicated a preference for frequencies in the 150 Mc/s range. We trust it is obvious that we are not saying that all Power Radio Service licensees operate, or prefer to operate on frequencies above 150 Mc/s, and that all Forest Products licensees operate, or prefer to operate below 50 Mc/s. Indeed, the Elk Lumber Company, one of the parties commenting in opposition to our proposal, is a Forest Products Radio Service licensee operating on a frequency above 150 Mc/s. We are saying, in sum, that low band frequencies appear to be favored by the Forest Products industry and that high-band frequencies are the preference of the power utility industry, particularly insofar as new systems are concerned. Working from this premise, we are attempting to effect an equitable distribution of available frequencies, in a particular two-state area, in an efficient manner. Provision has been made, in both the Forest Products and the Power Radio Services, for frequency choices in both the frequency bands discussed.

9. Our prime consideration in this proceeding was the satisfaction of a need for more high-band frequencies in the Power Radio Service. This need was amply demonstrated by the NCUR, both in its Petition and in its comments in this proceeding. According to the NCUR's figures, frequency congestion and channel overloading have reached the critical stage, particularly in the metropolitan areas of Washington and

Oregon. To cite but one example of channel loading, it has been called to our attention that 2443 mobile transmitters are presently operating on the nine high-band frequencies available to the Power Radio Service in the two subject states. In terms of transmitters per channel, the above figures indicate that in excess of 271 transmitters are operating on each of the nine channels available. In contrast, 27 high-band frequencies available to the Forest Products Radio Service are occupied to the extent of approximately 70 mobile transmitters per channel. In our view, this disparity warrants the reallocation ordered.

10. We noted, in paragraph 4, that the frequencies 158.16 Mc/s and 158.22 Mc/s were not being reallocated to the Power Radio Service as originally proposed. Our reason for not reallocating these frequencies is to satisfy a need within the Forest Products Radio Service, for mobile relay or repeater type operations in the mountainous areas of the Pacific Northwest. This is not to say that we are confining the use of these frequencies to the mobile relay role.

11. In view of the foregoing, the Commission finds that the public interest, convenience, and necessity will be served by the rules amendments ordered herein. Therefore, pursuant to authority contained in sections 4(i), 303 (b), (f), and (r) of the Communications Act of 1934, as amended: *It is ordered*, That effective July 1, 1963, §§ 11.254, 11.304, and 11.354 of Part 11, of the Commission's rules governing the Power, Petroleum, and Forest Products Radio Services, are amended in the manner set forth below; and the proceedings in this Docket No. 14502 are hereby terminated. (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)

Adopted: May 22, 1963.

Released: May 24, 1963.

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

Part 11, Industrial Radio Services, is amended as follows:

1. In § 11.254, the table in paragraph (a) is amended by changing limitation designator 11 to 12, in column 3 for the frequencies 158.16, 158.22, 173.25, 173.30, and 173.35; paragraph (b)(11) is amended; and a new paragraph (b)(12) is added as follows:

§ 11.254 Frequencies available.

* * * * *

(11) This frequency is not available for assignment in the States of Arkansas, Louisiana, Oklahoma, and Texas.

(12) This frequency is not available for assignment in the States of Arkansas, Louisiana, Oklahoma, Oregon, Texas, and Washington.

2. In § 11.304, the table in paragraph (a) is amended by changing limitation designator "9, 10" to "10, 15" in column 3 for the frequencies 158.16, 158.22, 173.25, 173.30, and 173.35; paragraph

(b) (9) is amended; and a new paragraph (b) (15) is added, as follows:

§ 11.304 Frequencies available.

* * * *

(9) This frequency is available for assignment only in the States of Arkansas, Louisiana, Oklahoma, and Texas. All licensees in this service who operate on this frequency in the States of Oregon and Washington will be required to vacate this frequency assignment by June 30, 1968.

* * * *

(15) This frequency is available for assignment only in the States of Arkansas, Louisiana, Oklahoma, Oregon, Texas, and Washington.

3. In § 11.354, the table in paragraph (a) is amended by changing limitation designator "9, 11" to "11, 16" in column 3 for the frequencies 158.16, 158.22, 173.25, 173.30, and 173.35; paragraph (b) (9) is amended; and a new paragraph (b) (16) is added, as follows:

§ 11.354 Frequencies available.

* * * *

(9) This frequency is available for assignment only in the States of Arkansas, Louisiana, Oklahoma, and Texas. All licensees in this Service who operate on this frequency in the States of Oregon and Washington will be required to vacate this frequency assignment by June 30, 1968.

(16) This frequency is available for assignment only in the States of Arkansas, Louisiana, Oklahoma, Oregon, Texas, and Washington.

[F.R. Doc. 63-5750; Filed, May 29, 1963; 8:47 a.m.]

[Docket No. 14376; FCC 63-473]

PART 15—RADIO FREQUENCY DEVICES

Telemetering Devices and Wireless Microphones

1. On November 17, 1961, the Commission issued a notice of proposed rule making to amend Part 15 of the rules to permit the operation of telemetering devices and wireless microphones in the 88 to 108 Mc/s band and to prescribe the technical requirements for such operation. (26 F.R. 10940, November 22, 1961)

2. Comments were received from 51 individuals and groups. Thirty comments were directed toward medical telemetering applications of the proposal. Of these, 17 came from doctors, clinics and hospitals describing the use of such equipment operating under license in the Business Radio Service. Ten comments were concerned with wireless microphones, and 11 were general in nature. Although a majority of the comments supported the proposal, some suggested further liberalization of the regulations. Eight of the 51 comments expressed opposition to the proposal.

3. The proposed ± 0.01 percent frequency stability requirement was considered in many comments as too severe, requiring crystal control, and adding un-

necessarily to the equipment cost. Although the proposed frequency stability requirement applied only to wireless microphones, some of the comments stated that a frequency stability requirement would be an unnecessary burden on telemetering equipment. After further consideration, the Commission is of the opinion that the bandwidth limitation will adequately regulate the interference capability of devices operating under these rules, and has eliminated the stability requirement.

4. The proposed field strength limit of 50 microvolts per meter at 50 ft. was discussed in 17 comments. Many of these comments pointed out that the proposed field strength was so low that the usefulness of devices operating under these rules would be restricted. The Commission agrees that devices operated under the rules promulgated herein will be restricted in their usefulness. But it must be remembered that the range must be limited to reduce the possibility of interference to the FM Broadcast Service. In any event, wireless microphones will continue to be licensed as Remote Pickup Broadcast Stations under Part 4 and as Low Power Business Radio Stations under Part 11 to those persons meeting the requirements of these rules. In like manner, telemetering devices will continue to be licensed under the various rule parts to persons eligible in the respective services. Thus, a person whose communication need cannot be met by a device operating under the rules promulgated herein will have recourse to licensing to meet his needs.

5. Comments regarding the Commission's proposal to require type approval were generally agreed that type approval was justified for nonlicensed devices operating in the FM broadcast band. Although some concern was expressed that this requirement would increase the cost of such devices, we are convinced that this increase will be small and that type approval is the most satisfactory method of regulation for these devices. Another aspect of the type approval requirement, which was only mentioned indirectly in the comments, is the requirement that the manufacturer state in the request for type approval that at least 10 units will be manufactured. Thus, no provision is made for custom built devices. However, recognizing that educational institutions may require the use of custom built devices and that such use is clearly in the public interest, the Commission is establishing a procedure whereby educational institutions may operate such custom built devices without type approval. This procedure requires that the Engineer-in-Charge of the local FCC field office must be notified in writing prior to operation of the device and the educational institution must furnish the Engineer-in-Charge with a description of the device and a statement that the unit complies with all technical limitations of the rules. This procedure is limited to telemetering devices and may not be used for wireless microphones.

6. Several comments expressed concern over the possibility that these devices would cause interference. In addition, fear was expressed that these

rules would serve as a "foot-in-the door" for further encroachment on the FM broadcast service. Other comments pointed out that the possibility of these devices causing interference to the reception of FM broadcasts was remote, since operation would be in an unused portion of the FM band to insure that they did not receive interference from FM broadcast stations. The Commission believes that the rules promulgated herein provide adequate protection to the FM broadcast service. But as a further safeguard, in addition to the limit on radiation of energy, the rules require that the operation of a telemetering device or wireless microphone be suspended if harmful interference is caused. This provision will also protect the operation of common carrier facilities on 98-108 Mc/s in the Hawaiian Islands.

7. Two comments proposed the use of locally unused television channels for telemetering devices and wireless microphones. Though TV receivers are known to be susceptible to adjacent channel interference, the comments offered no showing regarding the probability of interference to television reception resulting from the proposed use of unused television channels. One of the controlling considerations in the Commission's proposal to use 88-108 Mc/s for these devices was the economic advantage to be gained from the availability of low-cost, quality FM receivers. No such advantage would accrue in the TV channels. Lacking economic advantage and a showing that such devices can be operated on unused TV channels without causing interference to adjacent TV channels, the Commission rejects this proposal.

8. Two comments were received proposing that certain two-way communications be permitted. The General Electric Company suggested that two-way communication be permitted "to carry signals to or from mobile and base station radio systems licensed under Parts 10, 11, 16, or 21". The Commission believes that adequate provision has already been made in the rules for licensing this type of operation. The second comment, from an attorney in Chicago speaking for an unnamed client, requested that the rules be modified to permit two-way communication for educational classroom use. This comment describes an "RF Classroom Link" for use in language laboratories, drama classrooms, and for monitoring student performance while working with a teaching machine. It is alleged that the use of this radio link will increase the efficiency of teaching by promoting a closer, more personal relationship between teacher and student. Furthermore, the proponent points out that the use of radio avoids the need for permanent wiring in the classroom, thus permitting greater flexibility in the use of classroom facilities since the equipment will be portable and capable of being moved freely from room-to-room.

9. The Commission recognizes the importance of education and that radio is a useful tool to improve the efficiency of our educational process; it does not consider operation under Part 15 to be

a suitable educational procedure. Part 15 devices are permitted to operate only so long as no interference is caused to the licensed services. If any interference is caused, the operation of the Part 15 device must be terminated. In these circumstances, it would appear to be doubtful wisdom to invest any sizable sum in a radio system whose use is subject to abrupt termination. In addition, the proponents' device is still in the developmental stage. No showing is made that a large number of these systems can be operated in the FM band without causing interference to each other and to the broadcast service. Until it can be conclusively shown that a large number of these systems can be operated without causing harmful interference to the FM broadcast service, the Commission must continue its prohibition against two-way communication in the band 88-108 Mc/s.

10. One of the comments expressed the opinion that the radiated power permitted under the proposed rules is so unrealistic as to be impractical for most uses of surveillance devices. With respect to this point, we wish to state that the proposed rules, as drafted, did not envisage the use of the 88-108 Mc/s band for other than telemetering devices and wireless microphones. Therefore, we do not feel that it would be appropriate to consider the fact that the radiation restrictions contained in the proposed rules may be so unrealistic as to be impractical for most uses of surveillance devices.

11. Vega Electronics Corporation alleged that on the basis of tests they had made, performance of a wireless microphone would be less satisfactory at 100 Mc/s than at 50 Mc/s because of certain transmission characteristics. They contended that standing waves in a room would produce nulls and thus cause words and phrases to be lost as the speaker moved about the room. The Commission is not convinced that these effects, if present, would not be more than offset by the increased efficiency of practical antennas at the higher frequency. In addition, several comments pointed out that wireless microphones had been operated successfully in the 88-108 Mc/s band. The Commission is not persuaded by Vega's argument and believes that sufficient evidence has been presented to justify the adoption of these rules. It would appear that the availability of quality receivers in this band would make operation especially attractive.

12. Telemedics, Inc. commented at length on the potential dangers of permitting the operation of medical telemetering devices under the proposed rules. They pointed out that medical telemetry has passed beyond the experimental stage and is now used on a regular basis in the diagnosis and treatment of patients. This statement is supported by the comments from doctors and hospitals which report the several uses being made of the radioelectrocardiograph and stress the importance of such use to the medical profession. These uses include monitoring heart condition during and following surgery, during rehabilitation of cardiac cases, and during physical fitness tests of industrial work-

ers whose work entails extreme physical exertion. Telemedics noted that these uses of radioelectrocardiography had been made possible by the availability of high quality equipment operating under license in the Business Radio Service. They allege that the Commission's proposal would encourage the production of low quality equipment subject to drift and malfunction. It is their contention that use of this low quality equipment on frequencies subject to interference from FM broadcasters would be a "dis-service and real danger to the public".

13. The Commission recognizes the merit in this argument but points out that the proposed rules are not written exclusively for medical telemetering. There are other uses for miniature telemetering devices where the safety of an individual is not a factor. Moreover, in formulating rules to permit the operation of low power devices without individual licenses, no guarantee is held out that these devices will give complete satisfaction. To the contrary, the user of such a device is required to accept whatever interference may be received from other Part 15 devices or from licensed stations. It is thus incumbent on each user to determine for himself the usefulness of a device operating under the rules promulgated herein. As far as medical use is concerned, telemetering devices will continue to be licensed in the present radio services.

14. In summary, the Commission believes it is in the public interest to adopt rules providing for the operation of telemetering devices and wireless microphones in the FM broadcast band. The comments generally support the Commission's belief that the new rules are adequate to preclude harmful interference, except in very rare instances, and still permit the operation of devices for which a need has been established. The appended rules include editorial changes to conform the existing rules with the new regulations promulgated herewith.

15. In view of the foregoing, and pursuant to authority contained in sections 4(i), 301, and 303(r) of the Communications Act of 1934, as amended: *It is ordered*, That, effective July 1, 1963, Part 15, Radio Frequency Devices, is 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)

Adopted: May 22, 1963.

Released: May 24, 1963.

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

Part 15 is amended as follows:

1. A note is added at the end of § 15.7 as follows:

§ 15.7 General requirement for restricted radiation devices.

* * * * *
NOTE: Radio receivers, community antenna television systems, and low power communication devices are regulated elsewhere in Part 15 and are not regulated by this section.

2. Section 15.201(c) is added to read as follows:

§ 15.201 Frequencies of operation.

* * * * *
(c) Telemetering devices and wireless microphones may be operated in the band 88-108 Mc/s in accordance with the provisions of § 15.212.

3. The introductory text of § 15.206 is amended to read as follows:

§ 15.206 Operation above 70 Mc/s.

Except for telemetering devices and wireless microphones operated in accordance with the requirements of §§ 15.212-15.217, a low power communication device may be operated on any frequency above 70 Mc/s, provided it complies with all of the following conditions:

4. Section 15.208(a) is amended to read as follows:

§ 15.208 Certification requirements.

(a) Except for telemetering devices and wireless microphones which have been type approved pursuant to § 15.214, no low power communication device manufactured after the dates set forth in § 15.211 shall be operated without a station license unless it has been certificated to demonstrate compliance with the requirements in this part.

5. Section 15.211 is amended to read as follows:

§ 15.211 Date when certification is required.

All low power communication devices which operate on frequencies of 70 Mc/s or above, manufactured after June 30, 1958, shall comply with the type approval or certification requirements of this subpart. All low power communication devices which operate on frequencies below 70 Mc/s, manufactured after December 31, 1957, shall comply with the certification requirements of this subpart.

6. Sections 15.212-15.217 are added to read as follows:

§ 15.212 Telemetering devices and wireless microphones in the band 88-108 Mc/s.

(a) Operation in the band 88-108 Mc/s is limited to low power communication devices employed as telemetering devices or as wireless microphones. This band shall not be used for two way communication.

(b) Users of these devices shall take adequate precautions to insure that harmful interference is not caused to the reception of transmissions from any FM or television broadcast station or any other class of station licensed by the Commission. In the event that such interference does occur, operation of the telemetering device or wireless microphone shall be promptly suspended and shall not be resumed until the interference has been eliminated. Users of these devices must accept any interference which may be caused by the operation of any licensed station operating in accordance with the terms of its license.

(c) Emissions from the device shall be confined within a band 200 kc/s wide centered on the operating frequency.

Such 200 kc/s band shall lie wholly within the frequency range 88-108 Mc/s.

(d) The field strength of emissions radiated within the specified 200 kc/s band shall not exceed 50 uv/m at a distance of 50 feet or more from the device.

(e) The field strength of emissions radiated on any frequency outside the specified 200 kc/s band shall not exceed 40 uv/m at a distance of 10 feet or more from the device.

(f) Except as provided in § 15.213, no such device shall be operated unless it has been type approved pursuant to § 15.214.

(g) No antenna other than that furnished by the manufacturer shall be used with any type approved device.

§ 15.213 Custom built telemetering devices.

Custom built telemetering devices used for experimentation by an educational institution need not be type approved, *Provided:*

(a) The device complies with the technical requirements of § 15.212;

(b) The device has been certificated pursuant to §§ 15.208 and 15.209; and

(c) The educational institution notifies the Engineer-in-Charge of the local FCC office, in writing, in advance of operation. The notice shall include:

(1) The dates and place where the device will be operated;

(2) The purpose for which the device will be used;

(3) A description of the device including the operating frequency, RF power output, and antenna; and

(4) A statement certifying that the device complies with the technical provisions of § 15.212.

§ 15.214 Type approval.

(a) A manufacturer of a telemetering device or wireless microphone who desires to obtain type approval for his equipment may request permission to submit such equipment to the Commission for testing by following the procedure set out in Subpart F of Part 2 of this chapter, as modified by this section. The manufacturer shall furnish the following with his request for type approval:

(1) A report of measurements showing that the equipment is capable of complying with the requirements of § 15.212;

(2) A statement that at least 10 units are proposed to be manufactured; and

(3) A statement agreeing to include a reprint of Subparts A and E of this Part 15, current as of date of manufacture, with each unit offered for sale or resale to the public.

(b) To receive type approval, telemetering devices and wireless microphones must meet the following requirements:

(1) The device must comply with the technical limitations of § 15.212.

(2) The design and construction of the equipment must give reasonable assurance of compliance with the requirements of § 15.212 for at least five years under normal operation and with average maintenance.

(3) The device must be so constructed that the adjustment of any control ac-

cessible to the user shall not cause operation in violation of § 15.212.

§ 15.215 Identification of type approved devices.

The Commission will assign a type approval number to each telemetering device or wireless microphone which is type approved. The type approval number and the following statement shall be permanently inscribed upon or permanently attached to each production unit as follows:

FCC Type Approval No. _____

Valid only when operated pursuant to FCC Rules, Part 15, and when used with antenna furnished by manufacturer.

§ 15.216 Changes in type approved equipment.

No changes whatsoever may be made in a type approved telemetering device or wireless microphone, including the antenna, except on specific prior approval by the Commission.

§ 15.217 Withdrawal of certificate of type approval.

(a) A certificate of type approval may be withdrawn if the type of equipment for which it was issued proves defective in service and under usual conditions of maintenance and operation such equipment cannot be relied on to meet the conditions set forth in this part for the operation of the type of equipment involved, or if any change whatsoever is made in the construction of equipment sold under the certificate of type approval issued by the Commission, without the specific prior approval of the Commission.

(b) The procedure for withdrawal of the certificate of type approval shall be the same as that prescribed for revocation of a radio station license pursuant to the provisions of the Communications Act of 1934, as amended.

(c) In the case of withdrawal of a certificate of type approval, the manufacturer shall make no further sale of equipment under such certificate.

(d) When a certificate of type approval has been withdrawn for unauthorized changes or for failure to comply with technical requirements, the Commission will consider that fact in determining whether the manufacturer in question is eligible to receive any new certificate of type approval.

[F.R. Doc. 63-5751; Filed, May 29, 1963; 8:47 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[No. 32248]

PART 131—UNITED STATES SAFETY APPLIANCE STANDARDS (RAILROAD)

Applicability of Safety Regulations To Track Motor Cars and Push Trucks

At a general session of the Interstate Commerce Commission, held at its office

in Washington, D.C., on the 21st day of May A.D., 1963.

It appearing, that on August 5, 1957 (22 F.R. 6633), notice was given to the public that the Commission had under consideration revision of the United States Safety Appliance Standards (49 CFR Part 131), and of the rules, and Instructions for Inspection and Testing of Locomotives, Tenders and Apparatuses issued pursuant to the provisions of the Locomotive Inspection Act (49 CFR Part 91), for the purpose of giving effect to the holding of the Supreme Court of the United States in *Baltimore and Ohio RR Co. v. Jackson*, 353 U.S. 325, decided May 13, 1957; that interested parties were permitted to file with the Commission written views, arguments, or suggestions concerning the proposed revisions; that written statements were filed with the Commission by railroad associations, certain railroads, and railway labor organizations presenting their views and arguments, which statements have been considered; and that informal conferences with certain railroads, railroad associations, and railway labor organizations were held on January 14, and September 27, 1960;

It further appearing, that the matter under consideration is not subject to the provisions of the Locomotive Inspection Act and more appropriately involves the United States Safety Appliance Standards promulgated under authority of the Safety Appliance Acts;

It further appearing, that track motor cars may not lawfully be used to pull or haul trailers, push trucks, hand cars, or other similar cars or equipment, unless equipped in accordance with the Safety Appliance Acts;

And it further appearing, that the prescription of safety appliance standards for the safe use of track motor cars when used to pull or haul trailers, push trucks, hand cars or similar cars or equipment is at this time impracticable, and for good cause shown;

It is ordered, That 49 CFR Part 131 be, and the same is hereby amended, by adding thereto a new section, § 131.22, *Operation of track motor cars* reading as follows:

§ 131.22 Operation of track motor cars.

On and after August 1, 1963, it shall be unlawful for any railroad subject to the requirements of the Safety Appliance Acts to operate or permit to be operated on its line track motor cars to pull or haul trailers, push trucks, hand cars, or similar cars or equipment.

Notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

(Secs. 1, 2, 3, 4, 5, 6, 8, 36 Stat. 298; 45 U.S.C. 11, 12. Interpret or apply sections 4, 6, 27 Stat. 531, 532; 45 U.S.C. 4, 6. Secs. 1, 2, 3, 32 Stat. 943; 45 U.S.C. 8. Secs. 4, 5, 6, 36 Stat. 299 as amended; 45 U.S.C. 13)

By the Commission.

[SEAL] HAROLD D. McCoy,
Secretary.

[F.R. Doc. 63-5737; Filed, May 29, 1963; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 912]

[Docket No. AO 333-A2]

HANDLING OF GRAPEFRUIT GROWN IN INDIAN RIVER DISTRICT IN FLORIDA

Notice of Hearing Regarding Proposed Amendments to Marketing Agreement and Order

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674), and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders, as amended (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Community Building, 21st Street and 14th Avenue, Vero Beach, Florida, at 9:30 a.m., e.s.t., June 19, 1963, with respect to proposed amendments to the amended marketing agreement and Order No. 912 (7 CFR Part 912), hereinafter referred to as the "marketing agreement" and "order," respectively, regulating the handling of grapefruit grown in the Indian River District in Florida. The proposed amendments have not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions relating to the proposed amendments, which are hereinafter set forth, and appropriate modifications thereof.

The following amendments to the marketing agreement and order were proposed by the Indian River Grapefruit Committee, the administrative agency established pursuant to the marketing agreement and order:

1. Amend § 912.47 *Issuance of volume regulations*, by inserting after the first sentence thereof the following: "Such regulations may, as authorized by the act, be made effective irrespective of whether the season average price of grapefruit is in excess of the parity price specified therein in the act."

2. Amend § 912.42 *Handler's accounts* to read as follows:

§ 912.42 Handler's accounts.

If, at the end of a fiscal period, the assessments collected are in excess of expenses incurred, the committee, with the approval of the Secretary, may carry over such excess into subsequent fiscal periods as a reserve: *Provided*, That funds already in the reserve do not exceed approximately one fiscal period's expenses. Such reserve funds may be used (1) to cover any expenses authorized by this part and (2) to cover neces-

sary expenses of liquidation in the event of termination of this part. If any such excess is not retained in a reserve, it shall be refunded proportionately to the handlers from whom the excess was collected. Upon termination of this part, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided*, That to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

The Fruit and Vegetable Division, Agricultural Marketing Service, has proposed the following:

3. That consideration be given to making such other changes in the marketing agreement and order as may be necessary to make the entire marketing agreement and order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing may be obtained from the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., or from M. F. Miller, Field Representative, Fruit and Vegetable Division, Agricultural Marketing Service, P.O. Box 19, Lakeland, Florida.

Dated: May 24, 1963.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 63-5758; Filed, May 29, 1963;
8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-SO-15]

FEDERAL AIRWAY, CONTROL ZONE AND TRANSITION AREA

Proposed Alteration and Revocation

Notice is hereby given that the Federal Aviation Agency is considering amendments to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

The Alma, Ga., control zone is presently designated within a 5-mile radius of Alma Intermediate Field and within 2 miles either side of the Alma VORTAC 036° and 225° True radials, extending from the 5-mile radius zone to 8 miles northeast and southwest of the VORTAC. The Alma transition area is presently designated as that airspace extending upward from 1,200 feet above the surface within a 15-mile radius of Alma Intermediate Field, excluding the airspace within Federal airways.

The Federal Aviation Agency has under consideration the revocation of the Alma control zone and transition area.

The prescribed instrument approach procedures at Alma have been cancelled and, as a result, there is no longer a requirement for the continued designation of the control zone and transition area. However, a small irregularly-shaped area between VOR Federal airway No. 5 and its east alternate east of Alma within the transition area would still be required for the protection of aircraft executing a departure procedure from Navy Glynco, Brunswick, Ga., prescribed, in part, via the Alma VORTAC 092° True radial. The airspace between Victor 5 and its east alternate, from Jacksonville, Fla., to McDonough, Ga., is presently excluded from the control area associated with this airway. Accordingly, the Federal Aviation Agency has under consideration the elimination of this exclusion from the description of this segment of Victor 5 with the consequent designation of that airspace as control area. This action would also provide additional controlled airspace, in a triangular area north of Alma between Victor 5 east alternate and Victor 51 east alternate, to facilitate improved radar vectoring service for air traffic operating between the Jacksonville, Fla., and Atlanta, Ga., terminal areas.

The vertical extent of the control area associated with this segment of Victor 5 would remain as presently designated pending a review of the adjacent airspace. Separate actions will be initiated to implement, on an area basis, the provisions of CAR Amendment 60-21.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Southern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 20636, Atlanta 20, Georgia. 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 May 23, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63-5718; Filed, May 29, 1963;
8:45 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[AA 643.3-W]

STEEL WIRE RODS FROM FRANCE

Determination of Sales at Less Than Fair Value

MAY 27, 1963.

A complaint was received that hot-rolled carbon steel wire rods from France were being sold in the United States at less than fair value within the meaning of the Antidumping Act of 1921.

I hereby determine that hot-rolled carbon steel wire rods from France, except as to importations from the firm of Societe Metallurgique de Normandie, are being, or are likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

The United States Tariff Commission is being advised of this determination.

Statement of reasons. The available information established that the appropriate fair value comparison is between purchase price and adjusted third country price as to all except one firm. The appropriate comparison as to that firm is between purchase price and adjusted home market price.

Purchase price was calculated by deducting the included ocean freight, insurance, and inland freight in France, as applicable, in the case of the importations from the firms with respect to which adjusted third country price represented fair value. In the case of the firm as to which the adjusted home market price represented the fair value of the merchandise exported by it to the United States, purchase price was calculated on the basis of the f.o.b. shipping port price from which was deducted the inland freight in France.

The adjusted third country price was computed on the basis of the weighted-average, net, ex-mill price, after deducting cash discounts, as applicable. Deductions were made where applicable for the difference in credit terms and in processing costs. Commissions paid on sales for exportation to third countries were offset by approximately equal commissions paid on sales of exportation to the United States. There were no packing cost differentials involved.

The adjusted home market price was computed on the basis of the manufacturer's list prices for home consumption. Consideration was given to the alignment of prices on the competing prices of other manufacturers in accordance with the rules of the European Coal and Steel Community. From such prices were deducted inland freight and credit terms differentials. There were no packing cost differentials involved.

Purchase price was found to be lower than adjusted third country price and

lower than adjusted home market price, as applicable, except as to the firm of Societe Metallurgique de Normandie.

This determination and the statement of reasons therefor are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL]

JAMES A. REED,
Assistant Secretary of
the Treasury.

[F.R. Doc. 63-5802; Filed, May 29, 1963;
8:50 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands; Correction

MAY 24, 1963.

The notice of proposed withdrawal and reservation of lands, Serial No. Sacramento 074022, published in the FEDERAL REGISTER of Thursday April 25, 1963, Page 4106, Vol. 28, No. 81, F.R. Doc. 63-4387, described lands remaining in the application as:

CALIFORNIA

MOUNT DIABLO MERIDIAN

T. 32 N., R. 6 W.,

Sec. 3: A tract of land described by metes and bounds within the E $\frac{1}{2}$ E $\frac{1}{2}$ as: From the southwest corner of section 35 also common to the southeast corner of section 34, west of Mount Diablo Meridian south 5°59'06" * * *

The description is corrected to read as follows involving the lands remaining in the proposed withdrawal:

CALIFORNIA

MOUNT DIABLO MERIDIAN

T. 32 N., R. 6 W.,

Sec. 3: A tract of land described by metes and bounds within the E $\frac{1}{2}$ E $\frac{1}{2}$ as: From the southwest corner of section 35 also common to the southeast corner of section 34, T. 33 N., R. 6 W., M.D.M., California, south 5°59'06" west 2400 feet to point of beginning; thence from the point of beginning south 1325 feet; thence west 800 feet; thence north 1325 feet; thence east 800 feet to point of beginning.

The area described embraces approximately 24.33 acres.

[SEAL]

WALTER E. BECK,
Manager.

[F.R. Doc. 63-5762; Filed, May 29, 1963;
8:49 a.m.]

IDAHO

Notice of Proposed Withdrawal and Reservation of Lands

MAY 24, 1963.

The Department of Agriculture has filed an application, Serial Number

Idaho 014119 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the general mining laws. The applicant desires the land for a campground site and a radio site.

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

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

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

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

PAYETTE NATIONAL FOREST

Chinook Campground Recreation Site

T. 22 N., R. 5 E.,

Sec. 26: E $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$.
Totaling 5 acres.

Bemis Point Radio Remote Administrative Site

A tract of land within unsurveyed Sec. 31, T. 23 N., R. 7 E., more particularly described as:

Beginning at a point on the south boundary of the withdrawal which bears N 2°30' E 18 chs. from a reference point designated by large "X" painted red and chiseled into a rock at the base of a snag, which bears N 26° W 16 chs. from the Bemis Lookout triangulation brass cap; thence west 4 chs. to Corner No. 1; thence north 5 chs. to Corner No. 2; thence east 10 chs. to Corner No. 3; thence south 5 chs. to Corner No. 4; thence west 6 chs. to the point of beginning.
Totaling 5 acres.

The areas described aggregate 10 acres.

MICHAEL T. SOLAN,
Land Office Manager.

[F.R. Doc. 63-5763; Filed, May 29, 1963;
8:49 a.m.]

IDAHO

Notice of Proposed Withdrawal and Reservation of Lands

MAY 24, 1963.

The Department of Agriculture has filed an application, Serial Number Idaho 014120 for the withdrawal of the lands described below, from all forms of appropriation under the public lands laws, including the general mining laws. The applicant desires the land for a public service site and two picnic areas.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with

the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, P.O. Box 2237, Boise, Idaho.

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

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

The lands involved in the application are:

BOISE MERIDIAN, IDAHO
PAYETTE NATIONAL FOREST

Steelhead Flats Public Service Site

A tract of land within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 27, T. 18 N., R. 6 E., more particularly described as:

Beginning at a point on the east bank of the South Fork Salmon River which is 20 rods west of the section corner common to Sections 22, 23, 26, and 27; thence south 80 rods; thence west approximately 8 rods to the east bank of the South Fork Salmon River; thence following the high water line along east bank of the river northerly around the bend to the point of beginning.

Totalling 8.75 acres, more or less.

Kinney Point Overlook and Picnic Area

T. 21 N., R. 3 W.,
Sec. 11: NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$.
Totaling 7.5 acres.

Sheep Rock Overlook and Picnic Area

T. 21 N., R. 3 W.,
Sec. 2: S $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$.
Totaling 30 acres.

The areas described aggregate 46.25 acres, more or less.

MICHAEL T. SOLAN,
Land Office Manager.

[F.R. Doc. 63-5764; Filed, May 29, 1963; 8:49 a.m.]

NEVADA

Notice of Termination of Proposed Withdrawal and Reservation of Lands

MAY 23, 1963.

Notice of an application Serial No. 059798, for withdrawal and reservation of lands was published as Federal Register Document No. 63-2392 on page 2243 of the issue for March 7, 1963. The applicant agency has canceled its application insofar as it involves the lands described below. Therefore, pursuant to the regulations contained in 43 CFR, Part 295, such lands will be at 10:00 a.m. on June 28, 1963, relieved of the segregative effort of the above-mentioned application.

The lands involved in this notice of termination are:

MOUNT DIABLO MERIDIAN, NEVADA

T. 21 S., R. 62 E.,
Sec. 35, W $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$.

DANIEL P. BAKER,
Chief, Division of Lands and Minerals Management, Post Office Box Number 1551, Reno, Nevada.

[F.R. Doc. 63-5765; Filed, May 29, 1963; 8:49 a.m.]

ALASKA

Notice of Proposed Withdrawal and Reservation of Lands

The Alaska Railroad has filed an application, Serial Number A-059157 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws, but not the mineral leasing laws.

The applicant desires the land for a gravel reserve.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 555 Cordova Street, Anchorage, Alaska.

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

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

The lands involved in the application are:

T. 20. S., Rs. 9 and 10 W., F.M.

All of that land located between the Middle Fork of the Chulitna River and the westerly right-of-way line of the Alaska Railroad, beginning at the south line of T. 19 S., R. 9 W., Fairbanks Meridian, and extending southwesterly 2.4 miles along the railroad right of way to milepost 300.

Containing approximately 440 acres.

GEORGE R. SCHMIDT,
Chief, Branch of Lands and Minerals Operations.

[F.R. Doc. 63-5725; Filed, May 29, 1963; 8:45 a.m.]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

MAY 22, 1963.

The Geological Survey, United States Department of the Interior, has filed an application, Serial Number Sacramento 075739 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, subject to existing valid rights, excepting locations of mining claims as provided for in the Act of August 11, 1955 (69 Stat. 681), mineral leasing under the mineral leasing laws, grazing under the appropriate grazing laws, and disposal of materials under the Act of July 31, 1947 (61 Stat. 681; 69 Stat. 367; 30 U.S.C. 601-604), as amended. The vacant public domain land shall remain under the jurisdiction of the Bureau of Land Management until the lands are actually needed for power site and reservoir purposes.

The land is proposed for withdrawals for power site classification purposes including future reservoir developments as proposed by the California Water Plan.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with

the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 4201, U.S. Courthouse and Federal Building, 650 Capitol Avenue, Sacramento 14, California.

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

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

The lands involved in the application are:

POWER SITE CLASSIFICATION NO. 446

TRIBUTARIES OF SACRAMENTO RIVER, CALIFORNIA

MOUNT DIABLO MERIDIAN

- T. 29 N., R. 7 W.,
Sec. 18, Lot 1 of NW $\frac{1}{4}$.
- T. 29 N., R. 8 W.,
Sec. 16, E $\frac{1}{2}$ SE $\frac{1}{4}$.
- T. 23 N., R. 7 W.,
Sec. 2, W $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 22, NE $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 26, E $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 36.
- T. 22 N., R. 7 W.,
Sec. 1, NW $\frac{1}{4}$;
Sec. 12, NW $\frac{1}{4}$ NE $\frac{1}{4}$.
- T. 19 N., R. 6 W.,
Sec. 5, Lot 3, SE $\frac{1}{4}$ NW $\frac{1}{4}$, and NE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 6, Lots 1 and 2.
- T. 20 N., R. 6 W.,
Sec. 29, E $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 31, SW $\frac{1}{4}$ NE $\frac{1}{4}$, and SE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 32, E $\frac{1}{2}$ NW $\frac{1}{4}$.
- T. 21 N., R. 6 W.,
Sec. 7, Lot 16;
Sec. 18, Lots 5, 6, 15, and 16;
Sec. 31, Lot 13.

The lands in the following township are all in the Lassen National Forest:

- T. 28 N., R. 5 E.,
Sec. 4, SE $\frac{1}{4}$ SW $\frac{1}{4}$, and S $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 9, NE $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 10, NW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, and SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 15, NW $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 20, NW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 22, SW $\frac{1}{4}$ NW $\frac{1}{4}$.

The lands in the following townships are all in the Klamath National Forest:

- T. 39 N., R. 12 W.,
Sec. 7, Lots 2 to 4, inclusive, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, and N $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 8, SW $\frac{1}{4}$ NW $\frac{1}{4}$, and NW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 19, Lots 1 to 4, inclusive, and SE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 29, W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 30, Lot 1, E $\frac{1}{2}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, and NE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 31, NW $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 32, W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$; N $\frac{1}{2}$ NW $\frac{1}{4}$, and N $\frac{1}{2}$ SE $\frac{1}{4}$.

The lands in the following townships are all in the Klamath National Forest:

HUMBOLDT MERIDIAN

- T. 10 N., R. 7 E.,
Sec. 2, Lots 1 to 4, inclusive, S $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 3;
Sec. 4, SE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 9, NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, and W $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 10, N $\frac{1}{2}$ NE $\frac{1}{4}$, and SE $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 11, Lots 1, 2, 3, 4, 6, 7, 8, 9, 10, and 13, W $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, and SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 12, W $\frac{1}{2}$ SW $\frac{1}{4}$;
 Sec. 13, Lots 1 to 10, inclusive, S $\frac{1}{2}$ NE $\frac{1}{4}$,
 NE $\frac{1}{4}$ NW $\frac{1}{4}$, and SW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 14 Lots 1, 2, and 3, W $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$
 NW $\frac{1}{4}$, and E $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 16, E $\frac{1}{2}$ NW $\frac{1}{4}$;
 Sec. 24, NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, and NW $\frac{1}{4}$ SE $\frac{1}{4}$.
 T. 11 N., R. 7 E.,
 Sec. 22, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 27, W $\frac{1}{2}$ W $\frac{1}{2}$;
 Sec. 28, NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$
 SW $\frac{1}{4}$, and SE $\frac{1}{4}$;
 Sec. 32, N $\frac{1}{2}$ NE $\frac{1}{4}$, and SE $\frac{1}{4}$ NE $\frac{1}{4}$;
 Sec. 33, NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, and SE $\frac{1}{4}$;
 Sec. 34, W $\frac{1}{2}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 35, S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$.
 T. 10 N., R. 8 E.,
 Sec. 7, SE $\frac{1}{4}$;
 Sec. 8, SE $\frac{1}{4}$ NW $\frac{1}{4}$, and S $\frac{1}{2}$;
 Sec. 9, Lots 2 and 3, SW $\frac{1}{4}$ NW $\frac{1}{4}$, and
 W $\frac{1}{2}$ SW $\frac{1}{4}$;
 Sec. 17, NW $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 18, Lots 2, 3, and 4, NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$,
 E $\frac{1}{2}$ SW $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 19, Lots 1, 2, 5, 6, and 7, W $\frac{1}{2}$ NE $\frac{1}{4}$,
 E $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 20, Lots 1, 2, 3, 5, 6 (of NW $\frac{1}{4}$), 6 (of
 SW $\frac{1}{4}$), 7, 8, and 9, Min. Lot 37, and
 SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 21, Lots 4, 5 (of NW $\frac{1}{4}$ SW $\frac{1}{4}$), and 5
 (of SW $\frac{1}{4}$ SW $\frac{1}{4}$);
 Sec. 28, Lots 1, 2, 3, and 5, and SW $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 29, Lot 1, NW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$,
 NW $\frac{1}{4}$, and NW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 30, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, and
 S $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 31, N $\frac{1}{2}$ NE $\frac{1}{4}$.

The afore-described areas aggregate
 approximately 11,439.18 acres.

WALTER E. BECK,
 Manager, Land Office,
 Sacramento.

[F.R. Doc. 63-5726; Filed, May 29, 1963;
 8:45 a.m.]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

MAY 23, 1963.

The United States Department of Agriculture has filed an application, Serial Number Sacramento 075749 for the withdrawal of the lands described below, from prospecting, location, entry and purchase under the general mining laws, subject to existing valid claims. The applicant desires the land for a recreation site.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 4201, U.S. Courthouse and Federal Building, 650 Capitol Avenue, Sacramento 14, California.

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

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

The lands involved in the application are:

MOUNT DIABLO MERIDIAN, CALIFORNIA
 SIERRA NATIONAL FOREST
 Soda Springs Recreation Site

T. 6 S., R. 24 E.,

Sec. 30, Lots 1, 2, E $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$.

The afore-described area aggregates approximately 243.47 acres of Federal land.

WALTER E. BECK,
 Manager, Land Office,
 Sacramento.

[F.R. Doc. 63-5727; Filed, May 29, 1963;
 8:45 a.m.]

[New Mexico 0397617]

NEW MEXICO

Notice of Proposed Withdrawal and Reservation of Lands

MAY 22, 1963.

The Forest Service, U.S. Department of Agriculture, has filed an application, Serial Number NM 0397617, for the withdrawal of the lands described below, from prospecting, location, entry and purchase under the United States mining laws, subject to valid existing rights.

The applicant desires the land for protection of existing improvements and facilities upon established administrative sites, Cibola National Forest.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, P.O. Box 1251, Santa Fe, New Mexico.

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

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

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN
 CIBOLA NATIONAL FOREST
 Baldwin Administrative Site

T. 1 S., R. 10 W.,

Sec. 33, NE $\frac{1}{4}$ NW $\frac{1}{4}$.

Water Canyon Administrative Site

T. 3 S., R. 3 W.,

Sec. 23, W $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$.

Monica Administrative Site

T. 4 S., R. 6 W.,

Sec. 18, SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$.

The areas described aggregate 100.00 acres.

CHESLEY P. SEELY,
 State Director.

[F.R. Doc. 63-5728; Filed, May 29, 1963;
 8:45 a.m.]

Office of the Secretary

MARVIN F. PERSONS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

- (1) None.
- (2) None.
- (3) None.
- (4) None.

This statement is made as of April 29, 1963.

Dated: April 29, 1963.

M. F. PERSONS.

[F.R. Doc. 63-5729; Filed, May 29, 1963;
 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

DIRECTORS ET AL.

Delegation of Authority With Respect to Certain Activities

General. In order to provide for the execution of certain documents in connection with Commodity Credit Corporation transactions at Agricultural Stabilization and Conservation Service Commodity Offices, the Agricultural Stabilization and Conservation Service Data Processing Center at Kansas City, Missouri, and the Agricultural Stabilization and Conservation Service Cotton Products and Export Operations Office at New York, New York, delegations of authority are provided below, pursuant to authority vested in me by the bylaws of Commodity Credit Corporation.

The authorities herein delegated shall be exercised in conformity with the bylaws, regulations, and programs of Commodity Credit Corporation, and the policies adopted by the Board of Directors of the Corporation.

Delegations. 1. *Sight drafts.* The Directors or Acting Directors of the Agricultural Stabilization and Conservation Service Commodity Offices at Evansston, Illinois, Kansas City, Missouri, Minneapolis, Minnesota, and New Orleans, Louisiana, and the Director or Acting Director of the Agricultural Stabilization and Conservation Service Cotton Products and Export Operations Office at New York, New York, may sign Commodity Credit Corporation sight drafts issued in disbursement of capital funds of Commodity Credit Corporation. This authority may not be redelegated.

2. *Certificate of interest.* (a) The Director or Acting Director of the Agricultural Stabilization and Conservation Service Commodity Office at New Orleans, Louisiana, may sign Commodity

Credit Corporation certificates of interest issued to commercial banks participating in the financing of pools of price support loans on cotton. This authority may not be redelegated.

(b) The Director or Acting Director of the Agricultural Stabilization and Conservation Service Data Processing Center at Kansas City, Missouri, and other employees of such office to whom the authority is redelegated in writing by the Director or Acting Director, may sign or countersign Commodity Credit Corporation certificates of interest issued to financial institutions participating in the financing of pools of price support loans on commodities other than cotton.

3. *Payment-in-kind certificates*—(a) *Export payment certificates.* The Directors or Acting Directors of the Agricultural Stabilization and Conservation Service Commodity Offices at Evanston, Illinois, Kansas City, Missouri, Minneapolis, Minnesota, and New Orleans, Louisiana, and other employees of such offices to whom the authority is redelegated in writing by the Director or Acting Director of the respective office, may sign Commodity Credit Corporation export payment certificates issued pursuant to any Commodity Credit Corporation regulation or contract providing for issuance of such certificates.

(b) *Producer payment-in-kind certificates.* The Directors or Acting Directors of the Agricultural Stabilization and Conservation Service Commodity Offices at Evanston, Illinois, and Kansas City, Missouri, and other employees of such offices to whom the authority is redelegated in writing by the Director or Acting Director of the respective office, may sign or countersign Commodity Credit Corporation payment-in-kind certificates issued pursuant to any Commodity Credit Corporation regulation providing for issuance of such certificates to producers.

Redelegations. Redelegations made by Directors or Acting Directors to employees in their respective offices shall remain in full force and effect until revoked by the Director or Acting Director or until the delegate is separated from his position in the office.

Revocation of delegations of authority. Delegations of authority, published January 27, 1962 (27 F.R. 840), as amended on August 16, 1962 (27 F.R. 8193), and delegation of authority issued July 8, 1960 (25 F.R. 6657), with respect to signing of Commodity Credit Corporation sight drafts, certificates of interest, export payment certificates and feed grain certificates, are hereby revoked. Redelegations of authority which were issued by the Directors or Acting Directors of the Agricultural Stabilization and Conservation Service Commodity Offices at Cincinnati, Ohio, Dallas, Texas, Minneapolis, Minnesota, and Portland, Oregon, pursuant to such delegations are hereby revoked. Redelegations of authority which were issued by the Director or Acting Director of the Agricultural Stabilization and Conservation Service Commodity Office at Evanston, Illinois, pursuant to such delegations in respect to signing or countersigning Commodity Credit Corporation certificates of interest

are hereby revoked. All other redelegations of authority which were issued pursuant thereto shall remain in effect until revoked in writing by the Director or Acting Director of the respective office or until the delegate is separated from his position in the office.

(Sec. 4, 62 Stat. 1070, as amended, 15 U.S.C. 714b)

Date of signature: May 24, 1963.

Effective date: Upon publication in the FEDERAL REGISTER.

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

[F.R. Doc. 63-5759; Filed, May 29, 1963; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

BLOOMFIELD STEAMSHIP CO.

Notice of Application

Notice is hereby given that Bloomfield Steamship Company has applied for Operating-Differential Subsidy under Title VI, of the Merchant Marine Act, 1936, as amended, in order to inaugurate subsidized freight service on Trade Route No. 13 (U.S. Gulf/Mediterranean) and on Trade Route No. 22 (U.S. Gulf/Far East) as hereinafter described:

A minimum of 16 and a maximum of 24 sailings annually on Trade Route No. 13 between United States Gulf ports (Key West to Mexican Border) and ports on the Mediterranean Sea, Black Sea, and in Portugal, Spain South of Portugal, Spanish and French Morocco (Tangier to southern border of French Morocco), with the privilege of calling at United States South Atlantic ports (Norfolk to Key West) and at the Azores Islands and at ports in the West Indies and on the East Coast of Mexico.

A minimum of 16 and a maximum of 24 sailings annually on Trade Route No. 22 between United States Gulf ports (Key West to Mexican Border) and ports in the following described area: Philippine Islands, Japan, Okinawa, Korea, Formosa and Hong Kong, with the privilege of calling at a port or ports in the U.S.S.R. in Asia, China (including Manchuria), Indonesia-Malaya and Siam.

Any person, firm or corporation having any interest in such application and desiring a hearing under section 605(c) of the Merchant Marine Act, 1936, as amended, 46 U.S.C. 1175 should by the close of business on June 19, 1963, notify the Secretary, Maritime Subsidy Board in writing in triplicate, and file petition for leave to intervene in accordance with the rules of practice and procedure of the Maritime Subsidy Board.

In the event a hearing is ordered to be held on the application under section 605(c), the purpose thereof will be to receive evidence relevant to (1) whether the application is one with respect to vessels to be operated on a service, route or line served by citizens of the United States which would be in addition to the existing service, or services, and, if so,

whether the service already provided by vessels of United States registry in such service, route or line is inadequate, and (2) whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated thereon.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board will take such action as may be deemed appropriate.

Dated: May 24, 1963.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 63-5714; Filed, May 29, 1963; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 14567, 14568; FCC 63R-262]

D AND E BROADCASTING CO. AND GREAT STATE BROADCASTERS, INC.

Memorandum Opinion and Order Amending Issues

In re applications of Manuel G. Davila and Willie G. Egerton d/b as D and E Broadcasting Co., San Antonio, Texas, Docket No. 14567, File No. BP-14442; Great State Broadcasters, Inc., San Antonio, Texas, Docket No. 14568, File No. BP-15032; for construction permits.

1. The Review Board has before it a motion to enlarge the issues and reopen the record in the above-captioned proceeding, filed by the Commission's Broadcast Bureau, April 16, 1963. By that motion, the Bureau seeks to have the following issues added to the proceeding:

(a) To determine whether Eloy Centeno has engaged in illegal importation of horses into the United States in violation of the Tariff Act of 1930; and

(b) To determine, in light of the evidence adduced, whether Great State Broadcasters, Inc. has the requisite character qualifications to be a licensee of the Commission.

In support of its motion, the Bureau relies upon a copy of a pleading filed before the Commissioner of Customs by Centeno Super Market, San Antonio, Texas (Eloy Centeno),¹ seeking remission or mitigation of a forfeiture. This pleading takes the form of an affidavit of denial of guilt and requests a remission of the forfeiture. The Bureau also relies upon a very brief memorandum of the Deputy Commissioner of Customs, which summarily denies the relief requested.

2. Great State Broadcasters, Inc., replied to the Bureau's motion on May 1, 1963. This reply denies that Eloy Centeno has violated any law of the United

¹ Eloy Centeno owns 98 percent of the stock in Great State Broadcasters, Inc.

States or that he could have reasonably been expected to know that the horses which his employees received at a point north of Laredo, Texas, had been smuggled into the United States. However, the applicant joins with the Bureau in requesting that the issues be enlarged and the record in this proceeding be reopened to afford Centeno an opportunity to prove his innocence on the record.

3. The petition for remission of forfeiture and the subsequent denial thereof by the Deputy Commissioner of Customs, upon which the Bureau relies to support its motion, would not ordinarily constitute an adequate showing under § 1.41 of the Commission's rules.² However, since the questions here raised run to the character qualifications of the applicant and since it has joined the Bureau in requesting that the issues be enlarged and the record be reopened, it would appear that the public interest would best be served by resolving this matter on the record.

Accordingly, it is ordered, This 22d day of May 1963, that the motion of the Broadcast Bureau, filed April 16, 1963, is hereby granted, and that the issues in the above-captioned proceeding are enlarged to include the following issues and the record is reopened to take evidence thereon:

(a) To determine whether Eloy Centeno has knowingly engaged in importation of horses into the United States in violation of the Tariff Act of 1930, or has through his agents or employees accepted and transported horses which he knew, or should have known, were imported into the United States in violation of the Tariff Act of 1930; and

(b) To determine, in light of the evidence adduced, whether Great State Broadcasters, Inc. has the requisite character qualifications to be a licensee of the Commission.

Released: May 27, 1963.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 63-5746; Filed, May 29, 1963;
8:47 a.m.]

[Docket No. 15088]

LEONARD W. MOUNTFORD

Order To Show Cause

In the matter of Leonard W. Mountford, Grosse Pointe, Michigan, Docket

² The petition for remission for forfeiture merely stands for the fact that a truck owned by Centeno's Super Market was apprehended by the Bureau of Customs and that, because it was used to pull a trailer containing horses which were allegedly smuggled into the United States in violation of the Tariff Act of 1930, it was forfeited to the United States. We note, however, that under the Tariff Act, the mere presence of contraband merchandise in the vehicle is an adequate basis for forfeiting the vehicle, and the subsequent summary refusal of the Deputy Commissioner to remit does not constitute an adjudication of guilt on the part of the owner of the vehicle. Moreover, the only affidavit before us, that of Eloy Centeno, constituted a denial of guilt under oath.

No. 15088; order to show cause why there should not be revoked the license for Radio Station 19A5837 in the Citizens Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that, pursuant to section 308(b) of the Communications Act of 1934, as amended, the above-named licensee was requested to furnish information concerning the subject radio station in communications dated April 23 and May 3, 1963, and sent to the licensee's address of record, but no response thereto has been received; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated section 308(b) of the Communications Act of 1934, as amended, and § 1.76 of the Commission's rules:

It is ordered, This 23d day of May 1963, pursuant to section 312(a) (4) and (c) of the Communications Act of 1934, as amended, and § 0.291(b) (8) of Part 0 of the Commission's rules, that said licensee show cause why the license for the above-captioned Radio Station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order:

And it is further ordered, That the Acting Secretary send a copy of this Order by Certified Mail—Return Receipt Requested to the said licensee at the address of record at 696 St. Clair Avenue, Grosse Pointe, Michigan.

Released: May 27, 1963.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 63-5747; Filed, May 29, 1963;
8:47 a.m.]

[Docket Nos. 15089-15092; FCC 63-490]

SPANISH INTERNATIONAL TELEVISION CO., INC., ET AL.

Memorandum Opinion and Order Designating Applications for Considered Hearing on Stated Issues

In re applications of Spanish International Television Company, Inc., Paterson, New Jersey, Docket No. 15089, File No. BPCT-3032; Progress Broadcasting Corporation, Paterson, New Jersey, Docket No. 15090, File No. BPCT-3067; Bartell Broadcasters, Inc., Paterson, New Jersey, Docket No. 15091, File No. BPCT-3103; Trans-Tel Corp., Paterson, New Jersey, Docket No. 15092, File No. BPCT-3114; for construction permits for New Television Broadcast Stations.

1. In addition to the above-captioned mutually exclusive applications, the Commission has before it for consideration (1) the "Comments of Carnegie Institution of Washington, Department of Terrestrial Magnetism" filed on May 12, 1960, March 7, 1962, September 12, 1962, and October 3, 1962; (2) the "Opposition of Progress Broadcasting Corporation to

'Comments of Carnegie Institution of Washington, Department of Terrestrial Magnetism' filed October 1, 1962; (3) the "Opposition of Spanish International Television Company, Inc., to 'Comments of Carnegie Institution of Washington, Department of Terrestrial Magnetism' filed October 12, 1962; (4) "Request for Substitution of Channel or Deferment of Action filed August 2, 1962, and October 1, 1962, by The University of Illinois; (5) the "Opposition of Progress Broadcasting Corporation to Request for Substitution of Channel or Deferment of Action Filed by the University of Illinois" filed August 8, 1962; (6) the "Opposition to Request for Substitution of Channel or Deferment of Action" filed August 8, 1962, by Spanish International Television Company, Inc.; (7) the "Comments of National Academy of Sciences Committee on Radio Frequency Requirements for Scientific Research" filed October 8, 1962; (8) a "Petition to Deny" filed November 23, 1962, by WPIX, Inc., licensee of Television Station WPIX (TV), Channel 11, New York, New York, directed against the application (BPCT-3114) of Trans-Tel Corp. for a construction permit for Channel 37 in Paterson, New Jersey; (9) an "Opposition to 'Petition to Deny'" filed December 6, 1962, by Trans-Tel Corp.; and (1) a "Reply to Opposition to Petition to Deny" filed on December 26, 1962, by WPIX, Inc.

2. The above-mentioned comments of the University of Illinois, the Carnegie Institution of Washington, and the National Academy of Sciences, urge the denial of any authorization on UHF Channel 37. The University of Illinois filed a request for proposed rule making (RM-180) on May 6, 1960, requesting the deletion of Channel 37 from the Table of Assignments in order to make that part of the radio frequency spectrum available for Radio Astronomy. By Memorandum Opinion and Order the Commission on March 8, 1961, denied the requested rule making as premature in view of the pending proceeding in Docket No. 11997, which involves the allocation of frequencies between 25 and 890 megacycles. The University of Illinois filed a Petition for Reconsideration on April 11, 1961, and by subsequent letter asked that action be withheld on its Petition for Reconsideration pending the outcome of the proceedings in Docket No. 11997.

3. On March 27, 1963, the Commission adopted a notice of proposed rule making, in Docket No. 15022, which proposed the grant, in part, of the petition for reconsideration of the University of Illinois, by amending Parts 2 and 3 of the rules to delete the availability of Channel 37 (608-614 mc/s) from the broadcast service until January 1, 1968, in an area circumscribed by a radius of 600 miles centered in Danville, the radio astronomy site, and to restrict transmission of these stations beyond the 600-mile limit between the hours of midnight and 7:00 a.m. local time, until January 1, 1968. It was also indicated that the Commission would not issue any final authorizations for use of Channel 37 until the termination of the rule making proceedings. Consequently, the subject applications will be designated for hearing with the

proviso that no final authorization will issue until the rule making proceeding has been terminated.

4. WPIX, Inc., filed a "Petition to Deny" the application of Trans-Tel Corp., pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, and § 1.359(i) of the Commission's rules. WPIX, Inc., licensee of WPIX-TV, (Independent), Channel 11, New York City, claims standing in that the proposed Trans-Tel operation from the same transmitter site (Empire State Building) would result in substantial economic injury to WPIX-TV; each would be serving substantially the same area; that there would be competition for the same national, regional and local advertisers, operating personnel and program sources. Trans-Tel Corp. in its "Opposition to 'Petition to Deny'" contends that WPIX, Inc., has failed to establish itself as a "party in interest" within the meaning of section 309(d)(1) of the Communications Act, as amended, since no specific allegations of fact have been made by WPIX which would show it to have standing, particularly in view of the fact that this a novel case in which a VHF station is objecting to the grant of a UHF station on the grounds of economic injury. However, the Commission believes that the above-mentioned allegations of competitive injury are sufficient to constitute WPIX, Inc., a "party in interest", Federal Communications Commission v. Sanders Brothers Radio Station, 309 U.S. 470.

5. WPIX, Inc., alleges, in substance, that New York City, located some 20 miles from Paterson, is a "separate standard Metropolitan Statistical Area (Census of Population, 1960, P. 32-33, Table 11), yet the proposed Paterson station will serve substantially the same area as WPIX, a New York City station; that the proposed transmitter site atop the Empire State Building would be inconsistent with the provisions of section 307(b) of the Act; that it should be determined whether the proposed programming will meet the needs of the community to which the channel is assigned, since 13 percent of the programs will be in the Spanish language, and an additional 10 percent of the programs will be directed to persons of Spanish background; that the population of Paterson is 143,663, of which there are 6,040 (4.2 percent) first and second generation Americans of Mexican, Puerto Rican and Latin American extraction; thus, "95.8 percent of the population of the principal community will not be able to understand 13 percent of its proposed weekly programs and would have no or little interest in 23 percent".

6. The issues requested by WPIX, Inc., are as follows:

(a) To determine whether the above-entitled application is an attempt to evade the purposes and policies governing the allocation of stations in the television broadcast service.

(b) To determine whether the operation of Channel 37 from its proposed site would be consistent with section 307(b) of the Communications Act requiring a fair, efficient and equitable distribution

of television service among the several states and communities.

(c) To determine whether it would be inconsistent with the purposes and policies of the Commission's rules governing the television broadcast service to authorize a television station on Channel 37, assigned to Paterson, New Jersey, at the site proposed by the aforesaid application.

(d) To determine whether the use of Channel 37 as proposed by the applicant meets the needs and interests of communities and areas which might be served by a fair, efficient and equitable use of Channel 37 as contemplated by the Commission's television assignment table.

(e) To determine whether the applicant intends to provide a program service primarily directed to the Paterson, New Jersey, area or whether the program service proposed is primarily directed for the New York City area.

(f) To determine in the light of the evidence adduced on all the issues whether a grant of the aforesaid application will serve the public interest, convenience or necessity.

7. All the applicants, except Spanish International, propose to locate their antennas on the Empire State Building. It has been ascertained that, as yet, there has been no determination relative to the structural and technical feasibility of locating the proposed antenna structures on the Empire State Building. Consequently, an issue as to feasibility will be specified. In this connection, it has also been ascertained that a study as to the feasibility of locating additional antennas on the Empire State Building may involve considerable costs (up to \$100,000) to each of the applicants proposing an Empire State antenna location. Consequently, in making findings as to the financial qualifications of those applicants, the Commission has taken into account this factor. In addition, it appears that all the applicants propose foreign language programming directed particularly to the Spanish-speaking population in the area. We are of the view that in order to properly reach a determination with respect to the specialized programming proposed by each of the applicants herein, issues must be included in order to develop the record as to whether there is a need for such specialized programming, the steps and efforts taken by each of the applicants to ascertain the programming needs of the proposed service area, and whether, in fact, the program proposals of each are designed to meet these needs. Consequently, issues which will elicit the foregoing information will be included.

8. The issues proposed by WPIX, Inc., while directed to the Trans-Tel application, are equally applicable to the proposals of Bartell and Progress, insofar as these issues relate to the effect of an antenna location on the Empire State Building. We previously indicated the need for issues as to the proposed specialized programming, and whether such programming meets the needs of the area proposed to be served. This, in our opinion, takes care of WPIX, Inc.'s proposed Issues 4 and 5. WPIX's proposed Issues 1 through 3 are somewhat duplicative,

and the Commission with specify issues which will permit inquiry as to the matters raised.

9. In addition to the matters discussed above, the following concerns particular applications:

(a) The proposal of Bartell Broadcasters, Inc. (BPCT-3103).

Based on applicant's proposal, cash in the approximate amount of \$282,500 will be needed. Applicant proposes to finance the construction and initial operation from existing assets and profits. However, it does not appear that current and liquid assets in the amount of \$282,500 in excess of current liabilities are available. The major assets relied upon are "Notes and Loans Receivable" and "Accounts Receivable". These assets cannot be considered current and liquid, in the absence of a showing as to the debtor's ability to pay.

(b) The proposal of Trans-Tel Corp. (BPCT-3114).

Transcontinental Properties, Inc., owns 80 percent of the stock of the applicant corporation, and 50 percent of the stock of Plains Television Corporation which, in turn, owns 100 percent of the stock of Connecticut Television, Inc., licensee of Television Station WHNB-TV, New Britain, Connecticut. In the event the subject application were to be granted, the Grade B field intensity contour of the proposed station would overlap the Grade B field intensity contour of WHNB-TV by approximately 3 miles. Therefore, an issue is included with respect to a possible violation of § 3.636 (a)(1) of the Commission's rules.

(c) The proposal of Progress Broadcasting Corporation (BPCT-3067).

In the event of a grant of this application, such grant should be subject to the following condition: "This action is without prejudice to whatever action, if any, the Commission may deem appropriate at such time as any of the charges of the Report of the State of New York Commission of Investigation are judicially determined by any state or federal court".

10. Upon due consideration of the above-captioned application, the Commission finds that Spanish International Television Company, Inc., Trans-Tel Corporation and Progress Broadcasting Corporation are legally, financially and technically qualified to construct, own and operate the proposed television broadcast stations, and are otherwise qualified, except with respect to the issues specified below; that Bartell Broadcasters, Inc., is legally, technically and otherwise qualified to construct, own and operate the proposed television broadcast station, except with respect to the issues specified below.

In view of the foregoing: *It is ordered*, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine, in view of the specialized nature of the programming proposed by each of the applicants, whether there is a need for such programming in

the area proposed to be served, including the principal community.

2. To determine what steps were taken and the efforts made by each of the applicants to ascertain the needs for such specialized programming in the proposed service area.

3. To determine, in the event a need for the proposed programming is established, whether the program proposals of each of the applicants, are designed to, and would be expected to meet the needs of the proposed service area.

4. To determine, in view of the antenna location proposed by Progress Broadcasting Corporation, whether a grant of its application would be consistent with section 307(b) of the Communications Act and the purposes and policies of §§ 3.606 and 3.607(a) of the rules.

5. To determine, in view of the antenna location proposed by Bartell Broadcasters, Inc., whether a grant of its application would be consistent with section 307(b) of the Communications Act and the purposes and policies of §§ 3.606 and 3.607(a) of the rules.

6. To determine, in view of the antenna location proposed by Trans-Tel Corp., whether a grant of its application would be consistent with section 307(b) of the Communications Act and the purposes and policies of §§ 3.606 and 3.607(a) of the rules.

7. To determine the feasibility of the proposals of Progress Broadcasting Corporation, Bartell Broadcasters, Inc., and Trans-Tel Corporation to locate their antennas on the Empire State Building.

8. To determine whether Bartell Broadcasters, Inc., is financially qualified to construct, own and operate the proposed television broadcast station.

9. To determine whether a grant of the Trans-Tel Corp. application would be consistent with the provisions of § 3.636(a)(1) of the Commission's rules.

10. To determine, on a comparative basis, which of the proposed operations would better serve the public interest, convenience and necessity in light of the significant differences between the applicants as to:

(a) The background and experience of each, bearing on its ability to own and operate the proposed television station.

(b) The proposals of each with respect to the management and operation of the proposed television broadcast station.

(c) The programming service proposed in each of the above-mentioned applications.

11. To determine in light of the evidence adduced pursuant to the foregoing issues which, if any, of the applications should be granted.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner on his own motion, or on petition properly filed by a party to the proceeding and upon a sufficient allegation of facts in support thereof, by the addition of the following issue: To determine whether the funds available to the applicants will give reasonable assurance that the proposals

set forth in the applications will be effectuated.

It is further ordered, That WPIX, Inc., is hereby made a party to the proceeding.

It is further ordered, That the burden of proceeding with the introduction of evidence and the burden of proof shall be upon the applicants.

It is further ordered, That to avail themselves of the opportunity to be heard, the applicants and WPIX, Inc., pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the date of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for hearing and present evidence on the issues specified in the Order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) and (e) of the Commission's rules, give notice of the hearing, either individually or, if feasible, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

It is further ordered, That no final authorization shall issue in this proceeding until the proceedings in Docket No. 15022, RM-180 (FCC 63-289) have been finally terminated.

Adopted: May 23, 1963

Released: May 27, 1963.

FEDERAL COMMUNICATIONS
COMMISSION,¹

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 63-5748; Filed, May 29, 1963;
8:47 a.m.]

[Docket No. 14816 etc.; FCC 63M-606]

CHARLES W. STONE (KCHY) ET AL.

Order Continuing Hearing

In re applications of Charles W. Stone (KCHY), Cheyenne, Wyoming, Docket No. 14816, File No. BP-15080, for construction permit; Charles W. Stone and Josephine R. Stone, joint tenants d/b as Fort Broadcasting Co., Fort Bragg, California, Docket No. 15023, File No. BR-2649, for renewal of license of station KDAC, Fort Bragg, California; Charles W. Stone, Cheyenne, Wyoming, Docket No. 15024, File No. BR-3796, for renewal of license of Station KCHY, Cheyenne, Wyoming.

The Hearing Examiner having under consideration the informal request of the Broadcast Bureau for continuance of the hearing herein, together with the statement of the Bureau that counsel for the applicant concurs in the subject request.

It is ordered, This 24th day of May 1963, that the hearing now scheduled to

¹ Dissenting statement of Chairman Minow and concurring statement of Commissioner Henry filed as part of the original document.

commence on September 10, 1963, is continued to October 2, 1963, in Cheyenne, Wyoming.

Released: May 24, 1963.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 63-5749; Filed, May 29, 1963;
8:47 a.m.]

FEDERAL MARITIME COMMISSION

RIVER PLATE/UNITED STATES AND CANADA FREIGHT CONFERENCE

Notice of Filing of Agreement

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 6900-10, between the member lines of the River Plate/United States-Canada Freight Conference, modifies the approved agreement of that Conference (Agreement 6900, as amended), in the trade from ports in Argentina, Paraguay and Uruguay to U.S. Atlantic and Gulf ports and ports in Eastern Canada, including but not west of Montreal, and excluding Newfoundland. This modification provides (1) that the Buenos Aires Committee of the Conference, created pursuant to Article 8 of the approved agreement and consisting of a representative of each of the member lines, shall be delegated the authority for the establishment and revision of rates on northbound commodities within the scope of the Conference, subject to adoption by at least two-thirds vote of all member lines entitled to vote; and (2) to specifically exempt the new procedure for the establishment and revision of rates by such Committee from the general voting provision of the conference.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 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: May 27, 1963.

By order of the Federal Maritime
Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 63-5761; Filed, May 29, 1963;
8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. E-7096]

EL PASO ELECTRIC CO.

Notice of Application

MAY 23, 1963.

Take notice that on May 20, 1963, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act, by El Paso Electric Company (Applicant), a corporation organized under the laws of the State of Texas and doing business in the States of Texas and New Mexico with its principal business office at El Paso, Texas, seeking an order authorizing the issuance of 40,000 shares of \$4.56 Dividend Preferred Stock, no par value. The Preferred Stock will be sold pursuant to a purchase agreement entered into on May 22, 1963. Pursuant to the agreement, The Bowery Savings Bank and the Dollar Savings Bank of the City of New York will each purchase 10,000 shares, the remainder to be purchased by eight other banks and insurance companies. The price to be paid for the shares will be \$100 plus accrued dividends, if any. A finders fee of 50 cents per share or \$20,000 will be paid to the Stone & Webster Securities Corporation in payment for their services in finding buyers of the New Preferred Stock. With respect to the issuance and sale of stock, Applicant requests an exemption from § 34.1a of the regulations under the Federal Power Act requiring competitive bidding. The net proceeds from the issuance and sale of the aforesaid Preferred Stock will be used, together with other funds, to retire two series of outstanding Preferred Stock with higher dividend obligations.

Any person desiring to be heard or to make any protest with reference to said application should, on or before June 14, 1963, file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 63-5722; Filed, May 29, 1963; 8:45 a.m.]

[Docket No. CP61-302]

FLORIDA GAS TRANSMISSION CO.

Notice of Amendment to Application and Date of Hearing; Correction

MAY 20, 1963.

In the notice of amendment to application and date of hearing, issued May 10, 1963, and published in the FEDERAL REGISTER on May 18, 1963 (F.R. Doc. 63-5308; 28 F.R. 5031): At bottom of page 5031, in the first column, correct footnote 3 to read " * * * June 30, 1963".

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 63-5723; Filed, May 29, 1963; 8:45 a.m.]

[Docket No. CP61-292]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application To Amend

MAY 23, 1963.

Take notice that on March 29, 1963, Transcontinental Gas Pipe Line Corporation (Applicant), 3100 Travis Street, Houston, Texas, filed in Docket No. CP61-292 an application to amend the Commission's order, issued January 18, 1963, in Docket No. CP61-292, CP61-284, et al., to authorize the installation and operation of three compressor units totaling 10,200 horsepower at its proposed Station No. 515 in lieu of the five presently authorized units totaling 10,000 horsepower, all as more fully set forth in the application to amend on file with the Commission and open to public inspection.

The subject order authorized Applicant to construct and operate, among other things, a new compressor station of 10,000 horsepower, designated as No. 515, to be located in Luzerne County, Pennsylvania, on Applicant's Leidy Line. Applicant states that substantial savings will be realized through the installation of the herein proposed substitute facilities. The application indicates that a total estimated saving of \$206,500 would be realized by installation of these facilities.

Protests, petitions to intervene or requests for hearing in this proceeding may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 17, 1963.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 63-5724; Filed, May 29, 1963; 8:45 a.m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

ACTING REGIONAL ADMINISTRATOR, ET AL., REGION V (FORT WORTH)

Designations

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

1. Deputy Regional Administrator.
2. Regional Counsel.
3. Regional Director of Urban Renewal.
4. Regional Director of Community Facilities.

5. Director, Community Requirements Branch.

The officers appointed to the positions in Region V (Fort Worth) listed under 1, 2, and 3 below are hereby designated to serve as the Acting Regional Director as specified below during the absence of the Regional Director of Community Facilities, the Regional Director of Urban Renewal, or the Regional Director of Administration, respectively, with all the powers, functions, and duties redelegated or assigned to the respective Regional Director, provided that no officer is authorized to serve as Acting Regional Director unless all other officers whose titles precede his in the respective designations below are unable to act by reason of absence:

1. Acting Regional Director of Community Facilities:
 - a. Deputy Regional Director of Community Facilities.
 - b. Chief, Public Facilities Operations Staff.
2. Acting Regional Director of Urban Renewal:
 - a. Deputy Regional Director of Urban Renewal.
 - b. Chief, Operations Staff, Urban Renewal Branch.
 - c. Assistant Regional Director for Special Programs.
3. Acting Regional Director of Administration:
 - a. Head, Budget and Management Section, Administrative Branch.

This designation supersedes the designation effective April 4, 1963 (28 F.R. 3299, April 4, 1963).

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

Effective as of the 30th day of May 1963.

[SEAL] HENRY G. CREEL, Jr.,
Acting Regional Administrator,
Region V.

[F.R. Doc. 63-5736; Filed, May 29, 1963; 8:46 a.m.]

OFFICE OF EMERGENCY PLANNING

TENNESSEE

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of Tennessee, dated April 3, 1963, and published April 11, 1963 (28 F.R. 3562), is hereby amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of March 27, 1963:

Cumberland.
Hamblen.

Dated: May 22, 1963.

EDWARD A. McDERMOTT,
Director,
Office of Emergency Planning.

[F.R. Doc. 63-5715; Filed, May 29, 1963; 8:45 a.m.]

MANGANESE AND CHROMIUM FERROALLOYS, ELECTROLYTIC MANGANESE AND CHROMIUM

Investigation of Imports

Notice is hereby given that, in accordance with the provisions of Section 232 of the Trade Expansion Act of 1962 and OEP Regulation No. 4, the Director of the Office of Emergency Planning has ordered an investigation to be undertaken to determine whether or not manganese and chromium ferroalloys, and electrolytic manganese and chromium are being imported into the United States in such quantities or under such circumstances as to threaten to impair the national security. An application to OEP for such action was filed by the Manufacturing Chemists' Association, Inc., on behalf of the American Potash and Chemical Corp., Chromium Mining and Smelting Corp., E. J. Lavino and Co., Foote Mineral Co., Interlake Iron Corp., Ohio Ferro-Alloys Corp., Pittsburgh Metallurgical Division of the Air Reduction Co., Tennessee Products and Chemical Corp., Tenn-Tex Alloy and Chemical Corp., Union Carbide Metals Division of the Union Carbide Corp., and Vanadium Corporation of America.

Dated: May 28, 1963.

EDWARD A. MCDERMOTT,
*Director, Office of
Emergency Planning.*

[F.R. Doc. 63-5803; Filed, May 29, 1963;
8:49 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Summarily Suspending Trading

MAY 24, 1963.

The common stock, 10 cents par value, of Continental Vending Machine Corp., being listed and registered on the American Stock Exchange and having unlisted trading privileges on the Philadelphia-Baltimore-Washington Stock Exchange, and the 6 percent convertible subordinated debentures due September 1, 1976 being listed and registered on the American Stock Exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such securities on such Exchanges and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of inter-

state commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of any such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19 (a) (4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and the Philadelphia-Baltimore-Washington Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for the period May 27, 1963, through June 5, 1963, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 63-5732; Filed, May 29, 1963;
8:45 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30-VI-14]

MANAGER, DISASTER FIELD OFFICE, HAZARD, KY.

Delegation Relating to Financial Assistance Functions; Rescission

Notice is hereby given that Delegation of Authority No. 30-VI-Disaster 14, (28 F.R. 3564), is hereby rescinded in its entirety.

Effective date: May 24, 1963.

JAMES G. GARWICK,
*Regional Director,
Cleveland Regional Office.*

[F.R. Doc. 63-5741; Filed, May 29, 1963;
8:46 a.m.]

[Delegation of Authority No. 30-VI-15]

MANAGER, DISASTER FIELD OFFICE, PIKEVILLE, KY.

Delegation Relating to Financial Assistance Functions; Rescission

Notice is hereby given that Delegation of Authority No. 30-VI-Disaster 15 (28 F.R. 3564), is hereby rescinded in its entirety.

Effective date: May 24, 1963.

JAMES G. GARWICK,
*Regional Director,
Cleveland Regional Office.*

[F.R. Doc. 63-5742; Filed, May 29, 1963;
8:46 a.m.]

[Delegation of Authority No. 30-VI-16]

MANAGER, DISASTER FIELD OFFICE, PRESTONSBURG, KY.

Delegation Relating to Financial Assistance Functions; Rescission

Notice is hereby given that Delegation of Authority No. 30-VI-Disaster 16, (28 F.R. 3564), is hereby rescinded in its entirety.

Effective date: April 26, 1963.

JAMES G. GARWICK,
*Regional Director,
Cleveland Regional Office.*

[F.R. Doc. 63-5743; Filed, May 29, 1963;
8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

MAY 27, 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. 38339: T.O.F.C. service—class and commodity rates within southern territory. Filed by O. W. South, Jr., Agent (No. A4308), for interested rail carriers. Rates on various commodities moving on class and commodity rates, loaded in trailers and transported on railroad flatcars, between points in southern territory, also Ohio and Mississippi River crossings, Virginia cities gateway points, Washington, D.C., St. Louis, Mo., East St. Louis, Ill., and intermediate points on lines of southern rail carriers.

Grounds for relief: Motor-truck competition.

Tariff: Southern Freight Association, Agent, tariff I.C.C. S-315.

By the Commission.

[SEAL] HAROLD D. McCoy,
Secretary.

[F.R. Doc. 63-5739; Filed, May 29, 1963;
8:46 a.m.]

[Notice 810]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 27, 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 65905. By order of May 22, 1963, the Transfer Board approved the transfer and substitution of Harold E. Halsey and Wilma L. Halsey, a part-

nership, doing business as Springfield-Sioux Falls Bus Line, Springfield, S. Dak., as applicant in the "claimed grandfather" proceeding seeking the issuance of a Certificate of Registration, filed February 11, 1963, on Form BOR 99, assigned docket No. MC 99476 (Sub No. 1), covering operations in interstate or foreign commerce under the former second proviso of section 206(a) (1) of the Act, supported by South Dakota Certificate No. 521, pursuant to a Form BMC 75 Statement accepted August 26, 1955, in the name of Charles D. Langley, doing business as Springfield-Sioux Falls Bus Line, Springfield, S. Dak., assigned docket No. MC 99476, covering the transportation of: Passengers, baggage and light express, between Springfield and Sioux Falls, S. Dak., over specified regular routes, serving named intermediate points, and conducting charter operations between the points authorized, solely within South Dakota.

Ray E. Post, Tyndall, S. Dak., attorney for applicants.

[SEAL] HAROLD D. McCoy,
Secretary.

[F.R. Doc. 63-5740; Filed, May 29, 1963; 8:46 a.m.]

[Notice No. 810-A]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 27, 1963.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 179:

No. MC-FC-65992, application filed May 24, 1963, requesting authority to transfer to F-B TRUCK LINE COMPANY, 8400 South Main Street, Midvale, Utah, of the operating rights in Certificate No. MC-119503, issued December 8,

1960, to INTERWEST TRUCK LINES, 339 Whitney Avenue, Salt Lake City, Utah, authorizing the transportation, over irregular routes, of machinery and machinery parts, and mining and construction materials, equipment, and supplies, between points, both of which are located in the same state, in Idaho, Utah, and Montana. RESTRICTION: The authority granted above is restricted to traffic having an immediately prior or immediately subsequent movement by rail carrier; and between points in California, on the one hand, and, on the other, points in Idaho, Montana, and Utah. Applicants' attorney: Bertram S. Silver, 126 Post Street, Suite 600, San Francisco 8, Calif. Application has been filed for temporary authority under section 210a(b).

[SEAL] HAROLD D. McCoy,
Secretary.

[F.R. Doc. 63-5738; Filed, May 29, 1963; 8:46 a.m.]

CUMULATIVE CODIFICATION GUIDE—MAY

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during May.

1 CFR	Page	7 CFR	Page	7 CFR—Continued	Page
CFR CHECKLIST	4281	28	4838	PROPOSED RULES:	
3 CFR		51	5253	29	4956
PROCLAMATIONS:		52	4551	52	4449, 4718, 4720
3534	4275	201	5361	53	5268
3535	4277	301	4281, 4551	102	4900
3536	4279	302	5203	728	4515, 4567
3537	4659	318	5082	905	4900
3538	4809	319	5203, 5255	909	4582
EXECUTIVE ORDERS:		351	5203	912	5390
July 15, 1875	4444	353	5204	916	5307
Apr. 25, 1876	4444	354	5133	917	5052
July 17, 1883	5260	401	4433	965	4511
July 18, 1891	4442	701—709	5256	980	4511
Jan. 24, 1914	4356	717	4552, 4945	1003	4452, 5158
Sept. 5, 1914	4356	728	4475, 5133, 5256	1016	4452, 5158
1296	4675	730	5004	1030	4463
2242	4677	775	4282	1032	4665, 5021
4203	5163	811	4696	1047	4305
6910	4444	855	5148	1048	4846
7270	4444	868	4291	1049	4901
7441	4444	905	4492, 4493	1062	4665
7655	4441	908	4493, 4747, 5004, 5231	1067	4665
11108	5185	909	5231	1068	4463
11109	5351	910	4494, 4747, 5005, 5232	1097	4512, 4956, 5270
PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS:		915	5005	1102	4512, 4956
Memorandum, Feb. 9, 1962	4539	916	5362, 5363	1108	4512, 4956
Memorandum, May 2, 1963	4539	917	5045, 5046, 5363—5365	1126	4796
Memorandum, May 21, 1963	5127	918	4787	1135	4765
5 CFR		944	5006	1137	4765
2	4786	965	4748, 5204		
6	4281, 4436, 4505, 4786, 4896, 5009, 5081, 5231.	970	4494	8 CFR	
24	5253	980	4748, 5205	103	4896
25	4695	1044	4749	214	5374
29	4787	1047	5365	9 CFR	
30	5082	1048	4293	27	4699
301	4747, 4811, 5009	1049	5366	74	4346, 4661, 4788, 5009
326	4747	1061	4433	78	5010
6 CFR		1068	5205	101	5291
519	4436	1133	4433	114	5291
		1195	4787	118	5291
		1200—1299	4787	119	5291
		1200	4788	PROPOSED RULES:	
		1300	4788	27	4768
		1421	4346, 4607, 4697, 5008, 5149, 5205	94	4768

10 CFR	Page	16 CFR	Page	25 CFR—Continued	Page
9	5152	13	4294,	PROPOSED RULES:	
PROPOSED RULES:		4349, 4350, 4437, 4555, 4788,	5011,	15	4620
30	4770	5232-5234.		221	4620
40	4621, 4770				
12 CFR		14	5257	26 CFR	
521	4838	118	4896	1	4786, 4949, 5154
525	4838	PROPOSED RULES:		31	5251
541	4838	302	5066	48	4331, 5235
545	4838	17 CFR		701	4345
563	4841	200	4446, 4842	PROPOSED RULES:	
PROPOSED RULES:		201	4350	1	4765, 4846, 5093, 5265, 5368, 5305
563	4518	241	5133	20	5157
		PROPOSED RULES:		25	5157
		230	5217	29 CFR	
		240	5217	20	4557
		249	5217	677	5017
13 CFR		18 CFR		678	5017
121	5232	PROPOSED RULES:		PROPOSED RULES:	
14 CFR		2	4360	519	5237
1	4945	156	4360	597	4621
3	4945	157	4360, 5161	31 CFR	
4b	4945	250	4360, 5161	211	5081
6	4945	260	4365	32 CFR	
7	4945	19 CFR		1	4881
40	4945	1	5154	2	4882
41	4945	2	5187	3	4882
42	4945	4	5013	4	4885
43	4434, 4945	6	4350	5	4885
46	4945	10	5013	6	4885
60	5018	14	4507	7	4885
71 [New]	4347,	24	5013	8	4888
4348, 4434, 4435, 4506, 4507, 4552,		20 CFR		9	4891
4609-4611, 4661, 4699, 4700, 4752,		404	4494	10	4891
4753, 4896, 4897, 4945, 5019, 5081,		21 CFR		12	4891
5187, 5257, 5353.		8	5082	16	4892
73 [New]	4435,	19	4508	17	4893
4436, 4507, 4553, 4611, 4753, 5019,		25	5013	30	4895
5153.		36	4556	139	4700
75 [New]	4348, 4553, 4612, 4700, 4946	42	4615	537	4951
187 [New]	5353	120	4615, 4897, 5014, 5047, 5374,	715	4831
207	5257	121	4295,	756	4298
221	5291	4508, 4509, 4615, 4700, 4946-4949,		862	4790
223	5019	5014-5016, 5047, 5083, 5234, 5235,		887	4791
249	4294	5259, 5294, 5375.		1001	4701
295	5257, 5292	130	5048	1003	4702
302	5293	141a	5295	1006	4702
385	4553, 4811	141c	5295	1009	4702
507	4507,	141d	5295	1012	4953
4554, 4612, 4662, 4811, 5153, 5232,		141e	5295	1013	4350
5293.		PROPOSED RULES:		1015	4353, 4953
609	4812, 4822, 5188, 5197, 5354	120	4516	1016	4353
610	4613	121	4768, 5021	1030	4702
PROPOSED RULES:		130	5021	1053	4989
4b	4958	146	4382, 4411	1054	4991
40	4471, 4958	148	4411	1055	4994
41	4471, 4958	148a-148z	4411	1057	4994
42	4471, 4958	148b	4846	1059	5003
61 [New]	4851	148c	4846	32A CFR	
63 [New]	4851	148e	4382	BDSA (CH. VI):	
65 [New]	4851	148i	4382, 4769, 4846	M-41	5295
67 [New]	4851	148j	4382, 4769	OIA (CH. X):	
71 [New]	4359,	148o	4382	OI Reg. 1	4953
4360, 4463, 4582, 4583, 4622, 4722-		22 CFR		33 CFR	
4725, 4772, 4796, 4853-4857, 4916-		41	5258, 5375	90	4753
4919, 5022, 5023, 5093, 5094, 5207,		201	5376	100	5155
5270, 5271, 5307, 5390.		202	4789	124	5297
73 [New]	4796, 4857	2	5206	135	5297
143 [New]	4851	23 CFR		202	4783, 5376
205	5307	2	5206	203	4785, 5259, 5376
224	4722	24 CFR		204	4783, 4842, 5376
375	4850	203	4438	206	4663
507	4306,	213	4438	207	4783, 4842
4516, 4517, 4584, 5094, 5308-5310		234	4439	211	4357
15 CFR		25 CFR		402	5018
368	4436	43a	4662	35 CFR	
371	4436	221	4439	4	4439, 4440, 4558
380	4436				
385	4436				
399	4437				

35 CFR—Continued Page

CANAL ZONE ORDERS:

61	4439
62	4440
63	4440
64	4558

36 CFR

7	4440, 4954
11	5298
251	4440
311	4300

PROPOSED RULES:

7	4620
---	------

38 CFR

1	4897
6	4791
8	4791
17	5083
21	4954

39 CFR

4	4754
22	4754
33	4754, 5377
33	4754, 5377
92	5377

PROPOSED RULES:

201	4794, 5021
-----	------------

41 CFR

2-1	4558
5-1	4559, 4954
8-1	4561
8-3	4561
8-7	4561
9-12	5298
50-202	4898

42 CFR

51	5235
71	5299

PROPOSED RULES:

73	4674
----	------

43 CFR

65	5299
115	4791
118	5300
166	4355
192	5084
232	4355
243	5084

PUBLIC LAND ORDERS:

125	5067
243	4561
649	4445
807	5067
838	5067
845	4445
1012	4758
1074	5260
1420	4445
1843	5263
1942	5312
2460	4357
2713	4355
2830	5263
2867	4442
2904	4357
2919	4442
2945	4443
2968	4441
2989	4442
3041	4355

43 CFR—Continued Page

PUBLIC LAND ORDERS—Continued

2582	5262
3042	4356
3043	4356
3044	4356
3045	4357
3046	4357
3047	4441
3048	4441
3049	4442
3050	4442
3051	4442
3052	4443
3053	4443
3054	4443
3055	4444
3056	4444
3057	4445
3058	4445
3059	4445
3060	4445
3061	4561
3062	4561
3063	4561
3064	4562
3065	4707
3066	4707
3067	4754
3068	4755
3069	4755
3070	4755
3071	4756
3072	4756
3073	4757
3074	4757
3075	4757
3076	4757
3077	4758
3078	4758
3079	4758
3080	4899
3081	5050
3082	5051
3083	5051
3084	5084
3085	5085
3086	5085
3087	5085
3088	5086
3089	5260
3090	5260
3091	5260
3092	5261
3093	5262
3094	5263
3095	5263

44 CFR

100	5300
-----	------

46 CFR

10	4836
25	4792
30	5378
70	5379
78	5379
90	5379
97	5379
146	5379
308	5156
402	4664, 4758
510	4300

49 CFR

10	4302
71-78	4495
95	4618
97	5304
120	4562
131	5389
155	4304

PROPOSED RULES:

123	4623
127	4585
139	5023
206	4623
301	4623

50 CFR

16	4954
33	4357, 4358
301	4562

PROPOSED RULES:

10	4305, 4359
32	4673, 5207
261	5088
276	5089
277	5091

PUBLIC LAND ORDERS—Continued

3096	5263
3097	5377

44 CFR

10	4836
25	4792
30	5378
70	5379
78	5379
90	5379
97	5379
146	5379
308	5156
402	4664, 4758
510	4300

46 CFR—Continued Page

511	5300
-----	------

PROPOSED RULES:

Ch. IV	4307, 4519
511	5310

47 CFR

0	4842, 5048
1	4758, 4792, 5048
2	4899
3	4618, 4707, 4793, 4843
11	4899, 5385
15	5301, 5387
31	5302
33	5302

PROPOSED RULES:

2	4920, 5052, 5271
3	4594, 4797, 4920, 5024, 5158, 5208
7	4622, 5052
8	4622, 5052, 5161
9	5216
14	5052

49 CFR

10	4302
71-78	4495
95	4618
97	5304
120	4562
131	5389
155	4304

PROPOSED RULES:

123	4623
127	4585
139	5023
206	4623
301	4623

50 CFR

16	4954
33	4357, 4358
301	4562

PROPOSED RULES:

10	4305, 4359
32	4673, 5207
261	5088
276	5089
277	5091

Latest Revision

**GUIDE TO
RECORD RETENTION
REQUIREMENTS**

[Updated to January 1, 1963]

Lists (1) published requirements (in laws and regulations) on the keeping of non-Federal records, (2) what records must be kept and who must keep them, and (3) retention periods.

Price: 15 cents

Compiled by Office of the Federal Register, National Archives and Records Service, General Services Administration
Order from Superintendent of Documents, Government Printing Office, Washington 25, D.C.