

# FEDERAL REGISTER



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# Rules and Regulations

## Title 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

#### PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

##### Department of the Army

Effective upon publication in the FEDERAL REGISTER, paragraph (h) (including the headnote) of § 6.105 is amended as set out below.

##### § 6.105 Department of the Army.

\* \* \* \* \*

(h) *Defense Language Institute.* (1) Language instructor positions and professional positions at the West Coast Branch whose duties require supervising the language instructors or developing and evaluating instructional material and methods directly related to the teaching of foreign languages.

(2) Typists of foreign language material at the West Coast Branch whose duties require them to make corrections in grammar and spelling of the material typed.

(3) Professors, instructors, and teachers at the East Coast Branch.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] MARY V. WENZEL,

*Executive Assistant to the Commissioners.*

[F.R. Doc. 63-6895; Filed, June 28, 1963; 8:57 a.m.]

#### PART 34—APPOINTMENT, COMPENSATION, AND REMOVAL OF HEARING EXAMINERS

##### Prior Approval of Appointments, and Exceptions From Procedures for Separations

Paragraph (a) of § 34.3 and paragraph (c) of § 34.14 are amended as set out below.

##### § 34.3 Appointments.

(a) *Prior approval.* No appointment to a hearing examiner position except one made by selection from a certificate of eligibles furnished by the Commission shall be made without the prior approval of the Commission. All appointments will be subject to investigation in accordance with § 2.108 of this chapter and subject to security clearance by the agency.

\* \* \* \* \*

##### § 34.14 Separations.

\* \* \* \* \*

(c) *Exceptions from procedures.* The procedures in this part governing the

6702

removal of hearing examiners shall not apply in making dismissals requested by the Commission under §§ 05.2 and 05.4 of this chapter, nor to dismissals made by agencies in the interest of national security under Executive Order No. 10450 of April 27, 1953, as amended (18 F.R. 2489), and the act of August 26, 1950 (64 Stat. 476).

(Sec. 11, 60 Stat. 244, as amended; 5 U.S.C. 1010)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] MARY V. WENZEL,

*Executive Assistant to the Commissioners.*

[F.R. Doc. 63-6896; Filed, June 28, 1963; 8:58 a.m.]

## Title 14—AERONAUTICS AND SPACE

### Chapter I—Federal Aviation Agency

[Special Civil Air Regulations SR 422A, SR 422B, SR 424C, SR 425C, SR 437, SR 442A, SR 444, SR 447]

[Reg. Docket No. 1580; Reg. Docket No. 1580, Amdt. 1-1]

#### AIR TRAFFIC AND GENERAL OPERATING RULES; DEFINITIONS AND ABBREVIATIONS

This amendment adds to Subchapter F—Air Traffic and General Operating Rules [New] of Chapter I of Title 14 of the Code of Federal Regulations Parts 91 [New], 93 [New], 95 [New], 97 [New], 99 [New], 101 [New], and 103 [New]. It also adds several definitions to, and deletes one definition from, Part 1 [New]. The amendment is a part of the program of the Federal Aviation Agency to recodify its regulatory material into a new series of regulations called the "Federal Aviation Regulations" to replace the present "Civil Air Regulations" and "Regulations of the Administrator".

During the life of the recodification project, Chapter I of Title 14 may contain more than one part bearing the same number. To differentiate between the two, the recodified parts, such as the ones in this subchapter, will be labeled "[New]". The label will of course be dropped at the completion of the project as all of the regulations will be new.

This action was published as a notice of proposed rule making in the FEDERAL REGISTER on February 1, 1963 (28 F.R. 1003), and as Draft Release 63-3.

Some of the comments received recommended specific substantive changes to the regulations. Although some of the recommendations might, upon further study, appear to be meritorious, they cannot be adopted as a part of the recodification program. The purpose

of the program is simply to streamline and clarify present regulatory language and to delete obsolete or redundant provisions. To attempt substantive changes in the recodification of these regulations (other than minor, relaxatory ones that are completely noncontroversial) would delay the project and would be contrary to the ground rules specified for it in the FEDERAL REGISTER on November 15, 1961 (26 F.R. 10698) and Draft Release 61-25. However, all comments of this nature will be preserved and considered in any later substantive revision of the affected parts.

As a result of other comments received, several changes have been made in Subchapter F.

Sections 91.33 and 91.35 have been added to include the instrument and equipment requirements for general aviation aircraft that were contained in Part 43. Section 91.33 incorporates the instrument and equipment requirements for standard category aircraft from former § 43.30 and the DME provisions from former § 43.33. Section 91.35 incorporates the flight recorder requirements from former § 43.32. These changes have been made in recognition of the greater user convenience that results from combining these rules with the general operation provisions of Part 91 [New].

A new § 91.37 has been included in Part 91 [New] to cover weight limitations for transport category aircraft. This section is based upon former §§ 43.11, and 43T.11 of SR 422A and SR 422B. These provisions were omitted from DR 63-3 as surplus, but comments correctly pointed out the need for their inclusion in Part 91 [New].

Section 91.59 as proposed in DR 63-3 required compliance with the applicable marine rules of the road when operating an aircraft on water but it did not specifically spell out those rules. In order to avoid any misunderstanding as to the rules that must be complied with, that section has been revised to state those rules in detail and it now appears as § 91.69.

A number of changes have been made in proposed § 91.75. As proposed in DR 63-3, that section contained the air traffic rules for operating on or in the vicinity of airports, including specific provisions for controlled and uncontrolled airports. Because of the undue length of the section it has been broken down into three separate sections which now appear as §§ 91.85, 91.87, and 91.89. Paragraph (a) of proposed § 91.75 defined, for the purpose of that section, the terms "airport traffic area," "controlled airport," and "uncontrolled airport". The latter two terms were distinguished on the basis of whether or not the airport had a control tower. One comment



received pointed out that under the present rules even an airport without a control tower becomes a "controlled airport" if it is located in a control zone and the weather in that zone goes below basic VFR minimums. Therefore, §§ 91.87 and 91.89 have been revised to eliminate those terms and to execute their definitions. In addition because of its general applicability, the definition of "airport traffic area" has been transferred to part 1 [New].

Two other changes have been made in proposed § 91.75. First, the word "arriving" has been inserted in the first sentence of paragraph (c) of § 91.85 so that it correctly reflects the scope of the rule on which it is based. Secondly, paragraph (d) of § 91.87 has been revised to apply only to aircraft "operating to" an airport. As this provision appeared in the draft release it would apply to aircraft operating "to, from, or on" an airport. While this language properly reflected the applicability of former § 60.18 (b), one comment pointed out its incorrect applicability and this opportunity is being taken to correct it.

One comment noted that proposed § 91.73 relaxed the requirement of § 60.20 by permitting a pilot to notify the nearest "ATC facility" upon cancelling or completing flight under a flight plan rather than the nearest "control tower". This relaxatory change in the rule was intended, and it has been retained in § 91.83(a). In addition, the requirement for indicating aircraft color in a flight plan has been deleted from that paragraph, since it was not contained in § 60.41.

Certain changes, not contained in Draft Release 63-3, reflect amendments to the Parts revised herein that became effective after the Draft Release was published. Each of these amendments, when published, contained a statement that they would be included in the final draft of the recodified Parts affected and, in addition, Draft Release 63-3 stated that such amendments would be included in the final draft of the revised subchapter. Amendments 43-16, 43-17, 48-1, 60-31, 60-32, and 619-1 are therefore reflected in the new subchapter.

Other minor changes of a technical clarifying nature or relaxatory nature have been made. They are not substantive and do not impose any burden on regulated persons.

Of the comments received on Draft Release 63-3, several suggested changes in style, format, or technical wording. These comments have been carefully considered and, where consistent with the style, format, and terminology of the recodification project, were adopted.

Comments received regarding proposed § 91.77 indicated a misunderstanding of the provisions of that section. Under § 60.24, on which proposed § 91.77 was based, there were two types of flight test areas, "approved" areas and "designated" areas. Since the Administrator has never "designated" flight test areas, § 60.24(a)(2) has been dropped as obsolete. The remaining flight test area provisions are now included in § 91.93.

A number of comments received regarding proposed § 91.35 indicated that

many persons were not aware that under Part 190 of the Civil Air Regulations a person operating a foreign civil aircraft in the United States under VFR rules had to file a VFR flight plan. As proposed, § 91.35 simply restated that provision and it has been retained without change in § 91.43.

It should be noted that CAMs and information notes that are still current but which have been deleted as part of this amendment, will be republished in the Agency's Advisory Circular System.

The recodification of the air traffic and general operating rules in Subchapter F does not change the applicability of those rules, nor does it affect those rules governing special operations that prevail over the general rules contained in that subchapter. In addition, a certificate of waiver or an exemption that involves a regulation recodified herein that is outstanding on the effective date of this amendment will continue to be effective according to its terms and conditions even though it refers to part or section numbers no longer in existence. For example, an exemption from the VFR cruising altitude provisions of former § 60.32 would continue under the terms and conditions of that exemption, to allow deviation from those altitudes, even though § 60.32 has been superseded by § 91.109. At such time as a certificate of waiver or an exemption is renewed, section references will be revised to reflect the new section number. In view of this, it is not necessary for persons who hold certificates of waiver or exemptions to take any action due to the recodification and renumbering of the air traffic and general operating rules.

The definitions, abbreviations, and rules of construction contained in Part 1 [New] of the Federal Aviation Regulations apply to Subchapter F. When Part 1 [New] was adopted its preamble stated that it would be amended as necessary in order to apply to specific regulations as they were recodified. As part of this action Part 1 [New] is being amended to incorporate definitions found to be necessary because of the adoption of subsequently issued FARs, including Subchapter F. The definitions of "air traffic clearance," "air traffic control," and "airport traffic area" have been incorporated from Part 60. The definitions of "kite" and "rocket" have been incorporated from Part 48. The definitions of "air commerce," "foreign air commerce," "interstate air commerce," and "overseas air commerce" have been incorporated from § 101 of the Federal Aviation Act of 1958. In addition to these definitions, Part 1 [New] is being amended to include definitions of "category," "class," and "type" and to delete the definition of "pilot".

Interested persons have been afforded an opportunity to participate in the making of this regulation, and due consideration has been given to all relevant matter presented. The Agency appreciates the cooperative spirit in which the public's comments were submitted.

In consideration of the foregoing Chapters I and III of Title 14 of the

Code of Federal Regulations are amended as follows, effective September 30, 1963:

1. By deleting §§ 8.31, 8.32, 8.33; Parts 43, 48, 49, 60, 190, 603, 609, 610, 619, 620; §§ 43T.11 of SR 422A, 43T.11 of SR 422B, and 13 of SR 425C; and SRs 424C, 437, 442A, 444, 445, and 447.

2. By striking out the definition of the term "pilot" from § 1.1 of Part 1 [New].

3. By inserting in the proper alphabetical order the following definitions in § 1.1 of Part 1 [New]:

"Air commerce" means interstate, overseas, or foreign air commerce or the transportation of mail by aircraft or any operation or navigation of aircraft within the limits of any Federal airway or any operation or navigation of aircraft which directly affects, or which may endanger safety in, interstate, overseas, or foreign air commerce.

"Airport traffic area" means, unless otherwise specifically designated in Part 93 [New], that airspace within a horizontal radius of 5 statute miles from the geographical center of any airport at which a control tower is operating, extending from the surface up to, but not including, 2,000 feet above the surface.

"Air traffic clearance" means an authorization by air traffic control, for the purpose of preventing collision between known aircraft, for an aircraft to proceed under specified traffic conditions within controlled airspace.

"Air traffic control" means a service operated by appropriate authority to promote the safe, orderly, and expeditious flow of air traffic.

"Category"—

(1) As used with respect to the certification, ratings, privileges, and limitations of airmen, means a broad classification of aircraft. Examples include: airplane; rotorcraft; glider; and lighter-than-air; and

(2) As used with respect to the certification of aircraft, means a grouping of aircraft based upon intended use or operating limitations. Examples include: transport, normal, utility, acrobatic, limited, restricted, and provisional.

"Class"—

(1) As used with respect to the certification, ratings, privileges, and limitations of airmen, means a classification of aircraft within a category having similar operating characteristics. Examples include: single engine; multiengine; land; water; gyroplane; helicopter; airship; and free balloon; and

(2) As used with respect to the certification of aircraft, means a broad grouping of aircraft having similar characteristics of propulsion, flight, or landing. Examples include: airplane; rotorcraft; glider; balloon; landplane; and seaplane.

"Foreign air commerce" means the carriage by aircraft of persons or property for compensation or hire, or the carriage of mail by aircraft, or the operation or navigation of aircraft in the conduct or furtherance of a business or vocation, in commerce between a place in the United States and any place outside thereof; whether such commerce moves wholly by aircraft or partly by aircraft



## RULES AND REGULATIONS

and partly by other forms of transportation.

"Interstate air commerce" means the carriage by aircraft of persons or property for compensation or hire, or the carriage of mail by aircraft, or the operation or navigation of aircraft in the conduct or furtherance of a business or vocation, in commerce between a place in any State of the United States, or the District of Columbia, and a place in any other State of the United States, or the District of Columbia; or between places in the same State of the United States through the airspace over any place outside thereof; or between places in the same territory or possession of the United States, or the District of Columbia.

"Overseas air commerce" means the carriage by aircraft of persons or property for compensation or hire, or the carriage of mail by aircraft, or the operation or navigation of aircraft in the conduct or furtherance of a business or vocation, in commerce between a place in any State of the United States, or the District of Columbia, and any place in a territory or possession of the United States; or between a place in a territory or possession of the United States, and a place in any other territory or possession of the United States.

"Kite" means a framework, covered with paper, cloth, metal, or other material, intended to be flown at the end of a rope or cable, and having as its only support the force of the wind moving past its surfaces.

"Rocket" means an aircraft propelled by ejected expanding gases generated in the engine from self-contained propellants and not dependent on the intake of outside substances. It includes any part which becomes separated during the operation.

"Type"—

(1) As used with respect to the certification, ratings, privileges, and limitations of airmen, means a specific make and basic model of aircraft, including modifications thereto that do not change its handling or flight characteristics. Examples include: DC-7, 1049, and F-27; and

(2) As used with respect to the certification of aircraft, means those aircraft which are similar in design. Examples include: DC-7 and DC-7C; 1049G and 1049H; and F-27 and F-27F.

4. By inserting in the proper alphabetical order the following symbols in § 1.2 of Part 1 [New]:

"MOCA" means minimum obstruction clearance altitude.

"MCA" means minimum crossing altitude.

"MRA" means minimum reception altitude.

5. By adding to Subchapter F Parts 91 [New], 93 [New], 95 [New], 97 [New], 99 [New], 101 [New], and 103 [New] reading as hereinafter set forth.

This amendment is made under the authority of sections 307, 313(a), 402, 601, 602, 603, 902, 1110, and 1202 of the Federal Aviation Act of 1958 (49 U.S.C. 1348, 1354(a), 1372, 1421, 1442, 1443, 1472, 1510, and 1522).

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

N. E. HALABY,  
Administrator.

## PART 91—GENERAL OPERATING AND FLIGHT RULES [NEW]

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AUTHORITY: §§ 91.71 to 91.175 issued under secs. 307, 313(a), 402, 601, 602, 603, 902, 1110, and 1202 of the Federal Aviation Act of 1958; 49 U.S.C. 1348, 1354(a), 1372, 1421, 1442, 1443, 1472, 1510, and 1522.

### Subpart A—General

#### § 91.1 Applicability.

(a) Except as provided in paragraph (b), this part prescribes rules governing the operation of aircraft (other than moored balloons, kites, and unmanned rockets) within the United States.

(b) Each person operating an aircraft of U.S. registry in air commerce over the high seas shall comply with Annex 2 (Rules of the Air) to the Convention on International Civil Aviation.

#### § 91.3 Responsibility and authority of the pilot in command.

(a) The pilot in command of an aircraft is directly responsible for, and is the final authority as to, the operation of that aircraft.

(b) In an emergency requiring immediate action, the pilot in command may deviate from any rule of this subpart or of Subpart B to the extent required to meet that emergency.

(c) Each pilot in command who deviates from a rule under paragraph (b) of this section shall, upon the request of the Administrator, send a written report of that deviation to the Administrator.

#### § 91.5 Preflight action.

Each pilot in command shall, before beginning a flight, familiarize himself with all available information concerning that flight. This information must include, for a flight under IFR or a flight not in the vicinity of an airport, available weather reports and forecasts, fuel requirements, alternatives available if the planned flight cannot be completed, and any known traffic delays of which he has been advised by ATC.

#### § 91.7 Flight crewmembers at stations.

During takeoff and landing, and while en route, each required flight crewmember shall—

(a) Be at his station unless his absence is necessary in the performance of his duties in connection with the operation of the aircraft; and

(b) Keep his seat belt fastened while at his station.

#### § 91.9 Careless or reckless operation.

No person may operate an aircraft in a careless or reckless manner so as to endanger the life or property of another.

#### § 91.11 Liquor and drugs.

(a) No person may act as a crewmember of a civil aircraft while—



(1) Under the influence of intoxicating liquor; or

(2) Using any drug that affects his faculties in any way contrary to safety.

(b) Except in an emergency, no pilot of a civil aircraft may allow a person who is obviously under the influence of intoxicating liquors or drugs (except a medical patient under proper care) to be carried in that aircraft.

#### § 91.13 Dropping objects.

No pilot in command of a civil aircraft may allow any object to be dropped from that aircraft in flight that creates a hazard to persons or property. However, this section does not prohibit the dropping of any object if reasonable precautions are taken to avoid injury or damage to persons or property.

#### § 91.15 Parachutes and parachuting.

(a) No pilot of a civil aircraft may allow a parachute that is available for emergency use to be carried in that aircraft unless it is an approved type and—

(1) If a chair type (canopy in back), it has been packed by an appropriately rated parachute rigger within the preceding 120 days; or

(2) If any other type, it has been packed by an appropriately rated parachute rigger within the preceding 60 days.

(b) Except in an emergency, no pilot in command may allow, and no person may make, a parachute jump from an aircraft except in accordance with Part 105 [New] of this chapter.

#### § 91.17 Towing.

(a) No pilot of a civil aircraft may tow anything with that aircraft except in accordance with the terms of a certificate of waiver issued by the Administrator.

(b) An application for a certificate of waiver under this section is made on a form and in a manner prescribed by the Administrator and must be submitted to the nearest Flight Standards District Office.

#### § 91.19 Portable FM radio receivers.

No person may operate, nor may any operator or pilot in command of an aircraft allow the operation of, a portable frequency modulation (FM) radio receiver on any of the following U.S. registered civil aircraft:

(a) Aircraft operated by an air carrier or commercial operator.

(b) Any other aircraft equipped with VHF omnirange (VOR) navigational equipment while such VOR equipment is being used for navigational purposes.

#### § 91.21 Flight instruction and simulated instrument flight.

(a) No person may operate a civil aircraft that is being used for flight instruction unless that aircraft has fully functioning dual controls.

(b) No person may operate a civil aircraft in simulated instrument flight unless—

(1) An appropriately rated pilot occupies the other control seat as safety pilot;

(2) The safety pilot has adequate vision forward and to each side of the

aircraft, or a competent observer in the aircraft adequately supplements the vision of the safety pilot; and

(3) Except in the case of a lighter-than-air aircraft, that aircraft is equipped with functioning dual controls.

#### § 91.23 Fuel requirements for flight in IFR conditions.

No person may operate a civil aircraft in IFR conditions unless it carries enough fuel (considering weather reports and forecasts, and weather conditions) to complete the flight to the first intended point of landing, to fly from that point to the alternate airport, and to fly thereafter for 45 minutes at normal cruising speed.

#### § 91.25 VOR equipment check for IFR operations.

(a) No person may operate a civil aircraft under IFR using the VOR system of radio navigation unless the VOR equipment of that aircraft—

(1) Is maintained, checked, and inspected under an approved procedure; or

(2) Has been operationally checked within the preceding ten hours of flight time and within ten days before flight, and was found to be within the limits of the permissible indicated bearing error set forth in paragraph (b) or (c) of this section.

(b) Except as provided in paragraph (c) of this section, each person conducting a VOR check under paragraph (a) (2) of this section, shall—

(1) Use an FAA operated or approved test signal at the airport of intended departure, to check the VOR equipment (the maximum permissible indicated bearing error is plus or minus 4 degrees);

(2) If an FAA operated or approved test signal is not available at the airport of intended departure, use a point on an airport surface designated by the Administrator as a VOR system check point (the maximum permissible bearing error is plus or minus 4 degrees);

(3) If neither an FAA operated or approved test signal nor a designated check point on the surface is available, use an airborne check point designated by the Administrator (the maximum permissible bearing error is plus or minus 6 degrees); or

(4) If no check signal or point is available, while in flight—

(i) Select a VOR radial that lies along the centerline of an established VOR airway;

(ii) Select a prominent ground point along the selected radial preferably more than 20 miles from the VOR ground facility and maneuver the aircraft directly over the point at a reasonably low altitude; and

(iii) Note the VOR bearing indicated by the receiver when over the ground point (the maximum permissible variation between the published radial and the indicated bearing is 6 degrees).

(c) If dual system VOR (units independent of each other except for the antenna) is installed in the aircraft, the person checking the equipment may check one system against the other in place of the check procedures specified

in paragraph (b) of this section. He shall tune both systems to the same VOR ground facility and note the indicated bearings to that station. The maximum permissible variation between the two indicated bearings is 4 degrees.

(d) Each person making the VOR operational check as specified in paragraph (b) or (c) of this section shall enter the date, place, bearing error, and his signature in the aircraft log or other permanent record.

#### § 91.27 Civil aircraft certificates required.

No person may operate a civil aircraft unless it has within it—

(a) An appropriate and current airworthiness certificate or special flight permit; and

(b) A registration certificate issued to its owner.

#### § 91.29 Civil aircraft airworthiness.

(a) No person may operate a civil aircraft unless it is in an airworthy condition.

(b) The pilot in command of a civil aircraft is responsible for determining whether that aircraft is in condition for safe flight. He shall discontinue the flight when unairworthy mechanical or structural conditions occur.

#### § 91.31 Civil aircraft operating limitations and marking requirements.

(a) Each person operating a civil aircraft shall comply with the operating limitations for that aircraft prescribed by the certificating authority of the country of registry.

(b) No person may operate a U.S. registered civil aircraft unless there is available in the aircraft a current FAA approved Aircraft Flight Manual for that aircraft, placards, listings, instrument markings, or any combination thereof, containing each operating limitation prescribed for that aircraft by the Administrator, including the following:

(1) Power plant (e.g., r.p.m., manifold pressure, gas temperature, etc.).

(2) Airspeeds (e.g., normal operating speed, flaps extended speed, etc.).

(3) Aircraft weight, center of gravity, and weight distribution, including the composition of the useful load in those combinations and ranges intended to insure that the weight and center of gravity position will remain within approved limits (e.g., combinations and ranges of crew, oil, fuel, and baggage).

(4) Minimum flight crew.

(5) Kinds of operation.

(6) Maximum operating altitude.

(7) Maneuvering flight load factors.

(8) Rotor speed (for rotorcraft).

(9) Limiting height-speed envelope (for rotorcraft).

(c) No person may operate a U.S. registered civil aircraft unless that aircraft is identified in accordance with Part—(present Part 1).

#### § 91.33 Powered civil aircraft with standard category U.S. airworthiness certificates; instrument and equipment requirements.

(a) General. No person may operate a powered civil aircraft with a standard category U.S. airworthiness certificate in



any operation described in paragraphs (b)-(e) of this section unless that aircraft contains the instruments and equipment specified therein for that type of operation or FAA approved equivalents thereof.

(b) *Visual flight rules (day)*. For VFR flight during the day the following instruments and equipment are required.

- (1) Airspeed indicator.
- (2) Altimeter.
- (3) Magnetic direction indicator.
- (4) Tachometer for each engine.
- (5) Oil pressure gauge for each engine using pressure system.
- (6) Temperature gauge for each liquid-cooled engine.
- (7) Oil temperature gauge for each air-cooled engine.
- (8) Manifold pressure gauge for each altitude engine.
- (9) Fuel gauge indicating the quantity of fuel in each tank.
- (10) Landing gear position indicator, if the aircraft has a retractable landing gear.

(11) If the aircraft is operated for hire over water and beyond power-off gliding distance from shore, a Very pistol, and approved flotation gear readily available to each occupant.

(12) Approved safety belts for all occupants. The rated strength of each safety belt shall not be less than that corresponding with the ultimate load factors specified in the current applicable aircraft airworthiness requirements considering the dimensional characteristics of the safety belt installation for the specific seat or berth arrangement. The webbing of each safety belt shall be replaced as required by the Administrator.

(c) *Visual flight rules (night)*. For VFR flight at night the following instruments and equipment are required:

- (1) Instruments and equipment specified in paragraph (b) of this section.
- (2) Approved position lights.
- (3) On large aircraft or when required by the aircraft's airworthiness certificate, an approved anti-collision light system. In the event of failure of any light of the anti-collision light system, operations with the aircraft may be continued to a stop where repairs or replacement can be made without undue delay.
- (4) If the aircraft is operated for hire, one electric landing light.
- (5) An adequate source of electrical energy for all installed electrical and radio equipment.
- (6) One spare set of fuses, or three spare fuses of each kind required.

(d) *Instrument flight rules*. For IFR flight the following instruments and equipment are required:

- (1) Instruments and equipment specified in paragraph (b) of this section and for night flight, instruments and equipment specified in paragraph (c) of this section.
- (2) Two-way radio communications system and navigational equipment appropriate to the ground facilities to be used.
- (3) Gyroscopic rate-of-turn indicator.
- (4) Bank indicator.
- (5) Sensitive altimeter adjustable for barometric pressure.

(6) Clock with sweep-second hand.

(7) Generator of adequate capacity.

(8) Gyroscopic bank and pitch indicator (artificial horizon).

(9) Gyroscopic direction indicator (directional gyro or equivalent).

(e) *Flight at and above 24,000 feet MSL*. If VOR navigational equipment is required under paragraph (d)(2) of this section, no person may operate a U.S. registered civil aircraft in the 48 contiguous States or in the District of Columbia, at and above 24,000 feet MSL, unless that aircraft is equipped with an approved distance measuring equipment (DME). When DME required by this paragraph fails at and above 24,000 feet MSL, each pilot shall notify ATC immediately, and may then continue operations at and above 24,000 feet MSL to the next airport of intended landing at which repairs or replacement of the equipment can be made.

#### § 91.35 Flight recorders.

(a) Except as provided in paragraph (e) of this section, no holder of an air carrier or commercial operator certificate may operate any of the following airplanes unless there is installed on that airplane an approved flight recorder meeting the requirements of paragraph (b) and that flight recorder is operated in accordance with paragraph (c):

- (1) Large turbine-powered airplanes.
- (2) Large airplanes certificated for operations above 25,000 feet MSL.

(b) Each flight recorder must record at least the following information:

- (1) Time.
- (2) Altitude.
- (3) Airspeed.
- (4) Vertical acceleration.
- (5) Heading.

(c) Each flight recorder must be operated continuously from the beginning of each takeoff roll to the end of each landing roll. However, flight may be conducted without an operating flight recorder in order to—

(1) Ferry an aircraft with an inoperative flight recorder from a place where repair or replacement cannot be made to a place where they can be made;

(2) Continue a flight as originally planned, if the flight recorder becomes inoperative after the airplane has taken off; or

(3) Conduct an airworthiness flight test, during which the flight recorder is turned off to test it or to test any communications or electrical equipment installed in the aircraft.

(d) Each person subject to this section shall retain all recorded information for at least 60 days or if requested by the Administrator, for a longer period.

(e) This section does not apply to a ferry flight of a newly acquired airplane from the place where possession of it was taken to a base where the flight recorder is to be installed.

#### § 91.37 Transport category civil airplane weight limitations.

(a) No person may takeoff any transport category airplane (other than an airplane certificated in accordance with the performance requirements of SR \_\_\_\_ or SR \_\_\_\_ [present SR 422A or SR 422B]) unless—

(1) The takeoff weight does not exceed the authorized maximum takeoff weight for the elevation of the airport of takeoff;

(2) The elevation of the airport of takeoff is within the altitude range for which maximum takeoff weights have been determined;

(3) Normal consumption of fuel and oil in flight to the airport of intended landing will leave a weight on arrival not in excess of the authorized maximum landing weight for the elevation of that airport; and

(4) The elevations of the airport of intended landing and of all specified alternate airports are within the altitude range for which maximum landing weights have been determined.

(b) No person may operate a turbine-powered transport category airplane certificated in accordance with the performance requirements of SR \_\_\_\_ or SR \_\_\_\_ (present SR 422A or SR 422B) contrary to the Airplane Flight Manual, nor takeoff that airplane unless—

(1) The takeoff weight does not exceed the takeoff weight specified in the Airplane Flight Manual for the elevation of the airport and for the ambient temperature existing at the time of takeoff;

(2) Normal consumption of fuel and oil in flight to the airport of intended landing and to the alternate airports will leave a weight on arrival not in excess of the landing weight specified in the Airplane Flight Manual for the elevation of each of the airports involved and for the ambient temperatures expected at the time of landing;

(3) The takeoff weight does not exceed the weight shown in the Airplane Flight Manual to correspond with the minimum distances required for takeoff considering the elevation of the airport, the runway to be used, the effective runway gradient, and the ambient temperature and wind component existing at the time of takeoff; and

(4) Where the takeoff distance includes a clearway, the clearway distance is not greater than one-half of—

(i) The takeoff run, in the case of airplane certificated in accordance with the performance requirements of SR \_\_\_\_ (present SR 422A); or

(ii) The runway length, in the case of airplanes certificated in accordance with the performance requirements of SR \_\_\_\_ (present SR 422B).

(c) No person may takeoff a turbine-powered transport category airplane certificated in accordance with the performance requirements of SR \_\_\_\_ (present SR 422B) unless, in addition to the requirements of paragraph (b) of this section—

(1) The accelerate-stop distance is no greater than the length of the runway plus the length of the stopway (if present);

(2) The takeoff distance is no greater than the length of the runway plus the length of the clearway (if present); and

(3) The takeoff run is no greater than the length of the runway.

(d) As applied to the operation of turbine-powered transport category airplanes—



(1) Certificated in accordance with the performance requirements of SR ---- (present SR 422A), "clearway" means an area beyond the takeoff runway extending no less than 300 feet on either side of the extended center line of the runway, at an elevation no higher than the elevation of the end of the runway, clear of all fixed obstacles, and under the control of the airport authorities; and

(2) Certificated in accordance with the performance requirements of SR ---- (present SR 422B)—

(i) "Clearway" means an area expressed in terms of a clearway plane which is considered to be the takeoff surface, extending beyond the takeoff runway, extending no less than 250 feet on either side of the extended center line of the runway, with an upward slope not exceeding 1.25 percent, having no higher terrain or objects thereon (except threshold lights no higher than 26 inches and placed at the sides of the runway), and under the control of the airport authorities; and

(ii) "Stopway" means an area beyond the takeoff runway, no less wide than the runway and centered upon the extended centerline of the runway, capable of supporting the airplane during an aborted takeoff without causing structural damage to the airplane, and designated by the airport authorities for use in decelerating the airplane during an aborted takeoff.

#### § 91.39 Restricted category civil aircraft; operating limitations.

(a) No person may operate a restricted category civil aircraft carrying persons or property for compensation or hire. For the purposes of this section a special purpose operation such as crop dusting, seeding, spraying, and banner towing (including the carrying of required persons or materials to the location of that operation) is not considered to be the carrying of persons or property for compensation or hire.

(b) No person operating a restricted category civil aircraft in a special purpose operation may carry any person in that aircraft except the minimum crew required for that operation and crew trainees.

(c) Except when operating in accordance with the terms and conditions of a certificate of waiver or special operating limitations issued by the Administrator, no person may operate a restricted category civil aircraft in a special purpose operation—

(1) Over a densely populated area;

(2) In a congested airway; or

(3) Near a busy airport where passenger transport operations are conducted.

(d) An application for a certificate of waiver under this section is made on a form and in a manner prescribed by the Administrator and must be submitted to the Flight Standards District Office having jurisdiction over the area in which the applicant is located.

#### § 91.41 Provisionally certificated civil aircraft; operating limitations.

(a) No person may operate a provisionally certificated civil aircraft unless

he is eligible for a provisional airworthiness certificate under § ---- of this chapter (present section 2 of SR 425C).

(b) No person may operate a provisionally certificated civil aircraft outside the United States unless he has specific authority to do so from the Administrator and each foreign country involved.

(c) Unless otherwise authorized by the Director, Flight Standards Service, no person may operate a provisionally certificated civil aircraft in air transportation.

(d) Unless otherwise authorized by the Administrator, no person may operate a provisionally certificated civil aircraft except—

(1) In direct conjunction with the type of supplemental type certification of that aircraft;

(2) For training flight crews, including simulated air carrier operations;

(3) Demonstration flights by the manufacturer for prospective purchasers;

(4) Market surveys by the manufacturer;

(5) Flight checking of instruments, accessories, and equipment, that do not affect the basic airworthiness of the aircraft; or

(6) Service testing of the aircraft.

(e) Each person operating a provisionally certificated civil aircraft shall operate within the prescribed limitations displayed in the aircraft or set forth in the provisional aircraft flight manual or other appropriate document. However, when operating in direct conjunction with the type or supplemental type certification of the aircraft, he shall operate under the experimental aircraft limitations of § ---- of this chapter—(present § 1.74) and when flight testing, shall operate under the requirements of § 91.93 of this chapter.

(f) Each person operating a provisionally certificated civil aircraft shall establish approved procedures for—

(1) The use and guidance of flight and ground personnel in operating under this section; and

(2) Operating in and out of airports where takeoffs or approaches over populated areas are necessary.

No person may operate that aircraft except in compliance with the approved procedures.

(g) Each person operating a provisionally certificated civil aircraft shall ensure that each flight crewmember is properly certificated and has adequate knowledge of, and familiarity with, the aircraft and procedures to be used by that crewmember.

(h) Each person operating a provisionally certificated civil aircraft shall maintain it as required by applicable regulations and as may be specially prescribed by the Administrator.

(i) Whenever the manufacturer, or the Administrator, determines that a change in design, construction or operation is necessary to ensure safe operation, no person may operate a provisionally certificated civil aircraft until that change has been made and approved. Section ---- of this chapter (present § 1.24) applies to operations under this section.

(j) Each person operating a provisionally certificated civil aircraft—

(1) May carry in that aircraft only persons who have a proper interest in the operations allowed by this section or who are specifically authorized by both the manufacturer and the Administrator; and

(2) Shall advise each person carried that the aircraft is provisionally certificated.

(k) The Administrator may prescribe additional limitations or procedures that he considers necessary, including limitations on the number of persons who may be carried in the aircraft.

#### § 91.43 Special rules for foreign civil aircraft.

(a) *General.* In addition to the other applicable regulations of this part, each person operating a foreign civil aircraft within the United States shall comply with this section.

(b) *VFR.* No person may operate a foreign civil aircraft under VFR unless a VFR flight plan has been filed with an FAA communications station.

(c) *IFR.* No person may operate a foreign civil aircraft under IFR unless—

(1) That aircraft is equipped with—

(i) Radio equipment allowing two-way radio communication with ATC when it is operated in a control zone or control area; and

(ii) Radio navigational equipment appropriate to the navigational facilities to be used;

(2) Each person piloting the aircraft—

(i) Holds a current United States instrument rating or is authorized by his foreign airman certificate to pilot under IFR; and

(ii) Is thoroughly familiar with the United States en route, holding, and letdown procedures; and

(3) At least one crewmember of that aircraft is able to conduct two-way radiotelephone communications in the English language and that crewmember is on duty while the aircraft is approaching, operating within, or leaving the United States.

(d) *Overwater.* Each person operating a foreign civil aircraft overwater off the shores of the United States shall give flight notification or file a flight plan, in accordance with the Supplementary Procedures for the ICAO region concerned.

### Subpart B—Flight Rules

#### GENERAL

#### § 91.61 Applicability.

This subpart prescribes flight rules governing the operation of aircraft within the United States.

#### § 91.63 Waivers.

(a) The Administrator may issue a certificate of waiver authorizing the operation of aircraft in deviation of any rule of this subpart if he finds that the proposed operation can be safely conducted under the terms of that certificate of waiver.

(b) An application for a certificate of waiver under this section is made on a form and in a manner prescribed by the



Administrator and may be submitted to any FAA office.

(c) A certificate of waiver is effective as specified in that certificate.

#### § 91.65 Operating near other aircraft.

(a) No person may operate an aircraft so close to another aircraft as to create a collision hazard.

(b) No person may operate an aircraft in formation flight except by arrangement with the pilot in command of each aircraft in the formation.

(c) No person may operate an aircraft, carrying passengers for hire, in formation flight.

#### § 91.67 Right-of-way rules; except water operations.

(a) *General.* Except when, because of restrictions to visibility beyond the pilot's control, another aircraft cannot be seen, each person operating an aircraft shall comply with this section. When a rule of this section gives another aircraft the right of way, he shall give way to that aircraft and may not pass over, under, or ahead of it, unless well clear.

(b) *In distress.* An aircraft in distress has the right of way over all other air traffic.

(c) *Converging.* When aircraft of the same category are converging at approximately the same altitude (except head-on, or nearly so) the aircraft to the other's right has the right of way. If the aircraft are of different categories—

(1) A balloon has the right of way over any other category of aircraft;

(2) A glider has the right of way over an airship, airplane or rotorcraft; and

(3) An airship has the right of way over an airplane or rotorcraft.

However, an aircraft towing or refueling other aircraft has the right of way over all other engine-driven aircraft.

(d) *Approaching head-on.* When aircraft are approaching each other head-on, or nearly so, each pilot of each aircraft shall alter course to the right.

(e) *Overtaking.* Each aircraft that is being overtaken has the right of way and each pilot of an overtaking aircraft shall alter course to the right to pass well clear.

(f) *Landing.* Aircraft, while on final approach to land, or while landing, have the right of way over other aircraft in flight or operating on the surface. When two or more aircraft are approaching an airport for the purpose of landing, the aircraft at the lower altitude has the right of way, but it shall not take advantage of this rule to cut in front of another which is on final approach to land, or to overtake that aircraft.

(g) *Inapplicability.* This section does not apply to the operation of an aircraft on water.

#### § 91.69 Right-of-way rules; water operations.

(a) *General.* Each person operating an aircraft on the water shall, insofar as possible, keep clear of all vessels and avoid impeding their navigation, and shall give way to any vessel or other aircraft that is given the right of way by any rule of this section.

(b) *Crossing.* When aircraft, or an aircraft and a vessel are on crossing courses, the aircraft or vessel to the others right has the right of way.

(c) *Approaching head-on.* When aircraft, or an aircraft and a vessel, are approaching head-on or nearly so, each shall alter its course to the right to keep well clear.

(d) *Overtaking.* Each aircraft or vessel that is being overtaken has the right of way, and the one overtaking shall alter course to keep well clear.

(e) *Special circumstances.* When aircraft, or an aircraft and a vessel, approach so as to involve risk of collision, each aircraft or vessel shall proceed with careful regard to existing circumstances, including the limitations of the respective craft.

#### § 91.71 Acrobatic flight.

(a) No person may operate an aircraft in acrobatic flight—

(1) Over any congested area of a city, town, or settlement;

(2) Over an open air assembly of persons;

(3) Within a control zone or Federal airway;

(4) Below an altitude of 1,500 feet above the surface; or

(5) When flight visibility is less than three miles.

For the purposes of this paragraph, acrobatic flight means an intentional maneuver involving an abrupt change in an aircraft's attitude, an abnormal attitude, or abnormal acceleration, not necessary for normal flight.

(b) Unless each occupant of the aircraft is wearing an approved parachute, no pilot of a civil aircraft, carrying any person (other than a crewmember) may execute any intentional maneuver that exceeds—

(1) A bank of 60 degrees relative to the horizon; or

(2) A nose up or nose down attitude of 30 degrees relative to the horizon.

#### § 91.73 Aircraft lights.

No person may, during the period from sunset to sunrise (or, in Alaska, during the period a prominent unlighted object cannot be seen from a distance of three statute miles or the sun is more than six degrees below the horizon)—

(a) Operate an aircraft unless it has lighted position lights;

(b) Park or move an aircraft in, or in dangerous proximity to, a night flight operations area of an airport unless the aircraft—

(1) Is clearly illuminated;

(2) Has lighted position lights; or

(3) Is in an area which is marked by obstruction lights; or

(c) Anchor an aircraft unless the aircraft—

(1) Has lighted anchor lights; or

(2) Is in an area where anchor lights are not required on vessels.

#### § 91.75 Compliance with ATC clearances and instructions.

(a) When an ATC clearance has been obtained, no pilot in command may deviate from that clearance, except in an emergency, unless he obtains an

amended clearance. However, except in positive controlled airspace, this paragraph does not prohibit him from cancelling an IFR flight plan if he is operating in VFR weather conditions.

(b) Except in an emergency, no person may, in an area in which air traffic control is exercised, operate an aircraft contrary to an ATC instruction.

(c) Each pilot in command who deviates, in an emergency, from an ATC clearance or instruction shall notify ATC of that deviation as soon as possible.

(d) Each pilot in command who (though not deviating from a rule of this subpart) is given priority by ATC in an emergency, shall submit, within 48 hours after the emergency, a detailed report of the emergency to the nearest FAA Regional Office.

#### § 91.77 ATC light signals.

ATC light signals have the meaning shown in the following table.

| Color and type of signal   | Meaning with respect to aircraft on the surface | Meaning with respect to aircraft in flight                                                                            |
|----------------------------|-------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------|
| Steady green....           | Cleared for take-off.                           | Cleared to land.                                                                                                      |
| Flashing green...          | Cleared to taxi..                               | Return for landing (to be followed by steady green at proper time). Give way to other aircraft and continue circling. |
| Steady red.....            | Stop.....                                       | Airport unsafe—do not land. Not applicable.                                                                           |
| Flashing red....           | Taxi clear of runway in use.                    | Exercise extreme caution.                                                                                             |
| Flashing white..           | Return to starting point on airport.            | Exercise extreme caution.                                                                                             |
| Alternating red and green. | Exercise extreme caution.                       | Exercise extreme caution.                                                                                             |

#### § 91.79 Minimum safe altitudes; general.

Except when necessary for takeoff or landing, no person may operate an aircraft below the following altitudes:

(a) *Anywhere.* An altitude allowing, if a power unit fails, an emergency landing without undue hazard to persons or property on the surface.

(b) *Over congested areas.* Over any congested area of a city, town, or settlement, or over any open air assembly of persons, an altitude of 1,000 feet above the highest obstacle within a horizontal radius of 2,000 feet of the aircraft.

(c) *Over other than congested areas.* An altitude of 500 feet above the surface, except over open water or sparsely populated areas. In that case, the aircraft may not be operated closer than 500 feet to any person, vessel, vehicle, or structure.

(d) *Helicopters.* Helicopters may be operated at less than the minimums prescribed in paragraph (b) or (c) of this section if the operation is conducted without hazard to persons or property on the surface. In addition, each person operating a helicopter shall comply with routes or altitudes specifically prescribed for helicopters by the Administrator.

#### § 91.81 Altimeter settings.

(a) Each person operating an aircraft shall maintain that aircraft's cruising altitude or flight level, as the case may be, by reference to an altimeter that is set, when operating—



(1) At or below 23,500 feet MSL, to—  
(i) The current reported altimeter setting of a station along the route and within 100 nautical miles of the aircraft;

(ii) If there is no station within the area prescribed in subdivision (i) of this subparagraph, the current reported altimeter setting of an appropriate available station; or

(iii) In the case of an aircraft not equipped with a radio, the elevation of the departure airport or an appropriate altimeter setting available before departure; or

(2) At or above 24,000 feet MSL, to 29.92" Hg.

(b) The lowest usable flight level is determined by the atmospheric pressure in the area of operation, as shown in the following table:

| Altimeter setting<br>(current reported): | Lowest usable<br>flight level |
|------------------------------------------|-------------------------------|
| 29.92 or higher.....                     | 240                           |
| 29.91 to 29.42.....                      | 245                           |
| 29.41 to 28.92.....                      | 250                           |
| 28.91 to 28.42.....                      | 255                           |
| 28.41 to 27.92.....                      | 260                           |
| 27.91 to 27.42.....                      | 265                           |

#### § 91.83 Flight plan; information required.

(a) Unless otherwise authorized by ATC, each person filing an IFR or VFR flight plan shall include in it the following information:

(1) The aircraft identification number and, if necessary, its radio call sign.

(2) The type of the aircraft or, in the case of a formation flight, the type of each aircraft and the number of aircraft, in the formation.

(3) The full name and address of the pilot in command or, in the case of a formation flight, the formation commander.

(4) The point and proposed time of departure.

(5) The proposed route, cruising altitude (or flight level), and true air speed at that altitude.

(6) The point of first intended landing and the estimated elapsed time until over that point.

(7) The radio frequencies to be used.

(8) The amount of fuel on board (in hours).

(9) In the case of an IFR flight plan, an alternate airport.

(10) In the case of an international flight, the number of persons in the aircraft.

(11) Any other information the pilot in command or ATC believes is necessary for ATC purposes.

When a flight plan has been filed, the pilot in command, upon cancelling or completing the flight under the flight plan, shall notify the nearest FAA Flight Service Station or ATC facility.

(b) *IFR alternate airport weather minimums.* Unless otherwise authorized by the Administrator, no person may list an alternate airport in an IFR flight plan unless current weather reports and forecasts indicate that, at the time of arrival, the ceiling and visibility at that airport will be at or above the alternate airport weather minimums prescribed for that airport in Part 97 [New] of this chapter or, if no minimums are so pre-

scribed, the following weather minimums:

(1) At an airport served by a radio directional facility—

(i) Ceiling 1,000 feet and visibility one statute mile;

(ii) Ceiling 900 feet and visibility one and one-half statute miles; or

(iii) Ceiling 800 feet and visibility two statute miles.

(2) At an airport not served by a radio directional facility, a ceiling of 1,000 feet with broken clouds (or better) and visibility two statute miles.

#### § 91.85 Operating on or in the vicinity of an airport; general rules.

(a) Unless otherwise required by Part 93 [New] of this chapter, each person operating an aircraft on or in the vicinity of an airport shall comply with the requirements of this section and of §§ 91.87 and 91.89.

(b) Unless otherwise authorized or required by ATC, no person may operate an aircraft within an airport traffic area except for the purpose of landing at, or taking off from, an airport within that area. ATC authorizations may be given as individual approval of specific operations or may be contained in written agreements between airport users and the tower concerned.

(c) No person may operate—

(1) An arriving aircraft below 10,000 feet MSL within 30 nautical miles of an airport of intended landing (or an airport where a simulated approach is to be made) at an indicated airspeed of more than 250 knots (288 m.p.h.); or

(2) Unless otherwise authorized or required by ATC, any aircraft within an airport traffic area at an indicated airspeed of more than—

(i) In the case of a reciprocating engine aircraft, 156 knots (180 m.p.h.); or

(ii) In the case of a turbine-powered aircraft, 200 knots (230 m.p.h.).

However, if the minimum airspeed required by the operating limitations of an aircraft or by military normal operating procedures is greater than the maximum speed prescribed in this paragraph, the aircraft may be operated at that minimum airspeed.

#### § 91.87 Operation at airports with operating control towers.

(a) *General.* Unless otherwise authorized or required by ATC, each person operating an aircraft to, from, or on an airport with an operating control tower shall comply with the applicable provisions of this section.

(b) *Communications with control towers operated by the United States.* No person may, within an airport traffic area, operate an aircraft to, from, or on an airport having a control tower operated by the United States unless two-way radio communications are maintained between that aircraft and the control tower. However, if the aircraft radio fails in flight, he may operate that aircraft and land if weather conditions are at or above basic VFR weather minimums, he maintains visual contact with the tower, and he receives a clearance to land. If the aircraft radio fails while

in flight under IFR, he must comply with § 91.127.

(c) *Communications with other control towers.* No person may, within an airport traffic area, operate an aircraft to, from, or on an airport having a control tower that is operated by any person other than the United States unless—

(1) If that aircraft's radio equipment so allows, two-way radio communications are maintained between the aircraft and the tower; or

(2) If that aircraft's radio equipment allows only reception from the tower, the pilot has the tower's frequency monitored.

(d) *Minimum altitudes.* When operating to an airport with an operating control tower, each pilot of—

(1) A turbine-powered airplane, shall, unless otherwise required by terrain, obstacles, or applicable distance from clouds criteria, maintain within the airport traffic area an altitude of at least 1,500 feet above the surface of the airport until further descent is required for a safe landing;

(2) A large airplane approaching to land on a runway being served by an ILS, shall, if the airplane is ILS equipped, fly that airplane at an altitude at or above the glide slope between the outer marker (or the point of interception with the glide slope, if compliance with applicable distance from clouds criteria requires interception closer in) and the middle marker; and

(3) An airplane approaching to land on a runway served by a visual approach slope indicator, shall maintain an altitude at or above the glide slope until a lower altitude is necessary for a safe landing.

However, subparagraphs (2) and (3) of this paragraph do not prohibit normal bracketing maneuvers above or below the glide slope that are conducted for the purpose of remaining on the glide slope.

(e) *Approaches.* When approaching to land at an airport with an operating control tower, each pilot of—

(1) An airplane, shall circle the airport to the left; and

(2) A helicopter, shall avoid the flow of fixed-wing aircraft.

(f) *Departures.* No person may operate an aircraft taking off from an airport with an operating control tower except in compliance with the following:

(1) Each pilot shall comply with any departure procedures established for that airport by the FAA.

(2) Unless otherwise required by the departure procedures or applicable distance from clouds criteria, each pilot of a large airplane shall climb to an altitude of 1,500 feet above the surface as rapidly as practicable.

(g) *Preferential runway system.* When landing or taking off from an airport with an operating control tower and for which a preferential runway system has been established by the FAA, each pilot of a large airplane, assigned a preferential runway by ATC, shall use that runway. However, each pilot has final authority and responsibility for the safe operation of his airplane and if he determines that another runway should be used, ATC will assign that runway



(air traffic and other conditions permitting). Each pilot not using the preferential runway assigned shall, if requested by ATC, submit within 48 hours of that request a written report of the reasons therefor to the Chief Airport Traffic Controller of the airport at which the deviation occurred.

(h) *Clearances required.* No pilot may, at an airport with an operating control tower, taxi an aircraft on a runway, or takeoff or land an aircraft, unless he has received an appropriate clearance from ATC. A clearance to "taxi to" the runway is a clearance to cross all intersecting runways but is not a clearance to "taxi on" the assigned runway.

#### § 91.89 Operation at airports without control towers.

(a) *Operation at airports without control towers.* Each person operating an aircraft to or from an airport not described in § 91.87 shall comply with the applicable provisions of this section.

(b) *Communications with FAA Flight Service Stations.* If an operative FAA Flight Service Station is located at the airport (and is so depicted on the current appropriate Sectional Aeronautical Chart of the U.S. Coast and Geodetic Survey or, in the case of an area not so charted, on the current World Aeronautical Chart), each pilot shall, unless otherwise authorized or required by ATC, while within a 5-statute mile radius of that airport—

(1) If the aircraft's radio equipment so allows, maintain two-way radio communications between the aircraft and the station; or

(2) If the aircraft's radio equipment allows only reception from the station, monitor the station's frequency.

A pilot operating under IFR may satisfy the requirements of this paragraph by maintaining a listening watch on the last assigned pilot-controller frequency until otherwise specified by ATC.

(c) *Departures and approaches.* Each pilot of—

(1) An airplane approaching to land, shall make all turns of that airplane to the left unless the airport displays approved light signals or visual markings indicating that turns should be made to the right, in which case the pilot shall make all turns to the right;

(2) A helicopter approaching to land, shall avoid the flow of fixed-wing aircraft; and

(3) An aircraft departing the airport, shall comply with any FAA traffic pattern for that airport.

#### § 91.91 Avoidance of disaster areas.

(a) Designated disaster areas consist of that airspace below 2,000 feet above the surface within five statute miles of an aircraft or train accident, forest fire, earthquake, flood, or other disaster of substantial magnitude. The designation of a disaster area is made in a Notice to Airmen.

(b) No person may operate an aircraft within a designated disaster area unless—

(1) That aircraft is participating in airborne relief activities under the di-

rection of the Agency responsible for relief activities;

(2) That aircraft is being operated to or from an airport within the area, if that operation does not hamper or endanger relief activities;

(3) Flight around or above the area is impractical due to weather, terrain, or other considerations, if that en route operation through the area does not hamper or endanger relief activities and prior notice is given to the Air Traffic Service facility specified in the Notice to Airmen;

(4) It is specifically authorized under an IFR ATC clearance; or

(5) That aircraft is carrying properly accredited news representatives or persons on official business concerning the disaster is operated in accordance with § 91.79 and, unless otherwise authorized by the Agency responsible for relief activities, it is operated above altitudes used by relief aircraft and the operator has filed with the Air Traffic Service facility specified in the Notice to Airmen a flight plan that includes the following information:

(i) Aircraft identification, type, and color.

(ii) Radio communications frequencies to be used.

(iii) Proposed times of entry and exit of the disaster area.

(iv) Name of news media or purpose of flight.

(v) Any other information deemed necessary by ATC.

#### § 91.93 Flight test areas.

(a) No person may flight test an aircraft except over open water or sparsely populated areas having light air traffic and within a flight test area approved by the Administrator.

(b) For the purposes of this section, a "flight test" means flight—

(1) To investigate or check the operational capabilities of a new type aircraft engine or propeller, the airworthiness of which has not been determined by appropriate military or civil authority;

(2) Of a production aircraft before the basic airworthiness of the aircraft, engine, or propeller concerned is determined by the pilot; or

(3) After a major alteration to the aircraft, engine, or propeller before its basic airworthiness has been determined by the pilot.

However, the operation of a production aircraft (or an aircraft that has undergone a major alteration) necessary to go to and from an approved flight test area, is not considered to be a part of a flight test.

(c) For the purposes of this section, "basic airworthiness" means the structural integrity and controllability of an aircraft as determined by the pilot in normal flight maneuvering such that there is no reasonable probability of failure which would endanger persons or property.

(d) An application for approval of a flight test area is made by letter, in triplicate, to the Chief, Air Traffic Division of the FAA Region within which the proposed flight test area is located. The application must contain—

(1) An aeronautical chart showing the geographical boundaries of the proposed flight test area by longitude and latitude or by landmarks that can be readily seen from aircraft operating altitudes;

(2) The hours of the day during which the flight test is to be conducted;

(3) The conditions under which the flight test is to be conducted (such as VFR, ceiling, visibility, altitudes); and

(4) The nature of the flight test (such as production, experimental or prototype).

(e) An approval of a flight test area is effective as stated therein but not for more than 24 months. However, the Administrator may cancel the approval at any time if he finds that changed conditions exist that would not have justified an original approval.

(f) An application for the renewal of an approval of a flight test area is made in the manner prescribed in paragraph (d) of this section. However, it need contain only changes that have occurred since the filing of the original application for approval and may incorporate, by reference, material contained in the original application.

#### § 91.95 Restricted and prohibited areas.

(a) No person may operate an aircraft within a restricted area (designated in Part 73 [New]) contrary to the restrictions imposed, or within a prohibited area, unless he has the permission of the using or controlling agency, as appropriate.

(b) Each person conducting, within a restricted area, an aircraft operation (approved by the using agency) that creates the same hazards as the operations for which the restricted area was designated, may deviate from the rules of this subpart that are not compatible with his operation of the aircraft.

#### § 91.97 Positive control areas and route segments.

(a) Except as provided in paragraph

(b) of this section, no person may operate an aircraft within a positive control area or positive control route segment, designated in Part 71 [New] of this chapter, unless that aircraft is—

(1) Operated under IFR at a specific altitude assigned by ATC;

(2) Equipped with instruments and equipment required for IFR operations and is flown by a pilot rated for instrument flight; and

(3) In the case of a positive control area, equipped with—

(i) A coded radar beacon transponder, having a Mode A (military Mode 3) 64 code capability, replying to Mode 3/A interrogation with the code specified by ATC; and

(ii) A radio providing direct pilot/controller communication on the frequency specified by ATC for the area concerned.

(b) ATC may authorize deviations from the requirements of paragraph (a) of this section for operation in a positive control area. In the case of in-flight failure of a radar beacon transponder, ATC may immediately approve operation within a positive control area. In all other cases, requests for an authorization to deviate must be submitted



at least four days before the proposed operation, in writing, to the ATC center having jurisdiction over the positive control area concerned. ATC may authorize deviations on a continuing basis or for an individual flight, as appropriate.

#### § 91.99 Jet advisory areas.

(a) No person may operate an aircraft within a radar jet advisory area designated in Part 75 [New] of this chapter unless—

(1) That aircraft is operated under IFR at a specific altitude assigned by ATC; or

(2) If the aircraft is not so operated and—

(i) That aircraft is equipped with a functioning coded radar beacon transponder having a Mode A (military Mode 3) 64 code capability, that transponder is operated to reply to Mode 3/A interrogation with the code specified by ATC;

(ii) If that aircraft is not so equipped, it is operated under specific authorization from ATC; or

(iii) If radio failure prevents the receiving of that authorization, he maintains an appropriate VFR cruising flight level.

(b) No person may pilot an aircraft within a nonradar jet advisory area designated in Part 75 [New] of this chapter unless that aircraft is operated under—

(1) IFR at a specific altitude assigned by ATC; or

(2) Specific authorization from ATC.

#### § 91.101 Operations to, or over, Cuba.

No person may operate a civil aircraft from the United States to, or over, Cuba unless—

(a) Departure is from an international airport of entry designated in § 6.13 of the Air Commerce Regulations of the Bureau of Commerce (19 CFR 6.13); and

(b) In the case of departure from any of the 48 contiguous States or the District of Columbia, the pilot in command of the aircraft has filed—

(1) A DVFR or IFR flight plan as prescribed in § 99.11 or 99.13 of this chapter; and

(2) A written statement, within one hour before departure, with the office of Immigration and Naturalization Service at the airport of departure, containing—

(i) All information in the flight plan;

(ii) The name of each occupant of the aircraft;

(iii) The number of occupants of the aircraft; and

(iv) A description of the cargo, if any.

This section does not apply to the operation of aircraft by a scheduled air carrier over routes authorized in operations specifications issued by the Administrator.

#### VISUAL FLIGHT RULES

#### § 91.105 Basic VFR weather minimums.

(a) *Distance from clouds.* Except as provided in § 91.107, no person may operate an aircraft under VFR—

(1) Within the continental control area at a distance less than 1,000 feet

vertically and one statute mile horizontally from any cloud formation;

(2) Within any other controlled airspace at a distance less than 500 feet below or 1,000 feet above, and 2,000 feet horizontally from, any cloud formation;

(3) Within a control zone, beneath the ceiling when the ceiling is less than 1,000 feet;

(4) Outside controlled airspace at an altitude of more than 1,200 feet above the surface, at a distance less than 500 feet below or 1,000 feet above, and 2,000 feet horizontally from, any cloud formation; or

(5) Outside controlled airspace at an altitude of 1,200 feet or less above the surface, unless the aircraft is clear of clouds.

(b) *Flight visibility.* Except as provided in § 91.107, no person may operate an aircraft under VFR—

(1) In the continental control area unless flight visibility is at least five statute miles;

(2) In any other controlled airspace unless flight visibility is at least three statute miles; or

(3) Outside controlled airspace, unless flight visibility is at least one statute mile.

However, subparagraph (3) of this paragraph does not apply to the operation of a helicopter at or below 1,200 feet above the surface at a speed that allows the pilot adequate opportunity to see any air traffic or other obstruction in time to avoid a collision.

(c) *Ground visibility.* Except as provided in § 91.107, no person may takeoff or land an aircraft, or enter the traffic pattern of an airport, under VFR, within a control zone unless ground visibility is at least three statute miles.

(d) For the purposes of this section, an aircraft operated in accordance with § 91.109 at the base altitude of a transition area, a control area, or the continental control area, is considered to be within the airspace directly below that area.

#### § 91.107 Special VFR weather minimums in a control zone.

(a) When a person has received an appropriate ATC clearance, the special weather minimums of this section (instead of those contained in § 91.105) apply to the operation of an aircraft by that person in a control zone under VFR.

(b) No person may operate an aircraft in a control zone under VFR except clear of clouds.

(c) No person may operate an aircraft (other than a helicopter) in a control zone under VFR unless flight visibility is at least one statute mile.

(d) No person may takeoff or land an aircraft (other than a helicopter) in a control zone under VFR unless ground visibility is at least one statute mile.

#### § 91.109 VFR cruising altitude or flight level.

Except while holding in a holding pattern of two minutes or less, or while turning, each person operating an aircraft under VFR in level cruising flight at or above 3,000 feet above the surface,

shall maintain the appropriate altitude prescribed below:

(a) When operating at or below 23,500 feet MSL and—

(1) On a magnetic course of zero degrees through 179 degrees, any odd thousand foot MSL altitude +500 feet (such as 3,500, 5,500, or 7,500); or

(2) On a magnetic course of 180 degrees through 359 degrees, any even thousand foot MSL altitude +500 feet (such as 4,500, 6,500, or 8,500).

(b) When operating above 23,500 feet MSL to flight level 290 (inclusive), and—

(1) On a magnetic course of zero degrees through 179 degrees, either flight level 255 or 275; or

(2) On a magnetic course of 180 degrees through 359 degrees, flight level 245, 265, or 285.

(c) When operating above flight level 290 and—

(1) On a magnetic course of zero degrees through 179 degrees, any flight level, at 4,000-foot intervals, beginning at and including flight level 300 (such as flight level 300, 340, or 380); or

(2) On a magnetic course of 180 degrees through 359 degrees, any flight level, at 4,000-foot intervals, beginning at and including flight level 320 (such as flight level 320, 360, or 400).

#### INSTRUMENT FLIGHT RULES

#### § 91.115 ATC clearance and flight plan required.

No person may operate an aircraft in controlled airspace under IFR unless—

(a) He has filed an IFR flight plan; and

(b) He has received an appropriate ATC clearance.

#### § 91.117 Takeoff and landing under IFR.

(a) *Instrument approaches to civil airports.* Unless otherwise authorized by the Administrator (including ATC), each person operating an aircraft shall, when an instrument letdown to an airport is necessary, use a standard instrument approach procedure prescribed for that airport in Part 97 [New] of this chapter.

(b) *Use of low or medium frequency simultaneous radio ranges requiring flight check.* When a flight check of a low or medium frequency (200 through 415 KCS) simultaneous radio range is required, a Notice to Airmen will be issued advising that the range is "ground checked only, awaiting flight check" and the range may be used as a homing facility and in addition may be used as an ADF instrument approach aid if an ADF procedure for the airport concerned is prescribed by the Administrator or if an approach is conducted using the same courses and altitudes for the ADF approach as those specified in the approved range procedure.

(c) *Landing minimums.* Unless otherwise authorized by the Administrator, no person operating an aircraft (except a military aircraft of the United States) may land that aircraft using a standard instrument approach procedure prescribed in Part 97 [New] of this chapter unless weather conditions are at or above the landing weather minimums pre-



scribed in that Part for the procedure used.

(d) *Civil airport takeoff minimums.* Unless otherwise authorized by the Administrator, no person operating an aircraft under Part 40, 41, 42, 44, or 45) may take off from a civil airport under IFR unless weather conditions are at or above the weather minimums for IFR takeoff prescribed for that airport in Part 97 [New] of this chapter.

(e) *Military airports.* Unless otherwise prescribed by the Administrator, each person operating a civil aircraft under IFR into, or out of, a military airport shall comply with the instrument approach procedure and the takeoff and landing minimums prescribed by the military authority having jurisdiction on that airport.

(f) *Use of radar in any instrument approach procedure.* When radar is approved at certain locations for ATC purposes, it may be used not only for surveillance and precision radar approaches, as applicable, but also may be used in conjunction with instrument approach procedures predicated on other types of radio navigational aids. Radar transitions may be authorized from established holding fixes to final approach positions in relation to the ILS or other types of radio navigational aids upon which instrument approach procedures are predicated. Upon reaching a final approach position in relation to these facilities, the pilot will either continue a surveillance or precision approach to a landing or complete his instrument approach in accordance with the procedure approved for the facility in question.

(g) *Limitations on procedure turns.* In the case of a radar initial approach to a final approach position or a timed approach from a holding fix, no pilot may make a procedure turn unless, when he receives his final approach clearance, he so advises ATC.

(h) *Descent below IFR landing minimums.* No person may operate an aircraft below the applicable minimum landing altitude unless clear of clouds. In addition, no person may operate an aircraft more than 50 feet below that minimum altitude unless—

(1) The landing minimums are at least ceiling 1,000 feet and visibility two statute miles;

(2) The aircraft is in a position from which a normal approach can be made to the runway of intended landing and the approach threshold of that runway or the approach lights or other markings identifiable with that runway are clearly visible to the pilot.

If, after descent below the minimum altitude, the pilot cannot maintain visual reference to the ground or ground lights, he shall immediately execute the appropriate prescribed missed approach procedure.

(i) *Inoperative ILS components.* The components of a complete ILS are localizer, glide slope, outer marker, middle marker, and approach lights. However, a compass locator at an outer or middle marker site may be substituted for the outer or middle marker, respectively.

Unless otherwise specified in Part 97 [New] of this chapter, no person may begin an ILS approach when any component of the ILS is inoperative, or the related airborne equipment is inoperative or not utilized, except as follows:

(1) When only one component (other than the localizer) is inoperative and all other components are in normal operation, a straight-in approach may be made if the ceiling and visibility at the airport are at least equal to 300 feet and  $\frac{3}{4}$  statute mile, respectively.

(2) When the localizer and the outer marker are the only components in normal operation—

(i) A circling approach may be made if the ceiling and visibility are equal to or higher than the minimums prescribed for a circling approach; or

(ii) A straight-in approach may be made if the ceiling and visibility at the airport are at least equal to 300 feet and one statute mile, respectively.

(3) In the case of an alternate airport, when only one component (other than the localizer) is inoperative and all other components are in normal operation, a person may make an approach if the ceiling and visibility at the airport are at least equal to the minimums prescribed for use of the airport as an alternate airport.

#### § 91.119 Minimum altitudes for IFR operations.

(a) Except when necessary for takeoff or landing, or unless otherwise authorized by the Administrator, no person may operate an aircraft under IFR below—

(1) The applicable minimum altitudes prescribed in Parts 95 [New] and 97 [New] of this chapter; or

(2) If no applicable minimum altitude is prescribed in those parts—

(i) In the case of operations over an area designated as a mountainous area in Part 95 [New], an altitude of 2,000 feet above the highest obstacle within a horizontal distance of five statute miles from the course to be flown; or

(ii) In any other case, an altitude of 1,000 feet above the highest obstacle within a horizontal distance of five statute miles from the course to be flown.

However, if both a MEA and a MOCA are prescribed for a particular route or route segment, a person may operate an aircraft below the MEA down to, but not below, the MOCA, when within 25 statute miles of the VOR concerned (based on the pilot's reasonable estimate of that distance).

(b) *Climb.* Climb to a higher minimum IFR altitude shall begin immediately after passing the point beyond which that minimum altitude applies, except that, when ground obstructions intervene, the point beyond which the higher minimum altitude applies shall be crossed at or above the applicable MCA.

#### § 91.121 IFR cruising altitude or flight level.

(a) *In controlled airspace.* Each person operating an aircraft under IFR in level cruising flight in controlled airspace shall maintain the altitude or

flight level assigned that aircraft by ATC. However, if the ATC clearance assigns "VFR conditions-on-top," he shall maintain an altitude or flight level as prescribed by § 91.109 of this part.

(b) *In uncontrolled airspace.* Except while holding in a pattern of two minutes or less, or while turning, each person operating an aircraft, under IFR, in level cruising flight in uncontrolled airspace, shall maintain an appropriate altitude as follows:

(1) When operating at or below 23,500 feet MSL and—

(i) On a magnetic course of zero degrees through 179 degrees, any odd thousand foot MSL altitude (such as 3,000, 5,000, or 7,000); or

(ii) On a magnetic course of 180 degrees through 359 degrees, any even thousand foot MSL altitude (such as 2,000, 4,000, or 6,000).

(2) When operating above 23,500 feet MSL, but below flight level 290, and—

(i) On a magnetic course of zero degrees through 179 degrees, either flight level 250 or 270; or

(ii) On a magnetic course of 180 degrees through 359 degrees, flight level 240, 260, or 280.

(3) When operating at flight level 290 and above, and—

(i) On a magnetic course of zero degrees through 179 degrees, any flight level, at 4,000-foot intervals, beginning at and including flight level 290 (such as flight level 290, 330, or 370); or

(ii) On a magnetic course of 180 degrees through 359 degrees, any flight level, at 4,000-foot intervals, beginning at and including flight level 310 (such as flight level 310, 350, or 390).

#### § 91.123 Course to be flown.

Unless otherwise authorized by ATC, no person may operate an aircraft within controlled airspace, under IFR, except as follows:

(a) On a Federal airway, along the centerline of that airway.

(b) On any other route, along the direct course between the navigational aids or fixes defining that route.

However, this section does not prohibit maneuvering the aircraft to pass well clear of other air traffic or the maneuvering of the aircraft, in VFR conditions, to clear the intended flight path both before and during climb or descent.

#### § 91.125 IFR, radio communications.

The pilot in command of each aircraft operated under IFR in controlled airspace shall have a continuous watch maintained on the appropriate frequency and shall report by radio as soon as possible—

(a) The time and altitude of passing each designated reporting point, or the reporting points specified by ATC;

(b) Any unforecast weather conditions encountered; and

(c) Any other information relating to the safety of flight.

#### § 91.127 IFR operations; two-way radio communications failure.

(a) *General.* Unless otherwise authorized by ATC, each pilot who has two-way radio communications failure when



operating under IFR shall comply with the rules of this section.

(b) *VFR conditions.* If the failure occurs in VFR conditions, or if VFR conditions are encountered after the failure, each pilot shall continue the flight under VFR and land as soon as practicable.

(c) *IFR conditions.* If the failure occurs in IFR conditions, or if paragraph (b) of this section cannot be complied with, each pilot shall continue the flight to the original destination and shall—

(1) Continue the flight along the route specified in the last ATC clearance received, or, if no route has been specified, along the planned route;

(2) Continue the flight at the highest of the following altitudes or flight levels:

(i) The altitude or flight level specified in the last ATC clearance received;

(ii) The minimum safe altitude; or

(iii) The lowest cardinal altitude or flight level at or above the MEA of the highest planned route structure;

(3) When climb to a higher altitude is required by subparagraph (2) (iii) of this section, begin that climb 10 minutes after passing the first compulsory reporting point over which the failure prevented communications with ATC;

(4) If holding instructions have been received, depart the holding fix at the expected further clearance time received, or, if an expected approach clearance time has been received, depart the holding fix so as to arrive over the radio facility to be used for the approach at the destination as close as possible to the expected approach clearance time; and

(5) Begin descent from the en route altitude or flight level at the radio facility to be used for the approach at the destination at the latest of the following times:

(i) The expected approach clearance time (if received).

(ii) The estimated time of arrival shown on the flight plan, as amended with ATC.

(iii) The actual time of arrival over the facility.

#### § 91.129 Operation under IFR in controlled airspace; malfunction reports.

(a) The pilot in command of each aircraft operated in controlled airspace under IFR, shall report immediately to ATC any of the following malfunctions of equipment occurring in flight:

(1) Loss of VOR, TACAN, ADF, or low frequency navigation receiver capability.

(2) Complete or partial loss of ILS receiver capability.

(3) Impairment of air/ground communications capability.

(b) In each report required by paragraph (a) of this section, the pilot in command shall include the—

(1) Aircraft identification;

(2) Equipment affected;

(3) Degree to which the capability of the pilot to operate under IFR in the ATC system is impaired; and

(4) Nature and extent of assistance he desires from ATC.

### Subpart C—Maintenance

#### § 91.161 Applicability.

(a) This subpart prescribes rules governing the maintenance of U.S. regis-

tered civil aircraft operating in the United States.

(b) Sections 165, 169, 171, and 173 of this subpart do not apply to—

(1) An aircraft operated in accordance with Part ----, ----, or ---- of this chapter (present Part 40, 41, or 46); or

(2) A large aircraft operated in accordance with Part ---- of this chapter (present Part 42).

#### § 91.163 General.

(a) The owner or operator of an aircraft is primarily responsible for maintaining that aircraft in an airworthy condition.

(b) No person may maintain an aircraft other than as prescribed in this subpart and other applicable regulations, including Part ---- (present Part 18).

#### § 91.165 Maintenance required.

Each owner or operator of an aircraft shall have that aircraft inspected as prescribed in § 91.169 of this chapter and shall, between required inspections, have defects repaired as prescribed in Part ---- of this chapter (present Part 18). In addition, he shall ensure that maintenance personnel make appropriate entries in the aircraft and maintenance records indicating the aircraft has been released to service.

#### § 91.167 Carrying persons other than crewmembers after repairs or alterations.

(a) No person may carry any person (other than a crewmember) in an aircraft that has been repaired or altered in a manner that may have appreciably changed its flight characteristics, or substantially affected its operation in flight, until an appropriately rated pilot, with at least a private pilot's certificate, test flies the aircraft and logs the test flight in the aircraft records.

(b) Paragraph (a) of this section does not require a test flight if ground tests or inspections, or both, show conclusively that the repair or alteration has not appreciably changed the flight characteristics, or substantially affected the flight operation of the aircraft.

#### § 91.169 Inspections.

(a) Except as provided in paragraph (c) of this section, no person may operate an aircraft unless, within the preceding 12 calendar months, it has had—

(1) A periodic inspection in accordance with Part ---- of this chapter (present Part 18) and has been approved for return to service by a person authorized by § ---- (present § 18.12(b)); or

(2) An inspection for the issue of an airworthiness certificate.

(b) Except as provided in paragraph (c) of this section, no person may operate an aircraft carrying any person (other than a crewmember) for hire or to give flight instruction for hire unless, within the preceding 100 hours time in service, it has been—

(1) Inspected in accordance with Part ---- of this chapter (present Part 18) and approved for return to service by a person authorized by § ---- (present § 18.12); or

(2) Inspected as prescribed in paragraph (a) of this section.

The 100-hour limitation may be exceeded by not more than 10 hours if necessary to reach a place at which the inspection can be done. The excess time, however, is included in computing the next 100 hours of time in service.

(c) Paragraphs (a) and (b) of this section do not apply to—

(1) Any aircraft for which its registered owner or operator complies with the progressive inspection requirements of § 91.171 and Part ---- of this chapter (present Part 18); or

(2) An aircraft that carries a special flight permit or a current experimental or provisional certificate.

#### § 91.171 Progressive inspection.

(a) Each registered owner or operator of an aircraft desiring to use the progressive inspection must submit a written request to the Flight Standards District Office having jurisdiction over the area in which the applicant is located, and shall provide—

(1) A certificated mechanic holding an inspection authorization, a certificated airframe repair station, or the manufacturer of the aircraft, to supervise or conduct the progressive inspection;

(2) A current inspection procedures manual available and readily understandable to pilot and maintenance personnel containing, in detail—

(i) An explanation of the progressive inspection, including the continuity of inspection responsibility, the making of reports, and the keeping of records and technical reference material;

(ii) An inspection schedule, including instructions for exceeding an inspection interval by not more than 10 hours while en route and for changing an inspection interval because of service experience;

(iii) Sample routine and detailed inspection forms and instructions for their use; and

(iv) Sample reports and records, and instructions for their use;

(3) Enough housing and equipment for necessary disassembly and proper inspection of the aircraft; and

(4) Appropriate current technical information for the aircraft.

(b) If the progressive inspection is discontinued, the owner or operator shall immediately notify the local General Aviation District Office, in writing, of the discontinuance.

#### § 91.173 Maintenance records.

(a) Each registered owner or operator of an aircraft shall keep a separate, current, and permanent maintenance record for the aircraft and each engine and shall identify each record as to make, model, serial number, and, if applicable, registration number of the aircraft or engine concerned.

(b) Each registered owner or operator shall use a record of sufficient size and shall include in it the following information:

(1) The kind and extent of maintenance and alteration, and the time in service and date when the work is done. However, major repairs or major alterations may be logged by making reference to the FAA Form ACA-337 by date, or to the work order (by number) and the approving agency.



(2) A chronological listing of compliance with mandatory service bulletins, airworthiness directives, and the method of compliance.

(3) The current empty weight, empty center of gravity, and useful load.

(4) The addition or removal of optional equipment.

(5) The addition or removal of required equipment in exchange for optional equipment.

(6) The total time in service and history of each engine overhauled, repaired, or reassembled to standards other than those for rebuilt engines as defined in § 91.175.

(7) The total time in service of the aircraft.

(c) Each registered owner or operator shall—

(1) Present the maintenance record for required entries each time inspection or maintenance is done on the aircraft or engine;

(2) Upon disposing of the aircraft or engine, give the maintenance record to the new registered owner or operator; and

(3) Make the maintenance record available for inspection by the Administrator or any authorized representative of the Civil Aeronautics Board.

#### § 91.175 Rebuilt engine maintenance records.

(a) The owner or operator may use a new maintenance record, without previous operating history, for an aircraft engine rebuilt by the manufacturer or by an agency approved by the manufacturer.

(b) Each manufacturer or agency that grants zero time to an engine rebuilt by it shall enter, in the new record—

(1) A signed statement of the date the engine was rebuilt;

(2) Each change made as required by Airworthiness Directives; and

(3) Each change made in compliance with manufacturer's service bulletins, if the entry is specifically requested in that bulletin.

(c) For the purposes of this section, a rebuilt engine is a used engine that has been completely disassembled, inspected, repaired as necessary, reassembled, tested, and approved in the same manner and to the same tolerances and limits as a new engine with either new or used parts. However, all parts used in it must conform to the production drawing tolerances and limits for new parts or be of approved oversize or undersized dimensions for a new engine.

#### PART 91—DISTRIBUTION TABLE

| Former section                     | Revised section  |
|------------------------------------|------------------|
| 1.68 (less last sentence)-----     | 91.39            |
| 8.31-----                          | 91.39            |
| 8.31-1-----                        | ( <sup>1</sup> ) |
| 8.32-----                          | 91.39            |
| 8.33-----                          | 91.39            |
| 43.1 (less (a), (b), and (d))----- | 91.1             |
| 43.10 (a)-----                     | 91.27            |
| 43.10 (less (a))-----              | 91.31            |
| 43.11-----                         | 91.37            |
| 43.20 (1st sentence)-----          | 91.29            |
| 43.20 (less 1st sentence)-----     | 91.163           |
| 43.20-1(a) (1st sentence)-----     | 91.163           |

See footnotes at end of table.

#### PART 91—DISTRIBUTION TABLE—Continued

| Former section                                     | Revised section  |
|----------------------------------------------------|------------------|
| 43.20-1(a) (2d and last sentences)-----            | 91.165           |
| 43.20-1(a) (less 1st, 2d, and last sentences)----- | ( <sup>1</sup> ) |
| 43.20-1(b) (1st sentence)-----                     | 91.29            |
| 43.20-1(b) (less 1st sentence)-----                | ( <sup>1</sup> ) |
| 43.21-----                                         | 91.167           |
| 43.21-1(a)-----                                    | 91.167           |
| 43.22-----                                         | 91.167           |
| 43.22-2-----                                       | 91.171           |
| 43.23-----                                         | 91.173           |
| 43.23-1-----                                       | 91.173           |
| 43.23-2-----                                       | 91.173           |
| 43.24-----                                         | 91.175           |
| 43.24-1-----                                       | 91.175           |
| 43.24-2-----                                       | 91.175           |
| 43.30-----                                         | 91.33            |
| 43.31-----                                         | 91.25            |
| 43.32-----                                         | 91.35            |
| 43.33-----                                         | 91.33            |
| 43.45-----                                         | 91.11            |
| 43.46-----                                         | 91.17            |
| 43.46-1-----                                       | 91.17            |
| 43.46-2-----                                       | ( <sup>1</sup> ) |
| 43.46-3-----                                       | ( <sup>1</sup> ) |
| 43.47, 47 (less (b))-----                          | 91.13            |
| 43.47(b)-----                                      | 91.15            |
| 43.48-----                                         | 91.71            |
| 43.48-1-----                                       | 91.71            |
| 43.49-----                                         | 91.15            |
| 43.50-----                                         | ( <sup>2</sup> ) |
| 43.51-----                                         | 91.23            |
| 43.64(a)-----                                      | 91.21            |
| 43.67-----                                         | 91.21            |
| 43.70-----                                         | ( <sup>4</sup> ) |
| 60.1 (introductory paragraph)-----                 | 91.1             |
| 60.1(a)-----                                       | ( <sup>5</sup> ) |
| 60.1 (less (a) and introductory paragraph)-----    | 91.63            |
| 60.1-1-----                                        | ( <sup>1</sup> ) |
| 60.1-2-----                                        | ( <sup>1</sup> ) |
| 60.1-3-----                                        | ( <sup>1</sup> ) |
| 60.1a-----                                         | 91.1             |
| 60.2 (last sentence)-----                          | 91.75            |
| 60.2 (less last sentence)-----                     | 91.3             |
| 60.2-1-----                                        | 91.3             |
| 60.10-----                                         | ( <sup>2</sup> ) |
| 60.11-----                                         | 91.5             |
| 60.12-----                                         | 91.9             |
| 60.13-----                                         | 91.95            |
| 60.14-----                                         | 91.67            |
| 60.15-----                                         | 91.65            |
| 60.16-----                                         | 91.71            |
| 60.16-1-----                                       | ( <sup>1</sup> ) |
| 60.17 (less (d))-----                              | 91.79            |
| 60.17(d)-----                                      | 91.119           |
| 60.17-1-----                                       | 91.75            |
| 60.18(a)-----                                      | 91.85            |
| 60.18(b)-----                                      | 91.87            |
| 60.18(c)-----                                      | 91.89            |
| 60.18-2-----                                       | ( <sup>1</sup> ) |
| 60.18-3-----                                       | 91.77            |
| 60.18-5-----                                       | ( <sup>1</sup> ) |
| 60.18-6-----                                       | ( <sup>1</sup> ) |
| 60.19-----                                         | 91.75            |
| 60.20-----                                         | 91.83            |
| 60.21-----                                         | 91.75            |
| 60.21-1-----                                       | ( <sup>1</sup> ) |
| 60.21-2-----                                       | ( <sup>1</sup> ) |
| 60.22-----                                         | 91.69            |
| 60.23-----                                         | 91.73            |
| 60.23-1-----                                       | 91.65            |
| 60.23-2-----                                       | ( <sup>1</sup> ) |
| 60.24-----                                         | 91.93            |
| 60.24-1-----                                       | 91.93            |
| 60.24-2-----                                       | 91.93            |
| 60.24-3-----                                       | 91.93            |
| 60.24-4-----                                       | 91.93            |
| 60.24-5-----                                       | 91.93            |
| 60.25-----                                         | 91.81            |
| 60.26-----                                         | 91.7             |
| 60.27-----                                         | 91.85(c) (1)     |
| 60.28-----                                         | 91.91            |
| 60.30-----                                         | 91.105           |
| 60.30-1-----                                       | 91.107           |
| 60.31-----                                         | 91.107           |
| 60.32-----                                         | 91.109           |
| 60.33-----                                         | 91.83            |
| 60.33-1-----                                       | ( <sup>1</sup> ) |
| 60.40-----                                         | ( <sup>2</sup> ) |

#### PART 91—DISTRIBUTION TABLE—Continued

| Former section                   | Revised section  |
|----------------------------------|------------------|
| 60.41 (1st sentence)-----        | 91.115           |
| 60.41 (less 1st sentence)-----   | 91.83            |
| 60.42-----                       | 91.83            |
| 60.43-----                       | 91.115           |
| 60.44-----                       | 91.121           |
| 60.45-----                       | 91.123           |
| 60.46-----                       | 91.117           |
| 60.46-1-----                     | 91.117           |
| 60.46-2-----                     | ( <sup>1</sup> ) |
| 60.47-----                       | 91.125           |
| 60.47-1-----                     | ( <sup>1</sup> ) |
| 60.49-----                       | 91.127           |
| 60.60-----                       | ( <sup>4</sup> ) |
| SR 422A (43T.11)-----            | 91.37            |
| SR 422B (43T.11)-----            | 91.37            |
| SR 424C-----                     | 91.97            |
| SR 425C (13)-----                | 91.41            |
| SR 437-----                      | 91.101           |
| SR 444-----                      | 91.99            |
| SR 445-----                      | 91.129           |
| SR 446B-----                     | 91.19            |
| Part 190-----                    | 91.43            |
| 610.6-----                       | 91.119           |
| 609.2-----                       | 91.117           |
| 609.4 (d) (2), (e), and (g)----- | 91.117           |
| 609.5(b)-----                    | 91.117           |

<sup>1</sup> Not a rule.

<sup>2</sup> Surplusage.

<sup>3</sup> Transferred to Part 105 [New].

<sup>4</sup> Transferred to Part 1 [New] or executed.

<sup>5</sup> In § 307(f) of the Federal Aviation Act of 1958.

<sup>6</sup> Less (c) (1).

<sup>7</sup> Transferred to Part 93.

#### CURRENT DISTRIBUTION OF FORMER SECTIONS OF PART 43

| Former section                                  | Revised section |
|-------------------------------------------------|-----------------|
| 43.40-----                                      | 61.3            |
| 43.41 (less 1st sentence)-----                  | 61.43           |
| 43.41 (1st sentence)-----                       | 61.3            |
| 43.41-1-----                                    | 61.43           |
| 43.42-----                                      | 61.45           |
| 43.52-----                                      | 61.73           |
| 43.55-----                                      | 61.73           |
| 43.56-----                                      | 61.73           |
| 43.60-----                                      | 61.101          |
| 43.61-----                                      | 61.131          |
| 43.62-----                                      | 61.165          |
| 43.63 (as applicable to private pilots)-----    | 61.101          |
| 43.63 (as applicable to commercial pilots)----- | 61.131          |
| 43.64 (b), (c), and (d)-----                    | 61.177          |
| 43.65-----                                      | 61.3            |
| 43.68(c)-----                                   | 61.179          |
| 43.68 (less (c))-----                           | 61.47           |

#### PART 93—SPECIAL AIR TRAFFIC RULES AND AIRPORT TRAFFIC PATTERNS [NEW]

##### Subpart A—General

Sec.

93.1 Applicability.

##### Subpart B—New York International Airport Traffic Area

93.31 Applicability.

93.33 New York International Airport traffic.

93.35 Landings on runway 19 or 24 of the Floyd Bennett Naval Air Station.

##### Subpart C—Washington National Airport Traffic Area

93.41 Applicability.

93.43 Washington National Airport traffic.

93.45 Washington-Virginia Airport traffic.

##### Subpart D—Anchorage, Alaska, Terminal Area

93.51 Applicability.

93.53 Description of area.

93.55 Subdivisions of area.

93.57 General rules: All segments.

93.59 General rules: International segment.

93.61 General rules: Lake Hood segment.

93.63 General rules: Merrill segment.



Sec.  
93.65 General rules: Elmendorf segment.  
93.67 General rules: Bryant segment.  
93.69 Lake Campbell and Sixmile Lake Airports.

#### Subpart E—Victor Airway No. 16

93.71 Applicability.  
93.73 Crossing Victor Airway No. 16; jet training operations.  
93.75 Crossing and operating along Victor Airway No. 16.

AUTHORITY: §§ 93.1 to 93.75 issued under secs. 307, 313(a), 402, 601, 602, 603, 902, 1110, and 1202 of the Federal Aviation Act of 1958; 49 U.S.C. 1348, 1354(a), 1372, 1421, 1442, 1443, 1472, 1510, and 1522.

#### Subpart A—General

##### § 93.1 Applicability.

(a) This part prescribes special airport traffic patterns and airport traffic areas. It also prescribes special air traffic rules for operating aircraft in those traffic patterns and traffic areas and in the vicinity of airports described in this Part.

(b) Unless otherwise authorized by ATC, each person operating an aircraft shall do so in accordance with the special air traffic rules in this Part in addition to other applicable rules in Part 91.

(c) Subpart E prescribes special air traffic rules for operating in the vicinity of Phoenix, Arizona, on Victor Airway No. 16.

#### Subpart B—New York International Airport Traffic Area

##### § 93.31 Applicability.

This subpart prescribes special air traffic rules for the New York International Airport traffic area.

##### § 93.33 New York International Airport traffic.

Except when the VFR clearance-from-clouds rules of Part 91 require otherwise, when landing at New York International Airport, each person piloting—

(a) A large airplane shall enter the New York International Airport traffic area at an altitude of at least 1,500 feet above the surface and maintain that altitude so long as practicable before landing; and

(b) A small airplane shall enter the New York International Airport traffic area at an altitude of at least 1,200 feet above the surface and shall maintain an altitude of at least 1,000, but not more than 1,200, feet above the surface so long as practicable before landing.

##### § 93.35 Landings on runway 19 or 24 of the Floyd Bennett Naval Air Station.

Each person piloting an airplane landing on runway 19 or 24 of Floyd Bennett Naval Air Station shall operate at or below an altitude of 800 feet above the surface in that portion of the Floyd Bennett Naval Air Station traffic pattern that extends into the New York International Airport traffic area.

#### Subpart C—Washington National Airport Traffic Area

##### § 93.41 Applicability.

This subpart prescribes special air traffic rules for the Washington National Airport traffic area.

##### § 93.43 Washington National Airport traffic.

(a) Except when the VFR clearance-from-clouds rules of Part 91 require otherwise, each person piloting an airplane landing at Washington National Airport shall enter the traffic area at an altitude of at least 1,500 feet MSL and maintain that altitude so long as practicable before landing.

(b) Except when the VFR clearance-from-clouds rules of Part 91 [New] require otherwise, each person piloting a helicopter landing at Washington National Airport shall enter the traffic area at an altitude of at least 800, but not more than 1,000, feet MSL and maintain an altitude of at least 800 feet MSL so long as practicable before landing.

##### § 93.45 Washington-Virginia Airport traffic.

Each person piloting an airplane landing or taking off at Washington-Virginia Airport—

(a) Shall operate at or below an altitude of 1,200 feet MSL in the Washington National Airport traffic area;

(b) Shall enter and leave the Washington National Airport traffic area west of a north-south line extended through the center of Washington-Virginia Airport; and

(c) May not operate more than one statute mile from the Washington-Virginia Airport boundary when operating east of the imaginary north-south line.

#### Subpart D—Anchorage, Alaska, Terminal Area

##### § 93.51 Applicability.

This subpart prescribes the Anchorage, Alaska, Airport traffic area and special traffic patterns for that airport and other airports in the vicinity of Anchorage. It prescribes special air traffic rules for that area and those patterns. In addition, it prescribes rules governing the operation of aircraft in the vicinity of the airports described herein.

##### § 93.53 Description of area.

The Anchorage Airport traffic area is designated as that airspace extending upward from the surface to, but not including, 2,700 feet MSL. It is bounded by a line beginning at Point MacKenzie extending westerly along the bank of Knik Arm to a point intersecting an arc of a five-statute-mile radius circle centered on the geographical center of Anchorage International Airport; thence counterclockwise along that arc to its intersection with Seward Highway; thence northerly along Seward Highway to its intersection with Tudor Road; thence easterly along Tudor Road to its intersection with Muldoon Road; thence northerly along Muldoon Road to a point one-half statute mile south of Palmer Highway; thence northeasterly along a line one-half statute mile east of and parallel to Palmer Highway to its intersection with a line one-half statute mile east of and parallel to Bryant Airport runway 16/34; thence northeasterly along this line to its intersection with the south boundary of Restricted Area R-2203; thence west and north along the south and west boundary of R-2203 to

its intersection with an arc of a five-statute-mile radius circle centered on the geographical center of Elmendorf Air Force Base Airport; thence counterclockwise along this arc to its intersection with the west bank of Knik Arm; thence southerly along the west bank of Knik Arm to the point of beginning. However, it does not include the following:

(a) That airspace at and below 600 feet MSL, north of a line beginning at the intersection of Farrell Road and the northeast boundary of the airport traffic area extending westerly along Farrell Road to the east end of Sixmile Lake; thence along a line bearing on the middle of Lake Lorraine to the boundary of the airport traffic area.

(b) That airspace at and below 600 feet MSL, south of a line beginning at the intersection of Seward Highway and Sand Lake Road, extending westerly along Sand Lake Road to the shoreline of Turnagain Arm; thence due west to the boundary of the airport traffic area.

(c) That airspace at and below 300 feet MSL, overlying the waters and tidal flats of Knik Arm and Turnagain Arm.

##### § 93.55 Subdivision of area.

The Anchorage Airport traffic area is subdivided as follows:

(a) *International segment.* That area lying within a line beginning at the International Airport terminal building, extending northwestward along a line one-fourth statute mile east of, and parallel to, runway 13/31 to the airport traffic area boundary; thence counterclockwise along the airport traffic area boundary to its intersection with International Airport Road; thence westerly along International Airport Road to the point of beginning.

(b) *Merrill segment.* That area lying within a line beginning at Point MacKenzie extending directly to the mouth of Fish Creek; thence along Fish Creek to Northern Lights Boulevard; thence easterly along Northern Lights Boulevard to Seward Highway; thence southerly along Seward Highway to the airport traffic area boundary; thence east and north along the airport traffic area boundary to a point directly east of Mile 4, Palmer Highway; thence due west on a direct line through Mile 4, Palmer Highway to Ship Creek; thence along Ship Creek to its mouth; thence on a direct line toward the center of Lake Lorraine to the airport traffic area boundary; thence counterclockwise along the airport traffic area boundary to the point of beginning.

(c) *Lake Hood segment.* That area lying between the International segment and the Merrill segment.

(d) *Elmendorf segment.* That area lying within a line beginning at the intersection of the airport traffic area boundary with Loop Road, extending southerly along Loop Road to Davis Highway; thence due south to the north boundary of the Merrill segment; thence westward along the north boundary of the Merrill segment to the airport traffic area boundary; thence clockwise along the airport traffic area boundary to the point of beginning.



(e) *Bryant segment.* That area lying east of the Elmendorf segment.

**§ 93.57 General rules: All segments.**

(a) Each person piloting an aircraft to, from or on an airport within the airport traffic area shall operate it according to the rules set forth in this section, or § 93.59, 93.61, 93.63, 93.65, 93.67, or 93.69, as applicable, unless otherwise authorized or required by ATC.

(b) Each person piloting an airplane shall conform to the flow of traffic shown on the appropriate diagram in Appendix A.

(c) Each person piloting a helicopter shall operate it in a manner avoiding the flow of airplanes.

(d) Except as provided in § 93.65 (d) and (e), each person piloting an aircraft in the airport traffic area shall operate it only within the designated segment containing the airport of landing or takeoff.

(e) Each person piloting an aircraft shall maintain two-way radio communications with the control tower serving the airport of landing or takeoff.

**§ 93.59 General rules: International segment.**

(a) No person may pilot an aircraft at an altitude between 1,200 feet MSL and 2,000 feet MSL in that part of the segment lying north of the midchannel of Knik Arm.

(b) Each person piloting an airplane at a speed of more than 105 knots within the segment (except that part described in paragraph (a) of this section) shall operate it at an altitude of at least 1,600 feet MSL until maneuvering for a safe landing requires further descent.

(c) Each person piloting an airplane at a speed of 105 knots or less within the segment (except that part described in paragraph (a) of this section) shall operate it at an altitude of at least 900 feet MSL until maneuvering for a safe landing requires further descent.

**§ 93.61 General rules: Lake Hood segment.**

(a) No person may pilot an aircraft at an altitude between 1,200 feet MSL and 2,000 feet MSL in that part of the segment lying north of the midchannel of Knik Arm.

(b) Each person piloting an airplane within the segment (except that part described in paragraph (a) of this section) shall operate it at an altitude of at least 600 feet MSL until maneuvering for a safe landing requires further descent.

(c) Whenever the Lake Hood control tower is not operating, each person piloting an aircraft within the segment shall maintain two-way radio communication with the Anchorage International Airport control tower.

**§ 93.63 General rules: Merrill segment.**

(a) No person may pilot an aircraft at an altitude between 600 feet MSL and 2,000 feet MSL in that part of the segment lying north of the midchannel of Knik Arm.

(b) Each person piloting an airplane at a speed of more than 105 knots within

the segment (except that part described in paragraph (a) of this section) shall operate it at an altitude of at least 1,200 feet MSL until maneuvering for a safe landing requires further descent.

(c) Each person piloting an airplane at a speed of 105 knots or less within the segment (except that part described in paragraph (a) of this section) shall operate it at an altitude of at least 900 feet MSL until maneuvering for a safe landing requires further descent.

**§ 93.65 General rules: Elmendorf segment.**

(a) Each person piloting a turbine-powered airplane within the segment shall operate it at an altitude of at least 1,700 feet MSL until maneuvering for a safe landing requires further descent.

(b) Each person piloting an airplane (other than turbine powered) at a speed of more than 105 knots within the segment shall operate it at an altitude of at least 1,200 feet MSL until maneuvering for a safe landing requires further descent.

(c) Each person piloting an airplane (other than turbine powered) at a speed of 105 knots or less within the segment shall operate it at an altitude of at least 700 feet MSL until maneuvering for a safe landing requires further descent.

(d) A person landing or taking off an aircraft from Elmendorf Airport may operate it at an altitude between 1,500 feet MSL and 1,700 feet MSL within those parts of the International and Lake Hood segments lying north of the midchannel of Knik Arm.

(e) A person landing or taking off an aircraft from Elmendorf Airport may operate it at an altitude between 900 feet MSL and 1,700 feet MSL within that part of the Merrill segment lying north of the midchannel of Knik Arm.

**§ 93.67 General rules: Bryant segment.**

(a) Each person piloting an airplane within the segment shall operate it at an altitude of at least 1,000 feet MSL until maneuvering for a safe landing requires further descent.

(b) Whenever the Bryant control tower is not operating, each person piloting an aircraft within the segment shall maintain two-way radio communication with the Elmendorf control tower.

**§ 93.69 Lake Campbell and Sixmile Lake Airports.**

Each person piloting an aircraft to or from Lake Campbell or Sixmile Lake Airport shall conform to the flow of traffic for the Lake operations that are shown on the appropriate diagram in Appendix A.

**Subpart E—Victor Airway No. 16**

**§ 93.71 Applicability.**

(a) This subpart applies to aircraft operated under VFR conditions within Victor Airway No. 16 between longitudes 112°10' W. and 112°35' W. Monday through Friday from 0600 to 1800 MST.

(b) For the purposes of this subpart, "ceiling" is the ceiling reported by the

U.S. Navy Aerology Station at Litchfield Park NAF, Arizona.

**§ 93.73 Crossing Victor Airway No. 16; jet training operations.**

Each pilot in command of a Luke Air Force Base jet aircraft engaged in training operations that cross Victor Airway No. 16 shall—

(a) Except during takeoff from Luke Air Force Base—

(1) Cross between longitudes 112°10' W. and 112°28' W. at 8,000 feet MSL; or

(2) When the ceiling is less than 8,000 feet (9,000 feet MSL), cross between longitudes 112°16' W. and 112°28' W. at 3,000 feet MSL; or

(b) Cross between longitudes 112°28' W. and 112°35' W. between 700 feet above the surface and 4,000 feet MSL.

**§ 93.75 Crossing and operating along Victor Airway No. 16.**

Unless ATC authorizes otherwise, each pilot in command of an aircraft (other than an Aircraft to which § 93.73 applies) crossing or operating en route along Victor Airway No. 16 between longitudes 112°10' W. and 112°35' W. shall—

(a) When the ceiling is at least 8,000 feet (9,000 feet MSL) and when operating between longitudes 112°10' W. and 112°28' W., operate the aircraft at 9,000 feet MSL or higher, or at 7,000 feet MSL or lower;

(b) When the ceiling is less than 8,000 feet (9,000 feet MSL) and when operating between longitudes 112°16' W. and 112°28' W., operate the aircraft at 4,000 feet MSL or higher, or at 2,000 feet MSL or lower; and

(c) When operating between longitudes 112°28' W. and 112°35' W., operate that aircraft at 5,000 feet MSL or higher.

**PART 93—DISTRIBUTION TABLE**

| Former section                        | Revised section  |
|---------------------------------------|------------------|
| SR 442 (1st sentence) .....           | 93.31            |
| SR 442(a) .....                       | ( <sup>1</sup> ) |
| SR 442(b) .....                       | 93.33            |
| SR 442(c) .....                       | ( <sup>1</sup> ) |
| SR 442(d) .....                       | ( <sup>1</sup> ) |
| SR 442(e) .....                       | ( <sup>1</sup> ) |
| SR 442(f) .....                       | ( <sup>1</sup> ) |
| SR 442(g) (1st sentence) .....        | 93.35            |
| 603.1(a) (1) .....                    | 93.73            |
| 603.1 (a) (2) and (b) .....           | 93.75            |
| 603.1 (less (a) and (b)) .....        | 93.71            |
| 619.1 .....                           | 93.1             |
| 619.10 (1st paragraph) .....          | ( <sup>1</sup> ) |
| 619.10(a) .....                       | ( <sup>1</sup> ) |
| 619.10(b) (1) .....                   | ( <sup>2</sup> ) |
| 619.10(b) (2) .....                   | 93.43            |
| 619.10(b) (3) .....                   | 93.45            |
| 619.10(c) .....                       | 93.43            |
| 619.10(d) (4) .....                   | 93.45            |
| 619.10(e) (1) .....                   | 93.43            |
| 619.15(a) (less (2)) .....            | 93.53            |
| 619.15(a) (2) .....                   | 93.55            |
| 619.15(b) (less (4)-(8)) .....        | 93.57            |
| 619.15(b) (4) .....                   | 93.59            |
| 619.15(b) (5) .....                   | 93.61            |
| 619.15(b) (6) .....                   | 93.63            |
| 619.15(b) (7) .....                   | 93.65            |
| 619.15(b) (8) .....                   | 93.67            |
| 619.15(c) .....                       | 93.69            |
| 619 (diagrams—Washington National) .. | ( <sup>2</sup> ) |
| 619 (diagrams—Anchorage) .....        | ( <sup>3</sup> ) |

<sup>1</sup> Surplusage.

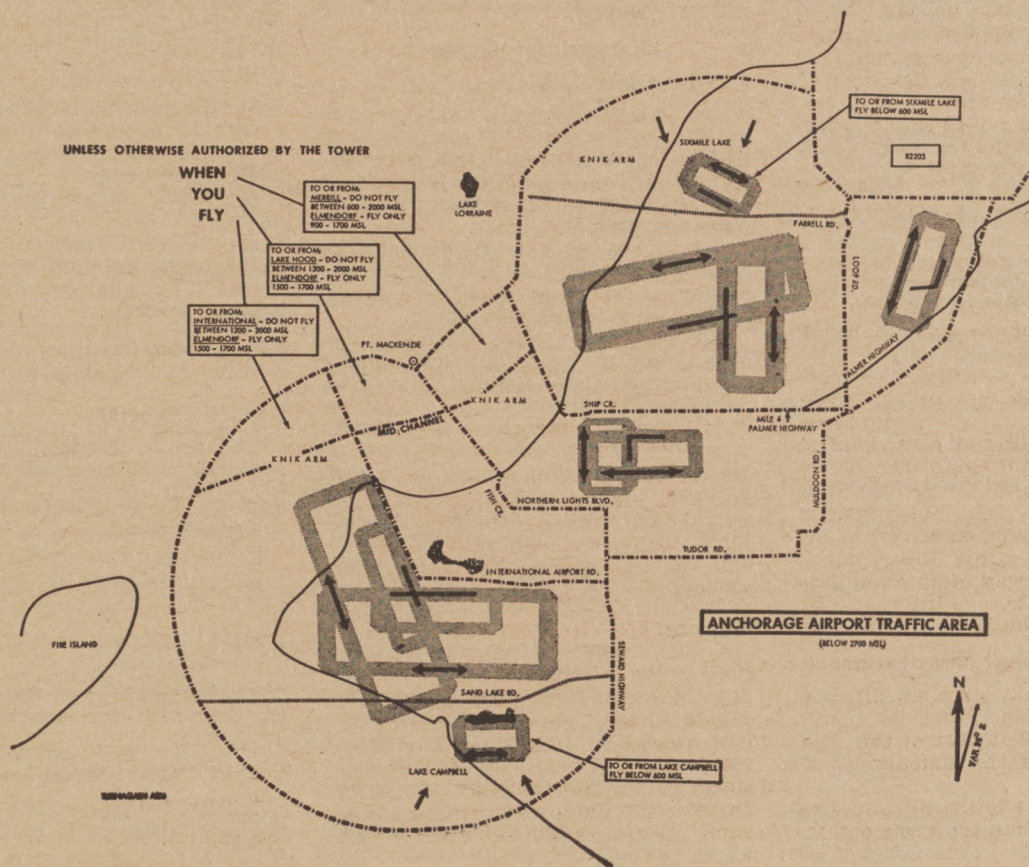
<sup>2</sup> Obsolete.

<sup>3</sup> Appendix A.

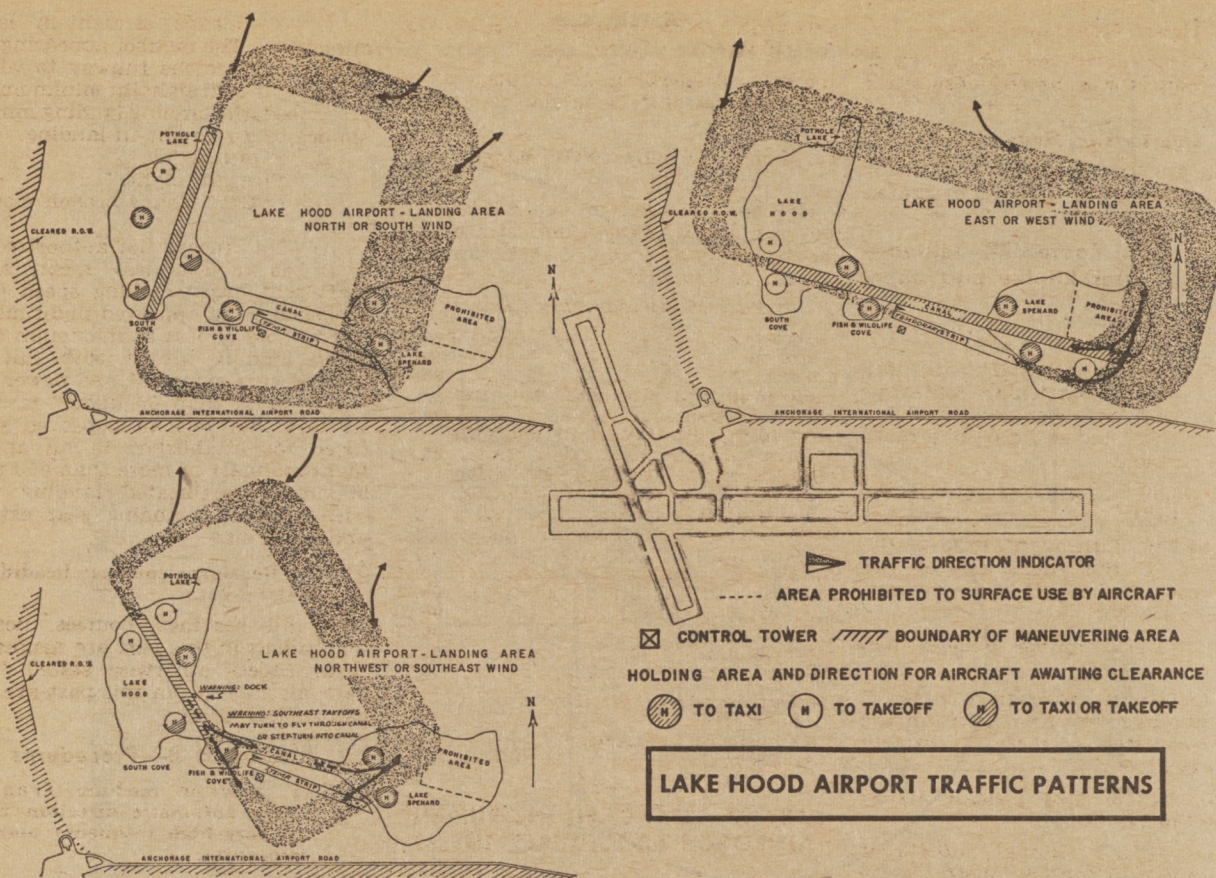


APPENDIX A

I. ANCHORAGE AIRPORT TRAFFIC AREA; TRAFFIC PATTERNS







LAKE HOOD AIRPORT TRAFFIC PATTERNS

## PART 95—IFR ALTITUDES [NEW]

## Subpart A—General

- Sec.  
95.1 Applicability.  
95.3 Symbols.

## Subpart B—Designated Mountainous Areas

- 95.11 General.  
95.13 Eastern United States Mountainous Area.  
95.15 Western United States Mountainous Area.  
95.17 Alaska Mountainous Area.  
95.19 Hawaii Mountainous Area.  
95.21 Puerto Rico Mountainous Area.

## Subpart C—En Route IFR Altitudes Over Particular Routes and Intersections

- 95.31 General.  
95.41–95.50 Green Federal Airways Nos. 1 to 10.  
95.101–95.119 Amber Federal Airways Nos. 1 to 19.  
95.201–95.313 Red Federal Airways Nos. 1 to 113.  
95.601–95.687 Blue Federal Airways Nos. 1 to 87.  
95.1001 Direct Routes, U.S.  
95.1502–95.1764 VOR Federal Airways Nos. 1502 to 1764.  
95.6001–95.6314 VOR Federal Airways Nos. 1 to 314.  
95.6401–95.6415 Hawaii VOR Federal Airways Nos. 1 to 15.  
95.6421–95.6530 VOR Federal Airways Nos. 421 to 530.  
95.6642 VOR Federal Airway No. 1542.  
95.6809–95.6887 VOR Federal Airways Nos. 809 to 887.

AUTHORITY: §§ 95.1 to 95.6887 issued under secs. 307, 313(a), 402, 601, 602, 603, 902, 1110, and 1202 of the Federal Aviation Act of 1958;

49 U.S.C. 1348, 1354(a), 1372, 1421, 1442, 1443, 1472, 1510, and 1522.

## Subpart A—General

## § 95.1 Applicability.

(a) This part prescribes altitudes governing the operation of aircraft under IFR on specified routes and route segments and over specified intersections and radio fixes. In addition, it designates mountainous areas.

(b) The MAA is the highest altitude, on an intermediate altitude VOR Federal airway, at which adequate reception of navigation aid signals is assured.

(c) The MCA applies to the operation of an aircraft proceeding to a higher minimum en route altitude when crossing specified radio fixes.

(d) The MEA prescribed for a Federal airway or segment thereof, applies to the entire width of that airway or segment between the radio fixes defining that airway or segment. An MEA prescribed for an off-airway route or route segment applies to the airspace five statute miles on each side of a direct course between radio fixes defining that route or route segment.

(e) The MOCA applies to the operation of an aircraft within 25 statute miles of the VOR station concerned. The MOCA assures obstruction clearance between the fixes specified but adequate reception of navigational signals is assured only within 25 miles of the VOR station concerned.

(f) The MRA applies to the operation of an aircraft over an intersection used

in the navigation of that aircraft. The MRA is the lowest altitude at which the intersection can be determined.

## § 95.3 Symbols.

For the purposes of this part—

- (a) "L" means compass locator;  
(b) "LF/MF" means low frequency, medium frequency;  
(c) "LFR" means low frequency radio range;  
(d) "VOR-E" means VOR and distance measuring equipment; and  
(e) "Z" means a very high frequency location marker.

## Subpart B—Designated Mountainous Areas

## § 95.11 General.

The areas described in this subpart are designated mountainous areas.

## § 95.13 Eastern United States Mountainous Area.

Section 610.8(a) of the regulations of the Administrator is hereby designated as § 95.13.

## § 95.15 Western United States Mountainous Area.

Section 610.8(b) of the regulations of the Administrator is hereby designated as § 95.15.

## § 95.17 Alaska Mountainous Area.

Section 610.8(c) of the regulations of the Administrator is hereby designated as § 95.17.



**§ 95.19 Hawaii Mountainous Area.**

Section 610.8(d) of the regulations of the Administrator is hereby designated as § 95.19.

**§ 95.21 Puerto Rico Mountainous Area.**

Section 610.8(e) of the regulations of the Administrator is hereby designated as § 95.21.

**Subpart C—En Route IFR Altitudes Over Particular Routes and Intersections****§ 95.31 General.**

This subpart prescribes IFR altitudes for flights along particular routes or route segments and over additional intersections not listed as a part of a route or route segment.

**§§ 95.41–95.50 Green Federal Airways Nos. 1 to 10.**

Sections 610.11 through 610.20 of the regulations of the Administrator are hereby designated as §§ 95.41 through 95.50, respectively.

**§§ 95.101–95.119 Amber Federal Airways Nos. 1 to 19.**

Sections 610.101 through 610.119 of the regulations of the Administrator are hereby designated as §§ 95.101 through 95.119, respectively.

**§§ 95.201–95.313 Red Federal Airway Nos. 1 to 113.**

Sections 610.201 through 610.313 of the regulations of the Administrator are hereby designated as §§ 95.201 through 95.313, respectively.

**§§ 95.601–95.687 Blue Federal Airways Nos. 1 to 87.**

Sections 610.601 through 610.687 of the regulations of the Administrator are hereby designated as §§ 95.601 through 95.687, respectively.

**§ 95.1001 Direct Routes, U.S.**

Section 610.1001 of the regulations of the Administrator is hereby designated as § 95.1001.

**§§ 95.1502–95.1764 VOR Federal Airways Nos. 1502 to 1764.**

Sections 610.1502 through 610.1764 of the regulations of the Administrator are hereby designated as §§ 95.1502 through 95.1764, respectively.

**§§ 95.6001–95.6314 VOR Federal Airways Nos. 1 to 314.**

Sections 610.6001 through 610.6314 of the regulations of the Administrator are hereby designated as §§ 95.6001 through 95.6314, respectively.

**§§ 95.6401–95.6415 Hawaii VOR Federal Airways Nos. 1 to 15.**

Sections 610.6401 through 610.6415 of the regulations of the Administrator are hereby designated as §§ 95.6401 through 95.6415, respectively.

**§§ 95.6421–95.6530 VOR Federal Airways Nos. 421 to 530.**

Sections 610.6421 through 610.6530 of the regulations of the Administrator are hereby designated as §§ 95.6421 through 95.6530, respectively.

**§ 95.6642 VOR Federal Airway No. 1542.**

Section 610.6642 of the regulations of the Administrator is hereby designated as § 95.6642.

**§§ 95.6809–95.6887 VOR Federal Airways Nos. 809 to 887.**

Sections 610.6809 through 610.6887 of the regulations of the Administrator are hereby designated as §§ 95.6809 through 95.6887, respectively.

**PART 95—DISTRIBUTION TABLE**

| Former section                                                                             | Revised section  |
|--------------------------------------------------------------------------------------------|------------------|
| 610.1                                                                                      | 95.1             |
| 610.2 (6th, 7th, 8th, 19th, 22d, and 23d paragraphs)                                       | 95.3             |
| 610.2 (11th, 12th, 13th, 15th, and 16th paragraphs)                                        | 95.1             |
| 610.2 (less 6th through 8th, 11th through 13th, 15th, 16th, 19th, 22d, and 23d paragraphs) | ( <sup>1</sup> ) |
| 610.3                                                                                      | ( <sup>2</sup> ) |
| 610.6                                                                                      | ( <sup>3</sup> ) |
| 610.8(a)                                                                                   | 95.11            |
| 610.8(b)                                                                                   | 95.13            |
| 610.8(c)                                                                                   | 95.15            |
| 610.8(d)                                                                                   | 95.17            |
| 610.8 (less (a)–(d))                                                                       | 95.19            |
| 610 (Subpart E)                                                                            | ( <sup>4</sup> ) |

<sup>1</sup> Transferred to Part 1 [New].

<sup>2</sup> Not a rule.

<sup>3</sup> Transferred to Part 91.

<sup>4</sup> Subpart C.

**PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES [NEW]****Subpart A—General**

| Sec. |                                              |
|------|----------------------------------------------|
| 97.1 | Applicability.                               |
| 97.3 | Symbols and terms used in procedures.        |
| 97.5 | Bearings; courses; headings; radials; miles. |

**Subpart B—Procedures**

|       |                                                                                                           |
|-------|-----------------------------------------------------------------------------------------------------------|
| 97.11 | Low or medium frequency range, automatic direction finding, and very high frequency omnirange procedures. |
| 97.13 | Terminal very high frequency omnirange procedures.                                                        |
| 97.15 | Very high frequency omnirange-distance measuring equipment procedures.                                    |
| 97.17 | Instrument landing system procedures.                                                                     |
| 97.19 | Radar procedures.                                                                                         |

Authority: §§ 97.1 to 97.19 issued under secs. 307, 313(a), 402, 601, 602, 603, 902, 1110, and 1202 of the Federal Aviation Act of 1958; 49 U.S.C. 1348, 1354(a), 1372, 1421, 1442, 1443, 1472, 1510 and 1522.

**Subpart A—General****§ 97.1 Applicability.**

This part prescribes standard instrument approach procedures for instrument letdown to airports in the United States and the weather minimums that apply to takeoffs and landings under IFR at those airports.

**§ 97.3 Symbols and terms used in procedures.**

The following symbols and terms appear in standard instrument approach procedures prescribed in this part:

(a) "A" means alternate minimum. This applies when the airport is being used as an alternate airport.

(b) "T" means takeoff minimum.

(c) "C" means circling landing minimum.

(d) "S" means straight-in landing minimum. The number appearing below the S indicates the runway to which it applies. If a straight-in minimum is not prescribed, the circling landing minimum applies to a straight-in landing.

(e) "d" means day.

(f) "n" means night.

(g) "BCOB" means broken clouds or better.

(h) "NA" means not authorized.

(i) "65 knots or less" means an aircraft that has a stalling speed (as established in an approved flight manual) of 65 knots or less at maximum certificated landing weight with full flaps, landing gear extended, and power off.

(j) "More than 65 knots" means an aircraft that has an approved stalling speed (as established in an approved flight manual) of more than 65 knots at maximum certificated landing weight with full flaps, landing gear extended, and power off.

**§ 97.5 Bearings; courses; headings; radials; miles.**

(a) All bearings, courses, headings, and radials in this part are magnetic.

(b) Unless otherwise stated in this part, all mileages in this part are stated as nautical miles.

**Subpart B—Procedures****§ 97.11 Low or medium frequency range, automatic direction finding, and very high frequency omnirange procedures.**

Section 609.100 of the regulations of the Administrator is hereby designated as § 97.11.

**§ 97.13 Terminal very high frequency omnirange procedures.**

Section 609.200 of the regulations of the Administrator is hereby designated as § 97.13.

**§ 97.15 Very high frequency omnirange-distance measuring equipment procedures.**

Section 609.300 of the regulations of the Administrator is hereby designated as § 97.15.

**§ 97.17 Instrument landing system procedures.**

Section 609.400 of the regulations of the Administrator is hereby designated as § 97.17.

**§ 97.19 Radar procedures.**

Section 609.500 of the regulations of the Administrator is hereby designated as § 97.19.

**PART 97—DISTRIBUTION TABLE**

| Former section                     | Revised section  |
|------------------------------------|------------------|
| 609.1                              | 97.1             |
| 609.2                              | ( <sup>1</sup> ) |
| 609.3 (a) and (b)                  | ( <sup>2</sup> ) |
| 609.3 (c) and (d)                  | 97.5             |
| 609.3 (e) and (f)                  | 97.3             |
| 609.4 (d) (2), (e), and (g)        | ( <sup>1</sup> ) |
| 609.4 (less (d) (2), (e), and (g)) | ( <sup>2</sup> ) |
| 609.5 (a)                          | ( <sup>3</sup> ) |
| 609.5 (less (a))                   | ( <sup>1</sup> ) |
| 609.10 through 609.57              | ( <sup>4</sup> ) |

<sup>1</sup> Transferred to Part 91.

<sup>2</sup> Transferred to Part 1 [New].

<sup>3</sup> Not a rule.

<sup>4</sup> Not rules.



## PART 97—DISTRIBUTION TABLE—Continued

| Former section | Revised section |
|----------------|-----------------|
| 609.100        | 97.11           |
| 609.200        | 97.13           |
| 609.300        | 97.15           |
| 609.400        | 97.17           |
| 609.500        | 97.19           |

## PART 99—SECURITY CONTROL OF AIR TRAFFIC [NEW]

## Subpart A—General

|       |                                                                                              |
|-------|----------------------------------------------------------------------------------------------|
| Sec.  |                                                                                              |
| 99.1  | Applicability.                                                                               |
| 99.3  | General.                                                                                     |
| 99.5  | Emergency situations.                                                                        |
| 99.7  | Special security instructions.                                                               |
| 99.9  | Radio requirements.                                                                          |
| 99.11 | Flight plan requirements; Coastal or Domestic ADIZ.                                          |
| 99.13 | Flight plan requirements; DEWIZ.                                                             |
| 99.15 | Arrival or completion notice.                                                                |
| 99.17 | Position reports; aircraft operating in or penetrating a Domestic ADIZ; IFR.                 |
| 99.19 | Position reports; aircraft operating in or penetrating a Domestic ADIZ; DVFR.                |
| 99.21 | Position reports; aircraft entering the U.S. through a Coastal ADIZ; United States aircraft. |
| 99.23 | Position reports; aircraft entering the U.S. through a Coastal ADIZ; foreign aircraft.       |
| 99.25 | Position reports; aircraft entering the U.S. through a DEWIZ.                                |
| 99.27 | Deviation from flight plans and ATC clearances and instructions.                             |
| 99.29 | Radio failure; DVFR.                                                                         |
| 99.31 | Radio failure; IFR.                                                                          |

## Subpart B—Designated Air Defense Identification Zones

|       |                  |
|-------|------------------|
| 99.41 | General.         |
| 99.43 | Domestic ADIZ's. |
| 99.45 | Coastal ADIZ's.  |
| 99.47 | Alaskan DEWIZ.   |
| 99.49 | Defense area.    |

**AUTHORITY:** §§ 99.1 to 99.49 issued under secs. 307, 313(a), 402, 601, 602, 902, 1110, and 1202 of the Federal Aviation Act of 1958; 49 U.S.C. 1348, 1354(a), 1372, 1421, 1442, 1443, 1472, 1510, and 1522.

## Subpart A—General

## § 99.1 Applicability.

(a) This subpart prescribes rules for operating civil aircraft in a defense area, or into, within, or out of the United States through an Air Defense Identification Zone (ADIZ), designated in Subpart B.

(b) Except for § 99.7, this subpart does not apply to the operation of an aircraft—

(1) In a Coastal or Domestic ADIZ north of 28 degrees north latitude or west of 85 degrees west longitude at a true air speed of less than 180 knots;

(2) In the Alaskan DEWIZ at a true air speed of less than 180 knots while the pilot maintains a continuous listening watch on the appropriate frequency;

(3) From any point in the 48 contiguous States on an outbound track through the Southern Border ADIZ that does not penetrate a Coastal ADIZ;

(4) Within the 48 contiguous States and the District of Columbia, or within the State of Alaska, which remains within 10 nautical miles of the point of departure; or

(5) Over any island, or within three nautical miles of the coastline of any island, in the Hawaiian ADIZ.

(c) Except as provided in § 99.7, the radio and position reporting requirements of this subpart do not apply to the operation of an aircraft within the 48 contiguous States and the District of Columbia, or within the State of Alaska, if that aircraft does not have two-way radio and is operated in accordance with a filed DVFR flight plan containing the time and point of Domestic or Coastal ADIZ penetration and that aircraft departs within five minutes of the estimated departure time contained in the flight plan.

(d) An FAA ATC center may exempt the following operations from this subpart (except § 99.7), on a local basis only, with the concurrence of the military commanders concerned:

(1) Aircraft operations that are conducted wholly within the boundaries of an ADIZ and are not currently significant to the air defense system.

(2) Aircraft operations conducted in accordance with special procedures prescribed by the military authorities concerned.

## § 99.3 General

(a) Air defense identification zones (ADIZ's) are areas of airspace over land or water in which the ready identification, location, and control of civil aircraft is required in the interest of national security. They are classified as—

(1) Coastal air defense identification zones (Coastal ADIZ's);

(2) Domestic air defense identification zones (Domestic ADIZ's); and

(3) Distant early warning identification zones (DEWIZ's).

(b) A defense area is any airspace of the United States (other than that designated as an ADIZ) in which the control of aircraft is required for national security during an air defense emergency or defense emergency.

(c) For the purposes of this part, a Defense Visual Flight Rules (DVFR) flight is a flight within an ADIZ conducted under the visual flight rules in Part 91 [New].

## § 99.5 Emergency situations.

In an emergency that requires immediate decision and action for the safety of the flight, the pilot in command of an aircraft may deviate from the rules in this part to the extent required by that emergency. He shall report the reasons for the deviation to the communications facility where flight plans or position reports are normally filed (referred to in this part as "an appropriate aeronautical facility") as soon as possible.

## § 99.7 Special security instructions.

Each person operating an aircraft in an ADIZ or Defense Area during an air defense emergency or defense emergency shall operate the aircraft in accordance with any special security instructions issued by the Administrator. For the purposes of this part an air defense emergency or defense emergency is any state of events that indicates to the responsible commander-in-chief of a command under the Secretary of Defense or higher authority that hostile action is in progress, is imminent, or is of sufficient probability to require, in the interest of national security, the implementation of any part of approved plans and agreements for the defense of the United States. The special security instructions are consistent with the provisions of the "Plan for the Security Control of Air Traffic and Electromagnetic Radiations During an Air Defense Emergency" (SCATER).

(c) Except as provided in § 99.7, the radio and position reporting requirements of this subpart do not apply to the operation of an aircraft within the 48 contiguous States and the District of Columbia, or within the State of Alaska, if that aircraft does not have two-way radio and is operated in accordance with a filed DVFR flight plan containing the time and point of Domestic or Coastal ADIZ penetration and that aircraft departs within five minutes of the estimated departure time contained in the flight plan.

## § 99.9 Radio requirements.

No person may operate an aircraft in an ADIZ unless the aircraft has a functioning two-way radio.

## § 99.11 Flight plan requirements; Coastal or Domestic ADIZ.

(a) No person may operate an aircraft in or penetrating a Coastal or Domestic ADIZ unless he has filed a flight plan with an appropriate aeronautical facility.

(b) Unless ATC authorizes an abbreviated flight plan—

(1) A flight plan for IFR flight must contain the information specified in § 91.83; and

(2) A flight plan for VFR flight must contain the information specified in § 91.83(a) (1) through (7).

(c) The pilot shall designate a flight plan for VFR flight as a DVFR flight plan.

## § 99.13 Flight plan requirements; DEWIZ.

(a) No person may operate an aircraft in or penetrating a DEWIZ unless he has filed a flight plan before takeoff with an appropriate aeronautical facility. If there is no facility for filing a DVFR flight plan, the pilot must comply with § 99.25(a) (2) and proceed according to the instructions issued by the appropriate aeronautical facility. These instructions normally require the flight to proceed to a specific area for visual identification or to land at a stated location.

(b) Unless ATC authorizes an abbreviated flight plan—

(1) A flight plan for IFR flight must contain the information specified in § 91.83 and the estimated time and point of DEWIZ penetration (ETDP); and

(2) A flight plan for VFR flight must contain the information on § 91.83(a) (1) through (7) and the estimated time and point of DEWIZ penetration (ETDP).

(c) The pilot shall designate a flight plan for VFR flight as a DVFR flight plan.

## § 99.15 Arrival or completion notice.

The pilot in command of an aircraft for which a flight plan has been filed shall file an arrival or completion notice with an appropriate aeronautical facility, unless the flight plan states that no notice will be filed.

## § 99.17 Position reports; aircraft operating in or penetrating a Domestic ADIZ; IFR.

The pilot of an aircraft operating in or penetrating a Domestic ADIZ under IFR—



(a) In controlled airspace, shall make the position reports required in § 91.25; and

(b) In uncontrolled airspace, shall make the position reports required in § 99.19.

**§ 99.19 Position reports; aircraft operating in or penetrating a Domestic ADIZ; DVFR.**

No pilot may penetrate a Domestic ADIZ under DVFR unless—

(a) He reports to an appropriate aeronautical facility before penetration: The time, position, and altitude at which the aircraft passed the last reporting point before penetration and the estimated time of arrival over the next appropriate reporting point along the flight route;

(b) If there is no appropriate reporting point along the flight route, he reports at least 15 minutes before penetration: The estimated time, position, and altitude at which he will penetrate; or

(c) If the airport of departure is so close to the Domestic ADIZ boundary that it prevents his complying with paragraphs (a) or (b) of this section, he has reported immediately after taking off: The time of departure, altitude, and estimated time of arrival over the first reporting point along the flight route.

**§ 99.21 Position reports; aircraft entering the United States through a coastal ADIZ; United States aircraft.**

The pilot of an aircraft entering the United States through a Coastal ADIZ shall make the reports required in § 99.17 or 99.19 to an appropriate aeronautical facility.

**§ 99.23 Position reports; aircraft entering the United States through a Coastal ADIZ; foreign aircraft.**

In addition to such other reports as ATC may require, no pilot in command of a foreign civil aircraft may enter the United States through a Coastal ADIZ unless he makes the reports required in § 99.17 or 99.19 or reports the position of the aircraft when it is not less than one hour and not more than two hours average direct cruising distance from the United States.

**§ 99.25 Position reports; aircraft entering the United States through a DEWIZ.**

(a) The pilot of an aircraft entering the United States through a DEWIZ—

(1) If under IFR, shall report his position as required by § 91.125; or

(2) If under DVFR, shall report when within radio range of an appropriate aeronautical facility but before penetration: The time, altitude, and position at which he passed the last reporting point and the estimated time, altitude, and point of penetration.

(b) If requested, the pilot of an aircraft entering the United States through a DEWIZ shall advise an appropriate aeronautical facility of the difference between the actual time and point of penetration and the same data recorded in the original ground filed flight plan.

**§ 99.27 Deviation from flight plans and ATC clearances and instructions.**

(a) No pilot may deviate from the provisions of an ATC clearance or ATC instruction except in accordance with § 91.75 of this chapter.

(b) No pilot may deviate from his filed IFR flight plan when operating an aircraft in uncontrolled airspace unless he notifies an appropriate aeronautical facility before deviating.

(c) No pilot may deviate from his filed DVFR flight plan unless he notifies an appropriate aeronautical facility before deviating.

**§ 99.29 Radio failure; DVFR.**

If the pilot operating an aircraft under DVFR in an ADIZ cannot maintain two-way radio communications, he may proceed in accordance with his original DVFR flight plan or land as soon as practicable. The pilot shall report the radio failure to an appropriate aeronautical facility as soon as possible.

**§ 99.31 Radio failure; IFR.**

If a pilot operating an aircraft under IFR in an ADIZ cannot maintain two-way radio communications, he shall proceed in accordance with § 91.127 of this chapter.

**Subpart B—Designated Air Defense Identification Zones**

**§ 99.41 General.**

The airspace above the areas described in this subpart is established as a Domestic ADIZ, Coastal ADIZ, DEWIZ, or Defense Area. The lines between points described in this subpart are great circles except that the lines joining adjacent points on the same parallel of latitude are rhumb lines.

**§ 99.43 Domestic ADIZ's.**

Section 620.21 of the regulations of the Administrator is hereby designated as § 99.43.

**§ 99.45 Coastal ADIZ's.**

Section 620.22 of the regulations of the Administrator is hereby designated as § 99.45.

**§ 99.47 Alaskan DEWIZ.**

Section 620.23 of the regulations of the Administrator is hereby designated as § 99.47.

**§ 99.49 Defense area.**

All airspace of the United States is designated as Defense Area except that airspace already designated as Air Defense Identification Zones.

**PART 99—DISTRIBUTION TABLE**

| Former section               | Revised section |
|------------------------------|-----------------|
| 620.1                        | 99.1            |
| 620.2                        | 99.1            |
| 620.3 (1st definition)       | 99.7            |
| 620.3 (2d definition)        | 99.3            |
| 620.3 (3d definition)        | 99.5            |
| 620.3 (4th definition)       | 99.3            |
| 620.3 (5th definition)       | 99.11           |
| 620.3 (6th-9th definitions)  | (1)             |
| 620.10                       | (2)             |
| 620.11 (a) (1), (b), and (d) | 99.11           |

<sup>1</sup> Transferred to Part 1 [New].

<sup>2</sup> Surplusage.

**PART 99—DISTRIBUTION TABLE—Continued**

| Former section                           | Revised section |
|------------------------------------------|-----------------|
| 620.11 (a) (2), (c), and (e)             | 99.13           |
| 620.4(f)                                 | 99.15           |
| 620.12(a) (1)                            | 99.17           |
| 620.12(a) (2)                            | 99.19           |
| 620.12(b) (1)                            | 99.21           |
| 620.12(b) (2)                            | 99.23           |
| 620.12(c)                                | 99.25           |
| 620.13                                   | 99.1            |
| 620.14 (less 2d and 3d sentences of (c)) | 99.27           |
| 620.14(c) (2d and 3d sentences)          | 99.13           |
| 620.15                                   | 99.5            |
| 620.16(a)                                | 99.31           |
| 620.16(b)                                | 99.29           |
| 620.17                                   | 99.7            |
| 620.20                                   | 99.41           |
| 620.21                                   | 99.43           |
| 620.22                                   | 99.45           |
| 620.23                                   | 99.47           |
| 620.24 (note)                            | 99.41           |
| 620.24 (less note)                       | 99.49           |
| Appendix A                               | (3)             |
| Appendix B                               | (3)             |

<sup>3</sup> Not a rule.

**PART 101—MOORED BALLOONS, KITES, AND UNMANNED ROCKETS**

**Subpart A—General**

| Sec.  |                                               |
|-------|-----------------------------------------------|
| 101.1 | Applicability.                                |
| 101.3 | Waivers.                                      |
| 101.5 | Operations in prohibited or restricted areas. |

**Subpart B—Moored Balloons and Kites**

|        |                                    |
|--------|------------------------------------|
| 101.11 | Applicability.                     |
| 101.13 | Operating limitations.             |
| 101.15 | Notice requirements.               |
| 101.17 | Lighting and marking requirements. |
| 101.19 | Rapid deflation device.            |

**Subpart C—Unmanned Rockets**

|        |                        |
|--------|------------------------|
| 101.21 | Applicability.         |
| 101.23 | Operating limitations. |
| 101.25 | Notice requirements.   |

**AUTHORITY:** §§ 101.1 to 101.25 issued under secs. 307, 313 (a), 402, 601, 602, 603, 902, 1110, and 1202 of the Federal Aviation Act of 1958; 49 U.S.C. 1348, 1354(a), 1372, 1421, 1442, 1443, 1472, 1510, and 1522.

**Subpart A—General**

**§ 101.1 Applicability.**

(a) This part prescribes rules governing the operation, in the United States, of—

(1) Any balloon that is moored to the surface of the earth or an object thereon and that has a diameter of more than six feet or a gas capacity of more than 115 cubic feet;

(2) Any kite that weighs more than five pounds and is intended to be flown at the end of a rope or cable; and

(3) Any unmanned rocket except—

(i) Aerial firework displays; and

(ii) model rockets—

(a) Using not more than four ounces of propellant;

(b) Using a slow-burning propellant;

(c) Made of paper, wood, or breakable plastic, containing no substantial metal parts and weighing not more than 16 ounces, including the propellant; and

(d) Operated in a manner that does not create a hazard to persons, property, or other aircraft.

(b) For the purposes of this part, a "gyroglider" attached to a vehicle on the surface of the earth is considered to be a kite.



**§ 101.3 Waivers.**

No person may conduct operations that require a deviation from this part except under a certificate of waiver issued by the Administrator.

**§ 101.5 Operations in prohibited or restricted areas.**

No person may operate a moored balloon, kite, or unmanned rocket in a prohibited or restricted area unless he has permission from the using or controlling agency, as appropriate.

**Subpart B—Moored Balloons and Kites****§ 101.11 Applicability.**

This subpart applies to the operation of moored balloons and kites. However, a person operating a moored balloon or kite within a restricted area must comply only with § 101.19 and with additional limitations imposed by the using or controlling agency, as appropriate.

**§ 101.13 Operating limitations.**

(a) Except as provided in paragraph (b) of this section, no person may operate a moored balloon or kite—

(1) Less than 500 feet from the base of any cloud;

(2) More than 500 feet above the surface of the earth;

(3) From an area where the ground visibility is less than three miles; or

(4) Within five miles of the boundary of any airport.

(b) Paragraph (a) of this section does not apply to the operation of a balloon or kite below the top of any structure and within 250 feet of it, if that shielded operation does not obscure any lighting on the structure.

**§ 101.15 Notice requirements.**

No person may operate an unshielded moored balloon or kite more than 150 feet above the surface of the earth unless, at least 24 hours before beginning the operation, he gives the following information to the FAA ATC facility that is nearest to the place of intended operation:

(a) The names and addresses of the owners and operators.

(b) The size of the balloon or the size and weight of the kite.

(c) The location of the operation.

(d) The height above the surface of the earth at which the balloon or kite is to be operated.

(e) The date, time, and duration of the operation.

**§ 101.17 Lighting and marking requirements.**

(a) No person may operate a moored balloon or kite during the night unless the balloon or kite, and its mooring lines, are lighted so as to give a visual warning equal to that required for obstructions to air navigation in the FAA publication "Obstruction Marking and Lighting".

(b) No person may operate a moored balloon or kite by day unless its mooring lines have colored pennants or streamers attached at not more than 50 foot intervals beginning at 150 feet above the sur-

face of the earth and visible for at least one mile.

**§ 101.19 Rapid deflation device.**

No person may operate a moored balloon unless it has a device that will automatically and rapidly deflate the balloon if it escapes from its moorings. If the device does not function properly, the operator shall immediately notify the nearest ATC facility of the location and time of the escape and the estimated flight path of the balloon.

**Subpart C—Unmanned Rockets****§ 101.21 Applicability.**

This subpart applies to the operation of unmanned rockets. However, a person operating an unmanned rocket within a restricted area must comply only with § 101.23(g) and with additional limitations imposed by the using or controlling agency, as appropriate.

**§ 101.23 Operating limitations.**

No person may operate an unmanned rocket—

(a) In a manner that creates a collision hazard with other aircraft;

(b) In controlled airspace;

(c) Within five miles of the boundary of any airport;

(d) At any altitude where clouds or obscuring phenomena of more than five-tenths coverage prevails;

(e) At any altitude where the horizontal visibility is less than five miles;

(f) Into any cloud;

(g) Within 1,500 feet of any person or property that is not associated with the operations; or

(h) At night.

**§ 101.25 Notice requirements.**

No person may operate an unmanned rocket unless, within 24 to 48 hours before beginning the operation, he gives the following information to the FAA ATC facility that is nearest to the place of intended operation:

(a) The names and addresses of the operators.

(b) The number of rockets to be operated.

(c) The size and weight of each rocket.

(d) The maximum altitude to which each rocket will be operated.

(e) The location of the operation.

(f) The date, time, and duration of the operation.

(g) Any other pertinent information requested by the ATC facility.

**PART 101—DISTRIBUTION TABLE**

| Former section            | Revised section  |
|---------------------------|------------------|
| 48.1                      | 101.1            |
| 48.2                      | 101.3            |
| 48.3 (4th paragraph)      | 101.1            |
| 48.3 (less 4th paragraph) | ( <sup>1</sup> ) |
| 48.4                      | 101.5            |
| 48.10                     | 101.11           |
| 48.11                     | 101.13           |
| 48.12                     | 101.15           |
| 48.13                     | 101.17           |
| 48.14                     | 101.19           |
| 48.20                     | 101.21           |
| 48.21                     | 101.1            |
| 48.22                     | 101.23           |
| 48.23                     | 101.25           |

<sup>1</sup> Transferred to Part 1 [New].

**PART 103—TRANSPORTATION OF DANGEROUS ARTICLES AND MAGNETIZED MATERIALS [NEW]****Sec.**

|        |                                                                                                                |
|--------|----------------------------------------------------------------------------------------------------------------|
| 103.1  | Applicability.                                                                                                 |
| 103.3  | Certification requirements.                                                                                    |
| 103.5  | Authority to deviate.                                                                                          |
| 103.7  | Passenger-carrying aircraft.                                                                                   |
| 103.9  | Cargo aircraft.                                                                                                |
| 103.11 | Packing and marking requirements.                                                                              |
| 103.13 | Labeling requirements.                                                                                         |
| 103.15 | Containers for liquids.                                                                                        |
| 103.17 | Quantity equivalents.                                                                                          |
| 103.19 | Quantity limitations.                                                                                          |
| 103.21 | Shipments by the Atomic Energy Commission; exemption from quantity limitations.                                |
| 103.23 | Special requirements for radioactive materials.                                                                |
| 103.25 | Notification of pilot in command.                                                                              |
| 103.27 | Damage to dangerous articles.                                                                                  |
| 103.29 | Magnetized materials; packing and marking requirements.                                                        |
| 103.31 | Cargo location.                                                                                                |
| 103.33 | Transportation of gasoline in Alaska; aircraft operated in other than scheduled passenger-carrying operations. |

**AUTHORITY:** §§ 103.1 to 103.33 issued under secs. 307, 313(a), 402, 601, 602, 603, 902, 1110, and 1202 of the Federal Aviation Act of 1958; 49 U.S.C. 1348, 1354(a), 1372, 1421, 1442, 1443, 1472, 1510, and 1522.

**§ 103.1 Applicability.**

(a) This part prescribes rules for loading and carrying dangerous articles and magnetized materials in any civil aircraft in the United States and in civil aircraft of United States registry anywhere in air commerce.

(b) For the purposes of this part "dangerous articles" are those articles defined and regulated in Parts 72 through 78 of the Interstate Commerce Commission Regulations for Transportation of Explosives and Other Dangerous Articles (49 CFR Parts 72-78), in this part referred to as the "ICC Regulations", and includes:

(1) Explosives.

(2) Flammable liquids and solids.

(3) Oxidizing materials.

(4) Corrosive liquids.

(5) Compressed gases.

(6) Poisonous articles.

(c) This part does not apply to—

(1) Aviation fuel and oil in tanks that comply with installation provisions of this chapter, small arms ammunition for personal use, aircraft equipment such as signaling devices, or aircraft equipment and materials necessary for safe operation of the aircraft on which they are carried;

(2) Material carried in hoppers or tanks of aircraft certificated for use in aerial seeding, dusting, spraying, fertilizing, crop improvement, or pest control, to be dispensed during such an operation;

(3) Radioactive materials that meet those requirements of Parts 72 and 73 of the ICC Regulations that exempt them from the packing, marking, and labeling requirements for shipment by rail express; and

(4) Radioactive materials that are shipped by the Atomic Energy Commission or under its direction or supervision, under special arrangement with the Administrator, and are escorted by



persons specially designated by the Atomic Energy Commission.

### § 103.3 Certification requirements.

(a) No shipper may offer, and no person operating an aircraft may knowingly accept, any dangerous article for shipment in an aircraft unless there is accompanying the shipment a clear and visible statement that the shipment complies with the requirements of this part. In the case of shipments in passenger-carrying aircraft, the shipper shall also state that the shipment complies with the requirements in this part for carrying dangerous articles in passenger-carrying aircraft. The shipper or his authorized agent shall sign the statement or stamp it with a facsimile of his signature. The person operating an aircraft may rely on the shipper's statement as prima facie evidence that the shipment complies with the requirements of this part.

(b) If there is provision on the face of the label for the statement, the shipper shall make the statement of compliance with this part on the ICC label attached to each package containing dangerous articles. If there is no provision on the label for the statement, the shipper shall make the statement in duplicate and sign it or stamp it with a facsimile of his signature. One signed or stamped copy accompanies the shipment and the originating air carrier retains the other signed or stamped copy. The person operating the aircraft may require the shipper to have the statement certified by an authority approved by the person operating the aircraft.

(c) For the purposes of this part, a passenger-carrying aircraft is an aircraft that carries any person other than a crewmember, company employee, an authorized representative of the United States, or a person accompanying the shipment.

### § 103.5 Authority to deviate.

(a) When other forms of transportation are impracticable, or in an emergency, the Administrator may authorize deviations from the provisions of this Part for one or more flights of a particular operation, subject to the following:

(1) Only the minimum flight crew necessary for safe flight, and such other persons as are necessary for handling the shipment en route, are carried in the aircraft.

(2) The shipper certifies that the shipment can be handled with a reasonable degree of safety to persons and cargo in the aircraft.

(3) The shipper provides full instructions on special handling procedures and precautions necessary for safe shipment.

(4) The crew of the aircraft is thoroughly briefed on the characteristics and handling of the cargo.

(5) Whenever any crew change occurs during the flight, the new crew is briefed under a hand-to-hand signature service furnished by the carrier.

(6) If the dangerous article can create destructive forces or have lethal or injurious effects over an appreciable area as a result of accident to the aircraft or shipment, the aircraft is located

on airports for loading and unloading, and is operated in takeoff, en route, and in landing, at a safe distance from heavily populated areas and from any place of human abode or assembly.

(7) The authorization is limited to the particular operation and to the articles for which the authorization is requested.

(8) The authorization specifies the points of origin where the articles are to be loaded in the aircraft and the points of destination where the articles are to be removed from the aircraft.

(9) The shipment is loaded, unloaded, packed, marked, stowed, and secured in the aircraft in accordance with the rules or special instructions of the ICC applicable to the articles for which deviation is requested.

(10) The holder of the authorization has advance permission from the operators or managers of the airports concerned.

(11) The authorization is limited to civil aircraft in the United States.

(b) Application for authority to deviate from this Part is made on Form FAA (Form ACA-400).

(c) In an emergency requiring immediate transportation of articles for which authority to deviate is necessary, the applicant may apply by telephone or telegraph to the appropriate Flight Standards District Office.

(d) Upon applying for authority for deviation under this section, the applicant must arrange with the appropriate Flight Standards inspector to inspect the aircraft and loading arrangement and to ascertain the safety precautions necessary for safe flight.

### § 103.7 Passenger-carrying aircraft.

No person may carry any dangerous article in passenger-carrying aircraft, except—

(a) Those exempted from the specification, packing, marking, and labeling requirements of Parts 72, 73, and 78 of the ICC Regulations (49 CFR Parts 72, 73, and 78) applicable to rail express;

(b) Class C explosives that are packed, marked, and labeled in accordance with the requirements of Parts 72 and 73 of the ICC Regulations (49 CFR Parts 72 and 73) for shipment by rail express, except that the maximum that may be packed in one outside container is 50 pounds;

(c) Subject to § 103.19(a), nonflammable compressed gases that are in ICC approved cylinders and at pressures not greater than the pressure allowed by ICC Regulations for shipment by rail express, but not including anhydrous ammonia, boron trifluoride, chlorine, hydrogen bromide, hydrogen chloride, nitrosyl chloride, and sulfur dioxide;

(d) Motion picture film and X-ray film (nitrocellulose base), both exposed and unexposed, that is packed, marked, and labeled in accordance with the requirements of Parts 72 and 73 of the ICC Regulations (49 CFR Parts 72, and 73) for shipment by rail express;

(e) Pyroxylin plastics containing nitrocellulose in sheets, rolls, rods, or tubes that are packed, marked, and labeled in accordance with the requirements of Parts 72 and 73 of the ICC Regulations

(49 CFR Parts 72, and 73) for shipment by rail express; and

(f) Subject to § 103.19(b), radioactive materials (Groups I, II, and III), that are packed, marked, and labeled in accordance with the requirements of Parts 72 and 73 of the ICC Regulations (49 CFR Parts 72, and 73) for shipment by rail express.

### § 103.9 Cargo aircraft.

(a) The operator of a cargo aircraft may carry any of the dangerous articles allowed in § 103.7 and in addition, may carry—

(1) Any dangerous article certified by the shipper as acceptable under ICC Regulations for transportation by rail express, but the maximum quantity in any one outside package or container may not be more than that prescribed for railway express in the commodity list of Part 72 of the ICC Regulations (49 CFR Part 72); and

(2) Radioactive materials of low activity packed in strong, tight containers.

(b) The materials covered by subparagraph (a)(2) of this section are exempt from the packing and labeling requirements of this Part for shipment in plane load lots, if the per-plane load radiation intensity at one meter from the outside surface of the load in the aircraft does not exceed 10 milliroentgens per hour of gamma radiation or equivalent. There must be no loose radioactive material in the aircraft, and the shipment must be braced and lashed to prevent leaking or shifting in normal flight. The consignor and consignee are responsible for supervising the loading and unloading and for monitoring each person involved so as not to exceed accepted limits of personnel radiation exposure.

(c) For the purposes of this Part, a cargo aircraft is any aircraft that is not a passenger-carrying aircraft and that is used for the carriage of goods.

### § 103.11 Packing and marking requirements.

Except as otherwise provided in this Part, each shipper who packs or marks a dangerous article for shipment under this Part shall pack or mark that article in accordance with Parts 72, 73, and 78 of the ICC Regulations (49 CFR Parts 72, 73, and 78) applicable to rail express.

### § 103.13 Labeling requirements.

Except as otherwise provided in this part, the shipper shall label each dangerous article, that is acceptable under this part for transportation in air commerce, with the appropriate label required by ICC Regulations, even though that article is exempt from ICC labeling requirements because of ICC quantity and packing limitations.

### § 103.15 Containers for liquids.

(a) Each shipper who packs liquids for shipment under this part shall pack the liquids in securely closed inside containers that are strong enough to prevent leakage or distortion of the containers from temperature or pressure change during shipment, and must have them filled in a manner that provides adequate outage.



(b) In the case of quantities of one quart or less in each inside container, the shipper must pack each inside container in a strong outside container with cushioning and absorbent material to prevent breakage or leakage. However, inside containers of a combined capacity of not more than one quart may be packed within one such outside container.

#### § 103.17 Quantity equivalents.

Quantities measured by the metric system or the imperial system may be substituted on the basis of one liter or one imperial quart per quart specified, and 500 grams per pound specified, up to one gallon for liquids or 10 pounds for solids.

#### § 103.19 Quantity limitations.

(a) No person may carry more than 150 pounds net weight of nonflammable compressed gas in any single cargo pit or bin on passenger-carrying aircraft or in any inaccessible cargo pit or bin on any aircraft.

(b) No person may carry more than 40 units of radioactive material (Group I or II) in any aircraft.

(c) No person may carry more than 50 pounds net weight of any article (other than an article specified in paragraphs (a) and (b) of this section) that is subject to this part in a cargo pit or bin on passenger-carrying aircraft, or in an inaccessible cargo pit or bin on any aircraft.

#### § 103.21 Shipments by the Atomic Energy Commission; exemption from quantity limitations.

When other forms of transportation are impracticable, or in an emergency, shipments by the Atomic Energy Commission are exempt from the quantity limitations prescribed for the shipment of radioactive materials by rail express in the ICC Regulations, if the shipments are otherwise in accordance with the ICC Regulations. The Atomic Energy Commission shall give advance notice of each shipment in a form and manner prescribed by the Administrator.

#### § 103.23 Special requirements for radioactive materials.

(a) If the pilot in command or the operator of an aircraft discovers that a shipment of radioactive material is damaged, the operator of the aircraft shall remove the radioactive material from the aircraft and keep it from human contact. The operator of the aircraft shall immediately request the shipper to furnish disposal instructions and shall notify the Administrator of the incident.

(b) In any case that radioactive material spills to such an extent that it is no longer contained in its inner container, no person may attempt to remove or clean up the material until instructions are received from the shipper or other qualified person, protective measures have been taken, and qualified persons are present to supervise the handling.

(c) No person may place a container or group of containers of radioactive material closer to an area that may be continuously occupied by crewmembers or passengers than the distance specified in the distance table in this paragraph. If there is more than one container, the distance is computed by adding the number of units shown on the label of each package.

TABLE FOR PERSONNEL SEPARATION

| Total number of units: | Minimum distance to crewmembers and passengers (feet) |
|------------------------|-------------------------------------------------------|
| 0-2                    | 1                                                     |
| 3-5                    | 2                                                     |
| 6-10                   | 3                                                     |
| 11-20                  | 4                                                     |
| 21-30                  | 5                                                     |
| 31-40                  | 6                                                     |

This table is designed to afford maximum protection to human beings from the effects of radiation and will not protect X-ray film from such effects under all conditions of exposure. Distance separation required by this table for Groups I and II (red label) radioactive materials is not required for Group III (blue label) radioactive materials. Total number of units refers to the number found on the red label of a single package entered on the line reading, "Radiation Units from Package: No. \* \* \*". For two or more packages stored together, the total of the numbers of all such packages is meant. Distance means the number of feet from the nearest edge of the nearest radioactive container.

(d) If an aircraft is frequently used to carry radioactive materials, the shipper and the operator of the aircraft are jointly responsible for monitoring all persons involved so that the accepted limits of personnel radiation exposure are not exceeded.

#### § 103.25 Notification of pilot in command.

Whenever articles subject to the provisions of this Part are carried in an aircraft, the operator of the aircraft shall inform the pilot in command of the name, type of label, quantity and location of the dangerous article. The person marking the cargo load manifest shall mark it conspicuously to indicate the dangerous articles.

#### § 103.27 Damage to dangerous articles.

Except as provided in § 103.23, the pilot in command or operator of the aircraft shall remove from the aircraft any package subject to this part that appears to be damaged or leaking and may not carry it in the aircraft until it has been determined that the damaged or leaking article meets the requirements of this part. The operator of the aircraft shall promptly report the incident to the Administrator.

#### § 103.29 Magnetized materials; packing and marking requirements.

Each shipper offering magnetized materials (which might cause an erroneous

aircraft magnetic compass reading) for shipment by air shall—

(a) Plainly mark the outside of the package "Magnetized Materials";

(b) Pack magnets or magnetized devices such as magnetrons and light meters so that the polarities of each unit oppose one another; and

(c) Install keeper bars on permanent magnets or shield them to prevent the magnetic field from affecting that magnetic compass.

#### § 103.31 Cargo location.

(a) No person may carry articles that are subject to the requirements of this Part in a cabin of a passenger-carrying aircraft.

(b) Each person carrying articles acceptable only for cargo aircraft shall carry those articles in a location accessible to a crewmember in flight.

(c) No person may place yellow label material and white label material side by side in cabins or in cargo pits or bins.

(d) No person may load magnetized material (which might cause an erroneous magnetic compass reading) on an aircraft in the vicinity of a magnetic compass or compass master unit that is a part of the instrument equipment of the aircraft in a manner that affects its operation. If this requirement cannot be met, a special aircraft swing and compass calibration may be made. No person loading magnetized materials may obscure the warning labels.

#### § 103.33 Transportation of gasoline in Alaska; aircraft operated in other than scheduled passenger-carrying operations.

Any person operating a small aircraft may carry not more than 20 gallons of gasoline (in other than one-quart containers) in aircraft operated entirely within the State of Alaska in other than scheduled passenger-carrying operations subject to the following:

(a) Before engaging in the operation, he must notify the Chief, Flight Standards Division, Alaska Region, of the type aircraft, registration number, and area of operation, state that the deviation is necessary to meet the needs of the passengers, and state that air transportation is the only practical means of transportation.

(b) The gasoline must be packed in airtight and leakproof inside containers of at least 28 gauge metal and of not more than ten gallons capacity each, and each inside container must be packed in an outside wooden box of at least one-half inch thickness.

(c) The compartment in which the gasoline is loaded must be ventilated so as to prevent the accumulation of fumes.

(d) Before each flight, the pilot in command must orally inform each passenger of the location of the gasoline, the hazards involved, and prohibit smoking, lighting matches, or carrying any flame or lighted cigar, pipe, or cigarette, and the use of anything that might cause an open flame or spark while loading or unloading or in flight.



## DISTRIBUTION TABLE

| Former section                              | Revised section     |
|---------------------------------------------|---------------------|
| 49.1-----                                   | 103.1               |
| 49.2 (less (a) (2) and (b))-----            | 103.5               |
| 49.2(a) (2)-----                            | 103.21              |
| 49.2(b)-----                                | 103.1               |
| 49.2-1-----                                 | (1)                 |
| 49.2-2 (less last sentence of (h))-----     | 103.5               |
| 49.2-2(h) (last sentence)-----              | (2)                 |
| 49.2-3-----                                 | 103.5               |
| 49.5 (1st paragraph)-----                   | 103.9               |
| 49.5 (less 1st and 6th-9th paragraphs)----- | (1)                 |
| 49.5 (6th, 8th, and 9th paragraphs)-----    | (2)                 |
| 49.5 (7th paragraph)-----                   | 103.3               |
| 49.11-----                                  | 103.11 <sup>1</sup> |
| 49.12-----                                  | 103.13              |
| 49.13-----                                  | 103.3               |
| 49.14-----                                  | 103.17              |
| 49.15-----                                  | 103.15              |
| 49.16-----                                  | 103.29              |
| 49.21-----                                  | 103.31              |
| 49.22-----                                  | 103.25              |
| 49.23-----                                  | 103.27              |
| 49.24-----                                  | 103.19              |
| 49.25-----                                  | 103.23              |
| 49.31-----                                  | 103.7               |
| 49.41-----                                  | 103.9               |
| SR 447-----                                 | 103.33              |
| 43.50-----                                  | 103.1               |

<sup>1</sup> Omitted.<sup>2</sup> Not a rule.<sup>3</sup> Transferred to Part 1 [New].

[F.R. Doc. 63-6802; Filed, June 28, 1963; 8:45 a.m.]

## SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 62-CE-68]

**PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]****Alteration of Control Zones; Revocation of Control Area Extension and Transition Area; Alteration and Designation of Transition Areas**

On May 2, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 4359) stating that the Federal Aviation Agency (FAA) proposed to alter the St. Louis, Mo., and Belleville, Ill., control zones, revoke the St. Louis control area extension and the Hardin, Ill., transition area, redesignate the Richwoods, Mo., transition area, and designate transition areas at St. Louis and Belleville.

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

Subsequent to the publication of the notice, it was determined that a substantial reduction in the lateral extent of the Richwoods transition area could be effected based on the cancellation of the instrument holding pattern procedure prescribed at the Cuba Intersection (INT of the 207° Mag. radial St. Louis, Mo., VOR and the 291° Mag. radial of the Farmington, Mo., VOR), and reduced controlled airspace reservation requirements to protect aircraft executing the instrument holding pattern procedure prescribed at the Richwoods VOR. The action taken herein to redesignate the Richwoods transition area reflects these reduced controlled airspace requirements.

The substance of the proposed amendments having been published, and for the reasons stated in the notice, the following actions are taken:

1. In § 71.171 (27 F.R. 220-91, November 10, 1962), the St. Louis, Mo., and Belleville, Ill., control zones are amended to read as follows:

St. Louis, Mo.

Within a 5-mile radius of Lambert-St. Louis Municipal Airport (latitude 38°44'50" N., longitude 90°21'55" W.), within 2 miles SE and 3 miles NW of the Lambert-St. Louis Municipal Airport ILS localizer SW course, extending from the 5-mile radius zone to 12 miles SW of the Lake RBN, and within 2 miles each side of the St. Louis VORTAC 142° radial, extending from the 5-mile radius zone to 7 miles NW of the NW end of the Lambert-St. Louis Municipal Airport Runway 12.

Belleville, Ill.

Within a 5-mile radius of Scott AFB, Belleville, Ill. (latitude 38°32'30" N., longitude 89°51'05" W.), and within 2 miles each side of the 317° bearing from the Belleville RBN, extending from the 5-mile radius zone to 5.5 miles SE of the SE end of Scott AFB Runway 31.

2. In § 71.165 (27 F.R. 220-59, November 10, 1962) the St. Louis, Mo., control area extension is revoked.

3. § 71.181 (27 F.R. 220-139, November 10, 1962) the Hardin, Ill., transition area is revoked, and the following transition areas are added:

St. Louis, Mo.

That airspace extending upward from 700 feet above the surface within a 10-mile radius of Lambert-St. Louis Municipal Airport (latitude 38°44'50" N., longitude 90°21'55" W.), within 5 miles SE and 8 miles NW of the Lambert-St. Louis Municipal Airport ILS localizer NE course, extending from the 10-mile radius area to 12 miles NE of the OM, within a 5-mile radius of Civic Memorial Airport, Alton, Ill. (latitude 38°53'28" N., longitude 90°03'02" W.), within 2 miles each side of the 009° bearing from the Civic Memorial Airport, extending from the 5-mile radius area to 7 miles N of the airport, and within 5 miles S and 8 miles N of the 103° bearing from the Civic Memorial Airport, extending from the airport to 12 miles E of the airport; and that airspace extending upward from 1,200 feet above the surface within a 33-mile radius of Lambert-St. Louis Municipal Airport, within 6 miles SW and 9 miles NE of the St. Louis VORTAC 328° radial, extending from the 33-mile radius area to 36 miles NW of the VORTAC, within a 40-mile radius of Scott AFB, Belleville, Ill. (latitude 38°32'30" N., longitude 89°51'05" W.), and within 5 miles W and 8 miles E of the 009° bearing from Civic Memorial Airport, extending from the airport to 19 miles N of the airport, excluding the airspace within the Jacksonville, Ill., and Vandalia, Ill., transition areas and the portion within a 13-mile radius of the Centralia, Ill., VOR.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Scott AFB, Belleville, Ill. (latitude 38°32'30" N., longitude 89°51'05" W.), and within 2 miles each side of the 317° bearing from the Belleville RBN, extending from the 7-mile radius area to the RBN.

4. In § 71.181 (27 F.R. 220-139, November 10, 1962), the Richwoods, Mo., transition area is amended to read:

Richwoods, Mo.

That airspace extending upward from 1,200 feet above the surface within 5 miles NW and 8 miles SE of the Richwoods VOR

230° and 050° radials, extending from 7 miles NE to 13 miles SW of the VOR.

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

These amendments shall become effective 0001, e.s.t., August 22, 1963.

Issued in Washington, D.C., on June 25, 1963.

H. B. HELSTROM,  
Acting Chief,

Airspace Utilization Division.

[F.R. Doc. 63-6852; Filed, June 28, 1963; 8:45 a.m.]

[Airspace Docket No. 63-EA-7]

**PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]****Alteration of Control Zone; and Designation of Control Zone and Transition Areas**

On May 7, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 4583) stating that the Federal Aviation Agency (FAA) proposed to alter the Cleveland, Ohio, control zone, designate a control zone at the Burke-Lakefront Airport, Cleveland, and designate transition areas in the Greater Cleveland and Sandusky, Ohio, terminal areas.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and no adverse comments were received regarding the proposed amendments. The Air Transport Association expressed concurrence with the proposed actions provided there would be no derogation of instrument approach procedures by an increase in minimums and no loss of transitions and straight-in approaches. There will be no increase in instrument approach minimums or loss of transitions and straight-in approaches as a result of the actions taken herein.

The substance of the proposed amendments having been published and for the reasons stated in the notice, the following actions are taken:

1. In § 71.171 (27 F.R. 220-91, November 10, 1962), the Cleveland, Ohio, control zone is amended to read:

Cleveland, Ohio (Cleveland-Hopkins Airport)

Within a 5-mile radius of the Cleveland-Hopkins Airport (latitude 41°24'30" N., longitude 81°51'00" W.); within 2 miles each side of the Runway 23-R-ILS localizer NE course, extending from the 5-mile radius zone to 6 miles NE of the NE end of the runway; within 2 miles each side of the Runway 27-R-ILS localizer E course, extending from the 5-mile radius zone to the Runway 27-R-ILS OM; within 2 miles each side of the Strongsville, Ohio, VOR 012° radial, extending from the 5-mile radius zone to the VOR; including the airspace within a 1-mile radius of the Brooklyn Airport (latitude 41°25'30" N., longitude 81°44'25" W.); and within a 1-mile radius of the Strongsville Airpark (latitude 41°19'25" N., longitude 81°51'50" W.).

2. Section 71.171 (27 F.R. 220-91, November 10, 1962) is amended by adding the following:

Cleveland, Ohio (Burke-Lakefront Airport)

Within a 3-mile radius of the Burke-Lakefront Airport (latitude 41°31'00" N.,



longitude 81°41'00" W.), from 0700 to 2300 hours, local time, daily.

3. Section 71.181 (27 F.R. 220-139, November 10, 1962) is amended by adding the following:

Cleveland, Ohio

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Cleveland-Hopkins Airport (latitude 41°24'30" N., longitude 81°51'00" W.); within a 3-mile radius of the Burke-Lakefront Airport (latitude 41°31'00" N., longitude 81°41'00" W.); within 2 miles each side of the Cleveland-Hopkins Runway 23-R-ILS localizer NE course, extending from the 8-mile radius area to the Burke-Lakefront 3-mile radius area; within 2 miles each side of the Cleveland-Hopkins Runway 5-L-ILS localizer SW course, extending from the 8-mile radius area to 8 miles SW of the Runway 5-L-ILS OM; within 2 miles each side of the Strongsville VOR 192° radial, extending from the 8-mile radius area to 8 miles S of the VOR; and within 2 miles each side of the Akron, Ohio, VORTAC 319° radial, extending from the Burke-Lakefront 3-mile radius area to 10 miles NW of the airport; and that airspace extending upward from 1,200 feet above the surface within the area bounded by a line extending from latitude 41°35'00" N., longitude 82°06'20" W., via latitude 41°48'20" N., longitude 81°47'30" W., to latitude 41°54'00" N., longitude 81°37'20" W., thence clockwise along the arc of a 19-mile radius circle centered at latitude 41°41'00" N., longitude 81°23'25" W., to latitude 41°24'20" N., longitude 81°23'00" W., to latitude 41°21'00" N., longitude 81°31'00" W., thence clockwise along the arc of an 18-mile radius circle centered on the Cleveland-Hopkins Airport to the 146° bearing from the airport, thence SE along the 146° bearing to latitude 41°08'00" N., longitude 81°36'00" W., to latitude 40°53'00" N., longitude 81°43'00" W., thence via the arc of a 37-mile radius circle centered on the Cleveland-Hopkins Airport to the 210° bearing from the airport, thence clockwise via the arc of an 18-mile radius circle centered on the Cleveland-Hopkins Airport to the point of beginning.

Willoughby, Ohio

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Lost Nation Airport, Willoughby (latitude 41°41'00" N., longitude 81°23'25" W.); within a 5-mile radius of the Cuyahoga County, Ohio, Airport (latitude 41°33'55" N., longitude 81°29'20" W.); within 2 miles each side of the 088° bearing from the Lost Nation RBN, extending from the Lost Nation 5-mile radius area to 13 miles E of the RBN; within 2 miles each side of the 268° bearing from the Lost Nation RBN, extending from the Lost Nation 5-mile radius area to 8 miles W of the RBN; and within 2 miles each side of the 056° bearing from the Cuyahoga County RBN, extending from the Cuyahoga County 5-mile radius area to 13 miles NE of the Cuyahoga County Airport.

Sandusky, Ohio

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Griffing-Sandusky Airport (latitude 41°26'00" N., longitude 82°39'05" W.); within 2 miles each side of the Sandusky VOR 026° and 206° radials, extending from the 5-mile radius area to 8 miles SW of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 12-mile radius of the Griffing-Sandusky Airport; within a 21-mile radius of the Griffing-Sandusky Airport, bounded on the N by the 12-mile radius area, on the E by the 163° bearing from the airport, and on the W by the 229° bearing from the airport; and within the area bounded on the NE by V-297, on the SE by V-232, on the SW by the

12-mile radius area, and on the NW by the 034° bearing from the Griffing-Sandusky Airport.

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

These amendments shall become effective 0001, e.s.t., August 22, 1963.

Issued in Washington, D.C., on June 25, 1963.

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

[F.R. Doc. 63-6853; Filed, June 28, 1963; 8:45 a.m.]

[Airspace Docket No. 63-EA-25]

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

### Revocation of Federal Airways and Associated Control Areas

On May 10, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 4722) stating that the Federal Aviation Agency proposed to revoke the United States portion of Green Federal airway No. 2, and its associated control areas, which is designated from Detroit, Mich., to Dunkirk, N.Y., and the United States portion of Amber Federal airway No. 6, and its associated control areas, which is designated from Parkman, Ohio, to Clear Creek, Ontario, Canada.

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

The substance of the proposed amendments having been published, therefore, and for the reasons stated in the notice, the following actions are taken:

1. In § 71.103 (27 F.R. 220-3, November 10, 1962) G-2 is revoked.
2. In § 71.105 (27 F.R. 220-3, November 10, 1962) A-6 is revoked.

These amendments shall become effective 0001, e.s.t., August 22, 1963.

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

Issued in Washington, D.C. on June 25, 1963.

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

[F.R. Doc. 63-6854; Filed, June 28, 1963; 8:46 a.m.]

[Airspace Docket No. 62-WE-108]

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

### Alteration of Control Zone; Modification

On April 26, 1963, there was published in the FEDERAL REGISTER (28 F.R. 4125) an amendment to § 71.171 of the Federal Aviation Regulations. This amendment altered the control zone at Whidbey Island, Wash.

Subsequent to publication of the amendment, it was noted that the 5-mile radius of Oak Harbor Seaplane Base,

Whidbey Island, Wash., does not correctly describe the intended center of the proposed radius zone, therefore, it should be redescribed for charting purposes. Such action is taken herein.

Since this amendment is editorial in nature and imposes 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. 62-WE-108 (28 F.R. 4125) is hereby modified as follows:

In the description of the Whidbey Island, Wash., control zone "within a 5-mile radius of Oak Harbor Seaplane Base, Whidbey Island, Wash. (latitude 48°14'55" N., longitude 122°35'15" W.)" is deleted and "within a 5-mile radius of the INT of the N/S and E/W sealane landing areas latitude 48°14'55" N., longitude 122°35'15" W.) Oak Harbor Seaplane Base, Whidbey Island, Wash." is substituted therefor.

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

Issued in Washington, D.C., on June 25, 1963.

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

[F.R. Doc. 63-6855; Filed, June 28, 1963; 8:46 a.m.]

[Airspace Docket No. 63-SO-19]

## PART 73—SPECIAL USE AIRSPACE [NEW]

### Designation of Temporary Restricted Area

On April 18, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 3785) stating that the Federal Aviation Agency was considering a proposal by the Department of the Air Force to designate a temporary restricted area of approximately 5,695 square miles in South Carolina, to contain hazardous activities to be conducted in conjunction with a military exercise known as "Operation Swift Strike III".

No adverse comments were received regarding the proposal.

In the notice the proposed designated altitudes of the area were as follows:

Surface to 4,000 feet MSL sunrise to sunset, surface to 3,000 feet MSL sunset to sunrise.

Since the times of sunrise and sunset vary each day, the time of change in maximum designated altitudes would change accordingly. For purposes of standardization and to avoid confusion, the designated altitudes prescribed in the action taken herein have been changed to read:

Surface to 4,000 feet MSL, 0500 e.s.t. to 2000 e.s.t., surface to 3,000 feet MSL, 2000 e.s.t. to 0500 e.s.t.

Designation of this temporary restricted area does not constitute a waiver to the using agency from compliance with CAR 60.12 or CAR 60.17.

Interested persons have been afforded an opportunity to participate in the mak-



ing of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment has been published, therefore, for the reasons stated herein and in the Notice, the following action is taken:

In § 73.60 (28 F.R. 19-40), January 26, 1963, the following temporary restricted area is added:

Swift Strike III, South Carolina.

**Boundaries.** Beginning at latitude 34°43'00" N., longitude 82°02'00" W.; to latitude 34°54'00" N., longitude 81°24'00" W.; to latitude 34°54'00" N., longitude 80°58'00" W.; to latitude 35°00'00" N., longitude 80°43'00" W.; to latitude 35°00'00" N., longitude 80°09'00" W.; to latitude 34°24'00" N., longitude 80°09'00" W.; to latitude 34°10'00" N., longitude 80°30'00" W.; to latitude 34°06'00" N., longitude 80°57'00" W.; to latitude 34°13'00" N., longitude 80°56'00" W.; to latitude 34°13'00" N., longitude 81°11'00" W.; to latitude 34°02'00" N., longitude 81°30'00" W.; to latitude 34°00'00" N., longitude 81°46'00" W.; to latitude 34°00'00" N., longitude 82°03'00" W.; to point of beginning, excluding airspace within a 3-mile radius centered on the following civil airports:

- a. Laurens, S.C.
- b. Newberry, S.C.
- c. Oxner, S.C.
- d. Winnsboro, S.C.
- e. Coulbourn, S.C.
- f. Kershaw, S.C.
- g. Woodward, S.C.
- h. Clemson Experimental Station, S.C.

**Designated altitudes.** Surface to 4,000 feet MSL 0500 e.s.t. to 2000 e.s.t., surface to 3,000 feet MSL 2000 e.s.t. to 0500 e.s.t.

**Time of designation.** Continuous from 0001 e.s.t. August 4, 1963, to 2359 e.s.t. August 16, 1963.

**Controlling agency.** Federal Aviation Agency, Jacksonville ARTC Center.

**Using agency.** U.S. Air Force Strike Command, Langley AFB, Virginia.

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

This amendment shall become effective 0001, e.s.t., August 4, 1963.

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

LEE E. WARREN,  
Acting Director,  
Air Traffic Service.

[F.R. Doc. 63-6856; Filed, June 28, 1963; 8:46 a.m.]

## Chapter III—Federal Aviation Agency

### PART 603—SPECIAL AIR TRAFFIC RULES

### PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

### PART 610—MINIMUM EN ROUTE IFR ALTITUDES

### PART 619—SPECIAL AIRPORT TRAFFIC RULES

### PART 620—SECURITY CONTROL OF AIR TRAFFIC

### Air Traffic and General Operating Rules; Definitions and Abbreviations

CROSS REFERENCE: For a document affecting the above parts see F.R. Document 63-6802 *supra*.

[F.R. Doc. 63-6802; Filed, June 28, 1963; 8:41 a.m.]

## Title 7—AGRICULTURE

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

[1963 Marketing Quotas for Upland Cotton (Bulletin 1)]

[Amdt. 10]

### PART 722—COTTON

#### Subpart—Regulations Pertaining to Marketing Quotas for Upland Cotton of the 1961 and Succeeding Crops

#### 1963 PENALTY RATE AND MISCELLANEOUS REVISIONS

The purpose of this amendment is to establish the 1963 penalty rate under section 346(a) of the Agricultural Adjustment Act of 1938, as amended, which provides that whenever farm marketing quotas are in effect with respect to any crop of cotton, the producer shall be subject to a penalty on the farm marketing excess at a rate per pound equal to 50 percent of the parity price per pound for cotton as of June 15 of the calendar year in which such crop is produced. In addition, two minor revisions are included to reflect recent organizational changes in the Department of Agriculture. The amendment contained herein is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.).

In order that the exact rate of penalty may be made known to producers who desire to market cotton and to buyers who are charged in the regulations with the duty of collecting penalty on the cotton marketed subject to the penalty and the lien for the penalty, it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice and public procedure requirements and the 30-day effective date requirement of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) is impracticable and contrary to the public interest and this amendment shall be effective upon filing of this document with the Director, Office of the Federal Register.

The regulations pertaining to marketing quotas for upland cotton of the 1961 and succeeding crops (26 F.R. 3672, as amended) are hereby amended as follows:

1. Section 722.2(a)(3) is amended to read as follows:

(3) "Director" means the Director, or Acting Director, Farmer Programs Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture.

2. Section 722.49(a) is amended to change the reference to the "Investigation Division, Agricultural Stabilization and Conservation Service" in the last sentence thereof so that such reference reads "ASCS Investigation Division, Office of the Inspector General".

3. Section 722.51 is amended by addition of a new paragraph (c) at the end thereof to read as follows:

(c) *Penalty rate for 1963 crop.* The parity price for cotton effective as of June 15, 1963, is 40.27 cents per pound. The rate of penalty for cotton produced in 1963 as calculated on the basis of such parity price and in accordance with the provisions of § 722.26 shall be 20.1 cents per pound of lint cotton.

(Secs. 346, 375; 63 Stat. 674, 52 Stat. 66, as amended; 7 U.S.C. 1346, 1375)

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

Signed at Washington, D.C., on June 25, 1963.

RAY FITZGERALD,  
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 63-6899; Filed, June 28, 1963; 8:58 a.m.]

[1963 Marketing Quotas for Extra Long Staple Cotton (Bulletin 2)]

[Amdt. 7]

### PART 722—COTTON

#### Subpart—Regulations Pertaining to Marketing Quotas for Extra Long Staple Cotton of the 1961 and Succeeding Crops

#### 1963 PENALTY RATE AND MISCELLANEOUS REVISIONS

The purpose of this amendment is to establish the 1963 penalty rate under sections 346(a) and 347(c) of the Agricultural Adjustment Act of 1938, as amended, which provide that whenever farm marketing quotas are in effect with respect to any crop of ELS cotton, the producer shall be subject to a penalty on the farm marketing excess at a rate per pound equal to the higher of 50 percent of the parity price or 50 percent of the support price per pound for ELS cotton as of June 15 of the calendar year in which such crop is produced. In addition, two minor revisions are included to reflect recent organizational changes in the Department of Agriculture. The amendment contained herein is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.).

In order that the exact rate of penalty may be made known to producers who desire to market ELS cotton and to buyers who are charged in the regulations with the duty of collecting penalty on the ELS cotton marketed subject to the penalty and the lien for the penalty, it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice and public procedure requirements and the 30-day effective date requirement of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) is impracticable and contrary to the public interest and this amendment shall be effective upon filing of this document with the Director, Office of the Federal Register.



The regulations pertaining to marketing quotas for extra long staple cotton of the 1961 and succeeding crops (26 F.R. 5489, as amended) are hereby amended as follows:

1. Section 722.102(a) (3) is amended to read as follows:

(3) "Director" means the Director, or Acting Director, Farmer Programs Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture.

2. Section 722.149(a) is amended to change the reference to the "Investigation Division, Agricultural Stabilization and Conservation Service" in the last sentence thereof so that such reference reads "ASCS Investigation Division, Office of the Inspector General".

3. Section 722.152 is amended by addition of a new paragraph (c) at the end thereof to read as follows:

(c) *Penalty rate for 1963 crop.* The parity price for ELS cotton effective as of June 15, 1963, is 76.2 cents per pound. Section 101(f) of the Agricultural Act of 1949, as amended, provides that the support price for 1963 crop ELS cotton shall not exceed the same per centum of the parity price as for the 1956 crop. Such per centum was 75 percent. No increased price support levels for 1963 crop ELS cotton have been established pursuant to section 402 of the Agricultural Act of 1949, as amended. Accordingly, if the support price for 1963 crop ELS cotton were determined on the basis of the June 15, 1963, parity price, the support price thus determined could not exceed 75 per centum of the parity price for ELS cotton as of June 15, 1963. Thus, the parity price, being higher than the possible support price, is used in accordance with the provisions of § 722.126 hereof in calculating the rate of penalty for 1963 crop ELS cotton. Such rate of penalty shall be 38.1 cents per pound of ELS lint cotton.

(Secs. 346, 347, 376; 63 Stat. 674, 675, 52 Stat. 66, as amended; 7 U.S.C. 1346, 1347, 1375)

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

Signed at Washington, D.C., on June 25, 1963.

RAY FITZGERALD,  
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 63-6900; Filed, June 28, 1963; 8:58 a.m.]

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

[Valencia Orange Reg. 53]

#### PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

##### Limitation of Handling

##### § 908.353 Valencia Orange Regulation 53.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and

Order No. 908, as amended (7 CFR Part 908; 27 F.R. 10089), regulating the handling of Valencia oranges grown in Arizona and designated part 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 and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable 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 hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because 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, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; 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; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on June 27, 1963.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., June 30, 1963, and ending at 12:01 a.m., P.s.t., July 7, 1963, are hereby fixed as follows:

- (i) District 1: Unlimited movement;
- (ii) District 2: 450,000 cartons;
- (iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

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

Dated: June 28, 1963.

FLOYD F. HEDLUND,  
Director, Fruit and Vegetable  
Division, Agricultural Marketing Service.

[F.R. Doc. 63-6999; Filed, June 28, 1963; 11:20 a.m.]

[Lemon Reg. 69]

#### PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

##### Limitation of Handling

##### § 910.369 Lemon Regulation 69.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, 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 recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such lemons as will provide, in the interests of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable 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 hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because 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, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; 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; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee,



and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on June 25, 1963.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., June 30, 1963, and ending at 12:01 a.m., P.s.t., July 7, 1963, are hereby fixed as follows:

- (i) District 1: Unlimited movement;
  - (ii) District 2: 372,000 cartons;
  - (iii) District 3: Unlimited movement.
- (2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

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

Dated: June 26, 1963.

FLOYD F. HEDLUND,  
Director, Fruit and Vegetable  
Division, Agricultural Mar-  
keting Service.

[F.R. Doc. 63-6929; Filed, June 28, 1963;  
8:59 a.m.]

[Plum Order 7]

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

### Regulation by Size

§ 917.325 Plum Order 7 (Gaviota, Burbank, Duarte, Becky Smith, Elephant Heart, Laroda, and Sharkey).

(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 shipment 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 June 25, 1963.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., July 1, 1963, and ending at 12:01 a.m., P.s.t., November 1, 1963, no shipper shall ship any package or container of Gaviota, Burbank, Duarte, Becky Smith, Elephant Heart, Laroda, or Sharkey 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: June 27, 1963.

FLOYD F. HEDLUND,  
Director, Fruit and Vegetable  
Division, Agricultural Mar-  
keting Service.

[F.R. Doc. 63-6950; Filed, June 28, 1963;  
9:32 a.m.]

[Plum Order 8]

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

### Regulation by Grade and Size

§ 917.326 Plum Order 8 (Mariposa and Ace).

(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 June 25, 1963.

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

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

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

(ii) Such plums are of a size that, when packed in a standard basket, they will pack at least a 3 x 4 x 5 standard pack;

(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, "U.S. No. 1," "serious damage," and "standard pack" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) (§§ 51.1520-1573 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 fruits 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: June 27, 1963.

FLOYD F. HEDLUND,  
Director, Fruit and Vegetable  
Division, Agricultural Mar-  
keting Service.

[F.R. Doc. 63-6951; Filed, June 28, 1963;  
9:32 a.m.]

## PART 946—IRISH POTATOES GROWN IN WASHINGTON

### Limitation of Shipments

*Findings.* (a) Pursuant to Marketing Agreement No. 113, and Order No. 946 (7 CFR Part 946), regulating the handling of Irish potatoes grown in the State of Washington, 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 recommendations and information submitted by the State of Washington Potato Committee, established pursuant to the said marketing agreement and order, and other available information, it is hereby found that the limitation of shipments regulation as hereinafter established, limiting the grade, size, and quality of such potatoes will maintain orderly marketing conditions tending to increase returns to producers of such potatoes.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, and engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003) in that (1) shipments of 1963 crop potatoes grown in the production area will begin the week of July 1, (2) to maximize benefits to growers, this regulation should apply to all shipments during the 1963 season, (3) producers and handlers have operated under the marketing order since 1949 so special preparation on the part of handlers is not required, and (4) information regarding the committee's recommendation has been disseminated to producers and handlers in the production area.

### § 946.318 Limitation of shipments.

During the period July 1, 1963, through June 30, 1964, no person shall handle any lot of potatoes unless such potatoes meet the requirements of paragraphs (a) and (b) of this section or unless such potatoes are handled in accordance with paragraph (c), (d), (e), (f), and (g) of this section.

(a) *Minimum quality requirements—*  
(1) *Grade—All varieties.* U.S. No. 2, or better grade.

(2) *Size—(1) Round varieties.* 1 $\frac{1}{8}$  inches minimum diameter.

(ii) *Long varieties.* 2 inches minimum diameter or 4 ounces minimum weight.

(3) *Cleanliness—All varieties.* At least "fairly clean."

(b) *Minimum maturity requirements—*(1) *Round varieties.* "Moderately skinned" which means that not more than 10 percent of the potatoes in any lot may have more than one-half of the skin missing or "feathered."

(2) *Long varieties.* "Slightly skinned" which means that not more than 10 percent of the potatoes in the lot have more than one-fourth of the skin missing or "feathered."

(c) *Special purpose shipments.* The minimum grade, size, cleanliness, and maturity requirements set forth in paragraphs (a) and (b) of this section shall not be applicable to shipments of potatoes for any of the following purposes:

- (1) Certified seed;
- (2) Livestock feed;
- (3) Charity;
- (4) Starch;
- (5) Canning or freezing;
- (6) Dehydration;
- (7) Export;
- (8) Potato chipping; or
- (9) Prepeeling.

(d) *Safeguards.* Each handler making shipments of potatoes for canning or freezing, dehydration, export, potato chipping, or prepeeling pursuant to paragraph (c) of this section shall:

(1) First, apply to the committee for and obtain a Certificate of Privilege to make such shipments;

(2) Pay assessments on such shipments, except shipments for canning or freezing;

(3) Obtain a Washington State Shipping Permit as issued by the Washington State Department of Agriculture, except shipments for export on which the handler shall obtain a Federal-State Inspection Certificate;

(4) Upon request by the committee, furnish reports of each shipment pursuant to the applicable Certificate of Privilege;

(5) At the time of applying to the committee for a Certificate of Privilege, or promptly thereafter, furnish the committee with a receiver's or buyer's certification that the potatoes so handled are to be used only for the purpose stated in such application and that such receiver will complete and return to the committee such periodic receiver's reports that the committee may require;

(6) Mail to the office of the committee a copy of the bill of lading for each Certificate of Privilege shipment promptly after the date of such shipment, except when shipments are made by private carriers direct to processing plants, a schedule of weights will be accepted in lieu of a copy of the bill of lading.

(7) Before diverting any such shipment to another receiver or buyer apply to the committee for and obtain a new Certificate of Privilege authorizing such diversion, and such handler shall also comply with requirements prescribed by subparagraphs (4) and (5) of this paragraph with respect to such diverted shipments;



(e) *Shipments of bulk potatoes.* In the case of shipments of bulk potatoes, or any shipments within the district where grown, for canning, freezing, dehydration, potato chipping, or prepeeling, where such processor signs an agreement with the committee agreeing to meet such reporting and other marketing order requirements as may be specified by the committee, the shipper of such potatoes shall be exempt from those safeguard requirements set forth in paragraph (d) of this section.

(f) *Potatoes for regrading, resorting, or repacking.* Pursuant to § 946.50, the inspection requirements of § 946.53 applicable to the handling of regraded, resorted, or repacked potatoes are suspended during the effective time of this section with respect to any such potatoes which prior to regrading, resorting, or repacking thereof, were inspected pursuant to § 946.53(a).

(g) *Minimum quantity exception.* Each handler may ship up to, but not to exceed 5 hundredweight of potatoes any day without regard to the inspection and assessment requirements of this part, but this exception shall not apply to any portion of a shipment over 5 hundredweight of potatoes.

(h) *Definitions.* (1) The terms "U.S. No. 2," "fairly clean," "slightly skinned" and "moderately skinned," shall have the same meaning as when used in the United States Standards for Potatoes (§§ 51.1540-51.1556 of this title), including the tolerances set forth therein.

(2) The term "prepeeling" means potatoes which are clean, sound, fresh tubers prepared commercially in the prepeeling plant by washing, removal of the outer skin or peel, trimming, and sorting preparatory to sale in one or more of the styles of peeled potatoes described in § 52.2422 (United States Standards for Grades of Peeled Potatoes §§ 52.2421 to 52.2433 of this title). Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 113 and Order No. 946.

*Termination of § 946.317, as amended.* Section 946.317, as amended (27 F.R. 6081; 28 F.R. 24) is hereby terminated at the effective time hereof.

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

Dated June 26, 1963, to become effective July 1, 1963.

FLOYD F. HEDLUND,  
Director,  
Fruit and Vegetable Division.

[F.R. Doc. 63-6897; Filed, June 28, 1963; 8:58 a.m.]

## PART 947—IRISH POTATOES GROWN IN MODOC AND SISKIYOU COUNTIES, CALIF., AND IN ALL COUNTIES IN OREGON EXCEPT MALHEUR COUNTY

### Limitation of Shipments

*Findings.* (a) Pursuant to Marketing Agreement No. 114 and Order No. 947, both as amended (7 CFR Part 947), regulating the handling of Irish potatoes

grown in the production area defined therein, 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 recommendations and information submitted by the Oregon-California Potato Committee, established pursuant to the said marketing agreement and order, and other available information, it is hereby found that the limitation of shipments regulation as hereinafter established, limiting the grade, size, and quality of such potatoes will maintain orderly marketing conditions tending to increase returns to producers of such potatoes.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, and engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003) in that (1) shipments of 1963 crop potatoes grown in the production area will begin on or about the effective date specified herein, (2) to maximize benefits to growers, this regulation should apply to all such shipments during the effective period, (3) producers and handlers have operated under said marketing order since 1948 so special preparation on the part of handlers is not required, and (4) information regarding the committee's recommendation has been disseminated to producers and handlers in the production area.

### § 947.321 Limitation of shipments.

During the period July 1, 1963, through June 30, 1964, no person shall handle any lot of potatoes unless such potatoes meet the requirements of paragraphs (a) and (b) of this section, or unless such potatoes are handled in accordance with paragraphs (c), (d), (e), and (f) of this section.

(a) *Minimum quality requirements—*(1) *Grade.* All varieties—U.S. No. 2, or better grade.

(2) *Size.* (i) Round varieties: 1½ inches minimum diameter. (ii) All other varieties: 2 inches minimum diameter or 4 ounces minimum weight.

(b) *Minimum maturity requirements—*(1) *All varieties.* (i) Through August 31, 1963; "Moderately skinned" which means that not more than 10 percent of the potatoes in any lot may have more than one-half of the skin missing or "feathered."

(ii) Beginning September 1, 1963: "Slightly skinned" which means that not more than 10 percent of the potatoes in any lot may have more than one-fourth of the skin missing or "feathered."

(2) Not to exceed a total of 100 hundredweight of any variety of a lot of potatoes may be handled for any producer any seven consecutive days without regard to the aforesaid maturity requirements. Prior to each shipment of potatoes exempt from the above maturity requirement, the handler thereof shall report to the committee the name and address of the producer of such potatoes, and each such shipment shall be handled as an identifiable entity.

(c) *Special purpose shipments.* The minimum grade, size, and maturity re-

quirements set forth in paragraphs (a) and (b), of this section, shall not be applicable to shipments of potatoes for any of the following purposes: (1) Certified seed.

(2) Grading and storing, planting, or livestock feed: *Provided*, That potatoes may not be shipped for such purposes outside of the district where grown except that potatoes grown in District No. 2 or District No. 4 may be shipped for grading and storing, for planting, or for livestock feed within, or to, such districts for such purposes.

(3) Charity.

(4) Starch.

(5) Canning or freezing.

(6) Dehydration.

(7) Export.

(8) Potato chipping.

(9) Preepeeling.

(9) Prepeeling.

(d) *Safeguards.* (1) Each handler making shipments of certified seed pursuant to paragraph (c) of this section shall pay assessments on such shipments and shall furnish the committee with either a copy of the applicable certified seed inspection certificate or shall apply for and obtain a Certificate of Privilege and, upon request of the committee, furnish reports of each shipment made pursuant to each Certificate of Privilege.

(2) Each handler making shipments of potatoes for canning, freezing, dehydration, export, potato chipping, or prepeeling pursuant to paragraph (c) of this section shall:

(i) First, apply to the committee for and obtain a Certificate of Privilege to make such shipments.

(ii) Pay assessments on such shipments except shipments for canning or freezing.

(iii) Have such shipments inspected, except shipments for canning or freezing.

(iv) Prepare, on forms furnished by the committee, a diversion report in quadruplicate on each individual shipment diverted from fresh market channels to outlets authorized in this subparagraph (2) of this paragraph.

(v) Forward one copy of such diversion report to the committee office and forward two copies to the receiver with instructions to the receiver that he sign and return one copy to the committee office. The handler and receiver may each keep one copy for their files. Failure of handler or receiver to report such shipments by promptly signing and returning the applicable diversion report to the committee office shall be cause for cancellation of such handler's Certificate of Privilege and/or the receiver's eligibility to receive further shipments pursuant to such Certificate of Privilege. Upon the cancellation of any such Certificate of Privilege the handler may appeal to the committee for reconsideration. Such appeal shall be in writing.

(e) *Minimum quantity exception.* Each handler may ship up to but not to exceed 5 hundredweight of potatoes any day without regard to the inspection and assessment requirements of this part, but this exception shall not apply to any portion of a shipment that exceeds 5 hundredweight of potatoes.



(f) *Inspection.* For the purpose of operation under this part and unless exempted from inspection by the provisions of this section, each required inspection certificate is hereby determined, pursuant to § 947.60(c), to be valid for a period of not to exceed 14 days following completion of inspection as shown on the certificate. The period of validity on an inspection certificate covering inspected and certified potatoes that are stored in refrigerated storage within 14 days of the inspection shall be the entire period such potatoes remain in such storage.

(g) Pursuant to § 947.60(b), the inspection requirements of § 947.60 applicable to the handling of regraded, resorted, or repacked potatoes are suspended during the effective time of this section with respect to any such potatoes which prior to regrading, resorting, or repacking thereof, were inspected pursuant to § 947.60(a) and the inspection certificate is valid at the time of handling such regraded, resorted, or repacked, potatoes.

(h) *Definitions.* (1) The terms "U.S. No. 2," "moderately skinned," and "slightly skinned" shall have the same meaning as when used in the United States Standards for Potatoes (§§ 51.1540-51.1556 of this title), including the tolerances set forth therein.

(2) The term "prepeeling" means potatoes which are clean, sound, fresh tubers prepared commercially in a prepeeling plant by washing, removal of the outer skin or peel, trimming, and sorting preparatory to sale in one or more of the styles of peeled potatoes described in § 52.2422 (United States Standards for Grades of Peeled Potatoes, §§ 52.2421-52.2433 of this title). Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 114, as amended, and this part.

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

Dated June 26, 1963, to become effective July 1, 1963.

FLOYD F. HEDLUND,

*Director,*

*Fruit and Vegetable Division.*

[F.R. Doc. 63-6876; Filed, June 28, 1963; 8:52 a.m.]

## PART 965—TOMATOES GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

### Approval of Expenses and Rate of Assessment

Notice of rule making regarding the expenses and rate of assessment for the fiscal period ending February 29, 1964 and the amended expenses for the fiscal period ending February 28, 1963, to be made effective under Marketing Order No. 965 (7 CFR Part 965), regulating the handling of tomatoes grown in the Counties of Cameron, Hidalgo, Starr and Willacy in Texas, was published in the FEDERAL REGISTER June 5, 1963 (28 F.R.

5527). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The notice afforded interested persons an opportunity to submit data, views, or arguments pertaining thereto not later than 10 days following publication in the FEDERAL REGISTER. None was filed.

After consideration of all relevant matters, including the proposals set forth in the aforesaid notice which were recommended by the Texas Valley Tomato Committee, established pursuant to said marketing order, it is hereby found and determined that:

#### § 965.205 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the Texas Valley Tomato Committee, established pursuant to Marketing Order 965, to enable such committee to perform its functions pursuant to the provisions of the aforesaid marketing order during the fiscal period ending February 29, 1964, will amount to \$22,000.

(b) The rate of assessment to be paid by each handler pursuant to Marketing Order No. 965 shall be one cent (\$.01) per 60-pound crate of tomatoes, or the equivalent quantity thereof in other containers, handled by him as the first handler thereof during said fiscal period.

(c) Terms used in this section shall have the same meaning as when used in said marketing order and this part.

#### § 965.204 Expenses amended.

(a) The reasonable expenses incurred by the Texas Valley Tomato Committee enabling such committee to perform its functions during the fiscal period ended February 28, 1963, amounted to \$17,313.12. The budget for such fiscal period shall be, and is hereby, amended, pursuant to § 965.42(c) and recommendations of the committee, to approve expenses for \$17,313.12. No change in the rate of assessment is necessary.

It is hereby found that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003) in that: (1) The relevant provisions of said marketing order require that rates of assessment fixed for a particular fiscal period shall be applicable to all assessable tomatoes from the beginning of such period, and (2) the current fiscal period began on March 1, 1963, and the rate of assessment herein fixed will automatically apply to all assessable tomatoes beginning with such date.

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

Dated: June 26, 1963.

FLOYD F. HEDLUND,

*Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 63-6877; Filed, June 28, 1963; 8:52 a.m.]

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

### SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[1960 C.C.C. Grain Price Support Reseal Loan Regulations for Grain Sorghum and Wheat, Ext. I]

## PART 1421—GRAINS AND RELATED COMMODITIES

### Subpart—1960-Crop Reseal Loan Programs for Grain Sorghum and Wheat, Extension I

Extended reseal loan programs have been announced for the 1960 crops of grain sorghum and wheat for the 1963-64 storage period. These programs provide under certain conditions, for the extension of 1960 farm-storage loans. The 1960 C.C.C. Grain Price Support Bulletin 1 (25 F.R. 2380) issued by Commodity Credit Corporation and containing the general requirements with respect to price support operations for grains and related commodities produced in 1960, supplemented for grain sorghum and wheat by regulations containing the specific requirements for the 1960-crop price support programs for these commodities are hereby further supplemented as follows:

Sec.

1421.3241 Applicable sections of 1960 C.C.C. Grain Price Support Bulletin 1 and commodity supplements.

1421.3242 Availability.

1421.3243 Eligible producer.

1421.3244 Eligible commodity.

1421.3245 Storage requirements.

1421.3246 Commingling.

1421.3247 Approved forms.

1421.3248 Quantity eligible for extended reseal loan.

1421.3249 Storage and track-loading payments.

1421.3250 Maturity.

1421.3251 Settlement.

1421.3252 Support rates, premiums and discounts.

1421.3253 Death, incompetency, or disappearance.

1421.3254 Delegation of authority.

AUTHORITY: §§ 1421.3241 to 1421.3254 issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 105, 301, 401, 63 Stat. 1051, 1054, sec. 308, 70 Stat. 206; 15 U.S.C. 714c; 7 U.S.C. 1421, 1441, 1442, 1447.

#### § 1421.3241 Applicable sections of 1960 C.C.C. Grain Price Support Bulletin 1 and commodity supplements.

The following sections of the 1960 C.C.C. Grain Price Support Bulletin 1, as amended, published in (25 F.R. 2380) shall be applicable to the 1960 reseal loan programs for grain sorghum and wheat: §§ 1421.5001, 1421.5009, 1421.5011, 1421.5012, 1421.5013(b), 1421.5014, 1421.5015, 1421.5016, 1421.5017, 1421.5018, 1421.5020, and 1421.5021. In addition, the provisions of 27 F.R. 609 shall apply. Applicable sections of the individual commodity supplements are as follows: For grain sorghum, §§ 1421.5229, 1421.5230 and 1421.5231 (25 F.R. 3920), and for wheat, §§ 1421.5039, 1421.5040 and 1421.5041 (25 F.R. 3915). Other sections of the 1960 C.C.C. Grain Price Support



Bulletin 1 and supplements thereto for grain sorghum and wheat shall be applicable to the extent indicated in this subpart. Any reference in this subpart to a section of another bulletin shall be deemed to refer to the section and any amendments thereto.

#### § 1421.3242 Availability.

(a) *Area and scope.* The extended reseal loan program will be available in those States where 1960-crop grain sorghum and wheat is under reseal loan where ASC State committees determine that the commodity can be safely stored on farms for the period of the reseal loan and that it will be advantageous to producers and CCC to permit producers to obtain reseal loans.

(b) *Application requirements—(1) Where to apply.* A producer who has in effect a reseal loan on the applicable 1960 crop of the commodity and who desires to participate must apply for an extended reseal loan at the county office which approved his reseal loan.

(2) *Final date for application.* The producer must make application on or before June 14, 1963.

#### § 1421.3243 Eligible producer.

An eligible producer shall be an individual, partnership, association, corporation, estate, trust, or other business enterprise, or legal entity, and wherever applicable a State, political subdivision of a State, or any agency thereof producing grain sorghums or wheat in 1960 as landowner, landlord, tenant, or sharecropper, who has in effect a farm-storage loan covering such commodity of the 1960-crop. In the case of wheat, a producer shall not qualify as an eligible producer unless he was in compliance with the requirements for eligibility for price support prescribed in 1960 C.C.C. Wheat Bulletin A (25 F.R. 4444) and any amendments thereto. Executors, administrators, trustees, or receivers who represent an eligible producer or his estate may qualify to participate in this program provided reseal documents executed by them are legally valid. Where the county committee has experienced difficulties in settling farm-storage loans with a producer the county committee shall determine that he is not eligible for an extension of his reseal loan under this program, and such determination shall remain in effect unless the State committee, after a review of the facts, determines that CCC would be adequately protected from loss if the producer receives an extension of his loan.

#### § 1421.3244 Eligible commodity.

(a) *Requirements of eligibility.* The commodity (1) must be in farm storage presently under reseal loan and (2) must meet the following eligibility requirements:

Grain Sorghum: The grain sorghum (1) must meet the requirements set forth in § 1421.5228 (a) and (b); (2) must be of any class grading No. 4 or better, No. 4 Smutty or better; (3) must not grade Weevily or contain mercurial compounds or other substances poisonous to man or animals; and (4) must not be in excess of 13 percent moisture.

Wheat: The wheat (1) must meet the eligibility requirements set forth in § 1421.5038 (a), (b) and (d); (2) must be of any class grading No. 3 or better or any class grading No. 4 or 5 on the factor of test weight and/or because of containing Durum and/or Red Durum, but otherwise grading No. 3 or better; (3) may be wheat of the class Mixed Wheat consisting of mixtures of grades of eligible wheat as stated above provided such mixtures are the natural products of the field; and (4) must not grade Tough, Weevily, Ergoty, or Treated.

(b) *Inspection.* If a producer makes application to extend his farm-storage loan, a representative of the county committee shall reinspect the commodity and the storage structure in which the commodity is stored. If recommended by either the representative or the producer, a sample of the commodity shall be taken and submitted for grade analysis.

#### § 1421.3245 Storage requirements.

(a) *Approved storage.* For any loans extended the commodity must be stored in structures which meet the requirements for farm-storage loans as provided in § 1421.3007(a).

(b) *Consent for storage.* Consent for storage for any loans extended must be obtained by the producer for a period of 60 days following the applicable maturity date of the reseal loan for the commodity, if the structure is owned or controlled by someone other than the producer or if the lease expires prior to 60 days following the maturity date of the reseal loan.

#### § 1421.3246 Commingling.

(a) *When authorized.* If authorized by the State committee, the county committee may permit a producer to commingle a commodity which is under more than one loan and which is deemed safe for commingling by the county committee, subject to the following conditions: (1) 1962-crop hard wheat on which a sedimentation premium has been paid shall not be commingled; (2) A commodity of not more than three crop years may be commingled; (3) The commodity to be commingled must be of the same class and meet the applicable eligibility requirements before commingling; and (4) Commodities owned by more than one producer may be commingled only if the original loan was made jointly to the same producers and the other requirements of this section are complied with.

(b) *Special conditions.* Notwithstanding any other provision of these regulations, the following shall apply in the event commodities covered by more than one loan are commingled: (1) Partial deliveries of the commingled commodities shall not be permitted; (2) If partial redemptions are made in accordance with other provisions of these regulations, the quantity redeemed shall be prorated to each loan on the basis of the rate of the quantity on which the loan was made to the total quantity on which all the loans covering the commingled commodities were made. The dollar amount to be credited to each loan shall be based on the amount of the loan represented by the quantity determined to

have been redeemed from the loan; (3) Producers whose commodities are commingled shall be jointly and severally responsible for the amount of each loan represented by the commingled commodities; (4) For settlement purposes, if a commodity of more than one crop year has been commingled, the quantity delivered shall be prorated to each loan based on the ratio that the quantity on which the loan was made bears to the quantity covered by all the loans on the commingled commodity. If less than the total quantity covered by the commingled loan is delivered, the quantity delivered shall be applied first to the loan having the commodity with the lowest basic support rate up to the total amount on which the loan was made, and the balance, if any, shall be applied to the other loans proceeding successively in order of the loans having increasingly higher basic support rates; (5) In the case of 1962 crop grain sorghums commingled with grain sorghums of other crop years, if any grain sorghums delivered to CCC grades No. 1, the quantity of No. 1 grade to be created as a delivery under the 1962 crop loan shall be obtained by using the same ratio as was used in determining the total quantity delivered under such loan pursuant to the preceding subparagraph of this paragraph. In other cases where a commodity of different grades and qualities is delivered, the quantity of each grade and quality to be credited to each loan shall be determined by the county office, provided that the total quantity credited to the loan shall equal the amount determined under the preceding subparagraph of this paragraph.

#### § 1421.3247 Approved forms.

(a) *Revenue stamps.* The approved forms, which together with the provisions of this subpart govern the rights and responsibilities of the producer, shall consist of Producer's Note and Supplemental Loan Agreement, secured by a Commodity Chattel Mortgage, and such other forms and documents as may be prescribed by CCC. Notes and chattel mortgages must have State and documentary revenue stamps affixed thereto where required by law. Loan documents executed by an administrator, executor or trustee will be acceptable only where legally valid.

(b) *New note required.* Where required by State law, or when commodities covered by two or more loans are commingled under the provisions of § 1421.3246, a new Producer's Note and new Chattel Mortgage shall be completed when a farm-storage loan is extended. Where new forms are not completed extension of farm-storage loans shall not affect the rights of CCC, including its right to accelerate the maturity date of the note, and the rights and responsibilities of the producer as set forth in this subpart and in the original approved forms completed by the producer.

#### § 1421.3248 Quantity eligible for resealing.

The quantity of the commodity eligible for reseal shall be the quantity shown on



the original note and chattel mortgage less (a) any quantity delivered not including the quantity represented by over-delivery for which overrun payment is made and (b) the quantity redeemed.

**§ 1421.3249 Storage and track-loading payment.**

(a) *Storage payment for 1962-63 re-seal period.* (1) a producer who extends his re-seal loan for the 1963-64 re-seal period will at the time of such extension receive a payment for storage earned during the 1962-63 re-seal loan period. This payment will be disbursed by the ASCS county office and will be 14 cents per bushel. (2) Upon delivery of the commodity to CCC, the actual quantity of such commodity held in farm-storage under the extended re-seal loan will be determined by weighing. The storage payment earned by the producer covering the 1961-62 and 1962-63 re-seal periods will then be recomputed on the basis of the actual quantity determined to have been covered by the extended re-seal loan. Any amount due the producer for such storage on the quantity delivered in excess of the quantity stated in the extended re-seal loan documents will be regarded as an additional credit in settlement with the producer. The amount of any over-payment which is determined to have been made to the producer at the time the re-seal loan was extended shall be collected from the producer. (3) No storage payment will be made for the 1962-63 re-seal period (i) where the producer has made any false representation in the loan documents or in obtaining the loan, or in deliveries or settlement of the loan, (ii) where during or prior to the 1962-63 re-seal period, the commodity has been abandoned or the commodity was damaged or otherwise impaired due to negligence on the part of the producer, or (iii) where during or prior to the 1962-63 re-seal period the commodity was converted by the producer or at any time subsequent thereto there was conversion of the commodity by the producer with intent to defraud CCC.

(b) *Storage payment for full 1963-64 re-seal storage period.* (1) A storage payment of 14 cents per bushel for wheat and 24 cents per hundredweight for grain sorghums will be made to the producer if he (i) redeems the commodity from the loan on or after the maturity date of the re-seal loan, (ii) delivers the commodity to CCC on or after the maturity date of the re-seal loan.

(2) *Prorated storage payment—(1) Early deliveries and CCC assumed losses.* A storage payment determined according to the length of time the commodity was in store beginning 60 days subsequent to March 31, 1963 will be made to the producer in the case of: (i) Losses assumed by CCC, or (ii) deliveries prior to the maturity date of the re-seal loan. The prorated payment will be computed at the daily rate of \$0.00046 per bushel for wheat and \$0.00079 per cwt. for grain sorghum, but not to exceed the applicable amount specified in paragraph (a) of this section. In case of losses assumed by CCC, the period for

computing the storage payment shall end on the date of the loss and in the case of deliveries of the commodity to CCC the period for computing storage shall end on the date of delivery is completed, or, the final date for delivery specified by the county officer, whichever is earlier.

(2) *Redemptions prior to maturity.* On redemptions prior to the maturity date of the re-seal loan, a storage payment will be made to the producer. Such storage payment will be determined according to the length of time the commodity was in store for the period beginning April 1, 1963, and ending on the date of repayment. The prorated payment will be computed at the daily rate of \$0.00038 for wheat and of \$0.00066 per cwt. for grain sorghum, but not to exceed the applicable amount specified in paragraph (a) of this section.

(c) *Quantity eligible.* Except in the case of partial loans, the quantity eligible for storage payment under paragraphs (a) and (b) of this section shall be (i) in the case of delivery to CCC, or losses assumed by CCC the entire quantity in the bin, (ii) in the case of redemptions, the quantity in the bin but not to exceed the measured quantity adjusted for test weight. The quantity eligible for a storage payment in the case of a partial loan shall not exceed the quantity under loan.

(d) *No storage payments.* Notwithstanding the provision of this paragraph, in no case will any storage payment be made where the producer has made any false representation in the loan documents, in obtaining the loan, or in settlement of the loan, where the commodity has been abandoned, where there has been conversion on the part of the producer, or where the commodity was damaged or otherwise impaired due to negligence on the part of the producer.

(e) *Track-loading payments.* A track-loading payment of 3 cents per bushel will be made to the producer on wheat, and 6 cents per 100 pounds on grain sorghum delivered to CCC in accordance with instructions of the county committee on track at a country point.

**§ 1421.3250 Maturity.**

Loans will mature on demand but not later than March 31, 1964.

**§ 1421.3251 Settlement.**

(a) *General.* The producer must pay off his loan plus interest on or before maturity or delivery the mortgaged commodity in accordance with the instructions of the county office. If the producer desired to deliver the commodity, he should, prior to maturity, give the county office notice in writing of his intention to do so. The producer may, however, pay off his loan and redeem his commodity at any time prior to the delivery of the commodity to CCC or removal of the commodity by CCC. Credit will be given at the applicable settlement value according to grade and quality for the total quantity delivered. Delivery of the commodity will be accepted only from the structure(s) in which the commodity under re-seal is stored, and the producer shall not include in the quan-

tity of the commodity delivered in settlement of a loan any commodity which has been added to or substituted for the commodity described in the note and chattel mortgage covering the loan. The provisions of § 1421.5019 (a), (b) and (f) shall be applicable to both commodities. The provisions for grain sorghum in § 1421.5236 (a) (1), (b) (2), (3) and (4) and (e) and (g) and for wheat in § 1421.5046 (a) (1), (b) (2), (3), (4), (5), and (e) and (g) shall apply.

(b) *Fraud.* The making of any fraudulent representation by the producer, in connection with settlement or deliveries under the loan shall render the producer personally liable, aside from any additional liability under criminal and civil fraud statutes, for the amount of the loan, for any additional amounts paid to the producer on the commodity, and for all costs which the corporation would not have incurred had it not been for the producer's fraudulent representation, together with interest at the rate of 6 percent per annum on such amounts from the date of disbursement. For the purpose of establishing any deficiency remaining due in the event the producer has made any such fraudulent representation, the value of the commodity delivered to the corporation under the loan or removed by the corporation, shall be the market value, as determined by the corporation, on the date of delivery or removal, or the sales price if the commodity is sold by CCC in order to determine its market value.

**§ 1421.3252 Support rates, premiums and discounts.**

(a) The support rate for an extended farm-storage loan shall remain the same as for the original loan.

(b) The applicable discounts or premiums established for variation in quality as shown for grain sorghum in §§ 1421.5233(c) (2) and 1421.5237(c) and for wheat in §§ 1421.5043(c) and 1421.5047(c) shall apply in settlement of loans on such commodities.

**§ 1421.3253 Death, incompetency, or disappearance.**

In case of the death, incompetency or disappearance of any producer who is entitled to the payment of any sum under the loan, the payment of such sum shall be made to the person or persons who would be entitled to such producer's payment under the regulations contained in §§ 1472.1151 to 1472.1154 of this chapter (Payment Program for Shorn Wool and Unshorn Lambs, 27 F.R. 933, February 1, 1962, as amended), upon proper application to the office of the county committee which made the loan. Application forms may be obtained from the office of the county committee.

**§ 1421.3254 Delegation of authority.**

No delegation herein to a State or county committee shall preclude the Executive Vice President, CCC, or his designee, from determining any question arising under the program or from reversing or modifying any determination made by a State or county committee, or ASCS commodity office or the ASCS Data Processing Center.



Effective date: Upon publication in the FEDERAL REGISTER.

Signed in Washington, D.C., on June 25, 1963.

RAY FITZGERALD,  
Acting Executive Vice President,  
Commodity Credit Corporation.

[F.R. Doc. 63-6902; Filed, June 28, 1963;  
8:59 a.m.]

[C.C.C. Grain Price Support Reseal Regulations, Ext. 3]

## PART 1421—GRAINS AND RELATED COMMODITIES

### Subpart—1959 Crop Reseal Loan Program for Wheat, Extension 3

An extended reseat loan program has been announced for the 1959 crop of wheat for the 1963-64 storage period. The 1959 C.C.C. Grain Price Support Bulletin 1 (23 F.R. 9651) issued by Commodity Credit Corporation and containing the general requirements with respect to price support operations for grains and related commodities produced in 1959, supplemented by regulations for wheat containing the specific requirements for the 1959-crop price support program for wheat are hereby supplemented as follows:

Sec.

- 1421.3261 Applicable sections of 1959 C.C.C. Grain Price Support Bulletin 1 and commodity supplements.
- 1421.3262 Availability.
- 1421.3263 Eligible producer.
- 1421.3264 Eligible commodity.
- 1421.3265 Approved storage.
- 1421.3266 Quantity eligible for extended reseat loan.
- 1421.3267 Commingling.
- 1421.3268 Storage and track-loading payments.
- 1421.3269 Maturity.
- 1421.3270 Settlement.
- 1421.3271 Support rates, premiums and discounts.
- 1421.3272 Death, incompetency or disappearance.
- 1421.3273 Delegation of authority.

AUTHORITY: §§ 1421.3261 to 1421.3273 issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 105, 401, 63 Stat. 1051, 1054 as amended; 15 U.S.C. 714c; 7 U.S.C. 1421, 1441.

#### § 1421.3261 Applicable sections of 1959 C.C.C. Grain Price Support Bulletin 1 and commodity supplements.

The following sections of the 1959 C.C.C. Grain Price Support Bulletin 1 published in (23 F.R. 9651) shall be applicable to the extended reseat loan programs for the 1959-crop wheat: §§ 1421.4001, 1421.4008, 1421.4010, 1421.4011, 1421.4012(b), 1421.4013, 1421.4014, 1421.4015, 1421.4016, 1421.4017, 1421.4019, and 1421.4020. In addition, the provisions of 27 F.R. 609 shall apply. Applicable sections of the wheat supplement are as follows: §§ 1421.4039, 1421.4040 and 1421.4041 (24 F.R. 1633). Other sections of the 1959 C.C.C. Grain Price Support Bulletin 1 and supplements thereto for wheat shall be applicable to the extent indicated in this subpart. Any reference in this subpart to a section of another bulletin shall be

deemed to refer to the section and any amendments thereto.

#### § 1421.3262 Availability.

(a) *Area and scope.* The extended reseat loan program will be available in all States in the continental United States where 1959-crop wheat is under reseat loan and ASC State committees determine that the wheat can be safely stored on the farm for the period of the extended reseat loan and that it will be advantageous to producers and CCC to permit producers to extend reseat loans.

(b) *Application requirements—(1) Where to apply.* A producer who has in effect a reseat loan on the 1959-crop wheat and who desires to extend such loan must apply for an extended loan at the county office which approved his reseat loan.

(2) *Final date of application.* The producer must make application for an extended reseat loan on or before June 14, 1963.

(c) *New forms.* Where required by State law, or when commodities covered by two or more loans are commingled under the provisions of § 1421.3267 a new Producer's Note and new Chattel Mortgage shall be completed when a farm-storage loan is extended. Where new forms are not completed extension of farm-storage loans shall not affect the rights of CCC, including its right to accelerate the maturity date of the note, and the rights and responsibilities of the producer as set forth in this subpart and in the original approved forms completed by the producer.

#### § 1421.3263 Eligible producer.

An eligible producer shall be an individual, partnership, association, corporation, estate, trust, or other business enterprise, or level entity, and wherever applicable a State, political subdivision of a State, or any agency thereof who produced wheat in 1959 as landowner, landlord, tenant, or sharecropper, who has in effect a reseat loan on such crop. A producer shall not qualify as an eligible producer unless he was in compliance with the requirements for eligibility for price support prescribed in 1959 C.C.C. Wheat Bulletin A (24 F.R. 3813) and any amendments thereto. Executors, administrators, trustees, or receivers who represent an eligible producer or his estate may qualify to participate in this program provided the reseat documents executed by them are legally valid. Where the county committee has experienced difficulties in settling farm-storage loans with a producer the county committee shall determine that he is not eligible for an extension of his reseat loan under this program and such determinations shall remain in effect unless the State committee, after a review of the facts, determines that CCC would be adequately protected from loss if the producer receives an extension of his loan.

#### § 1421.3264 Eligible commodity.

(a) *Requirements of eligibility.* The wheat (1) must be in farm storage presently under reseat loan and (2) must meet the following eligibility requirements:

The wheat (1) must meet the eligibility requirements set forth in § 1421.4038 (a), (b), and (d); (2) must be of a class grading No. 3 or better or any class grading No. 4 or 5 on the factor of test weight and/or because of containing Durum and/or Red Durum, but otherwise grading No. 3 or better; (3) may be wheat of the class Mixed Wheat consisting of mixtures of grades of eligible wheat as stated above provided such mixtures are the natural products of the field; and (4) must not grade Tough, Weevily, Ergoty, or Treated.

(b) *Inspection.* If a producer makes application to extend his reseat loan for the 1963-64 reseat period, the commodity loan inspector shall reinspect the wheat and the farm storage structures in which the wheat is stored. If recommended by either the commodity loan inspector or the producer, a sample of the wheat shall be taken and submitted for grade analysis.

#### § 1421.3265 Approved storage.

The wheat must be stored in structures which meet the requirements for farm-storage loans as provided in § 1421.4006 (a). Consent for storage for any reseat loans extended must be obtained by the producer for a period of 60 days following the maturity date of the extended reseat loan, if the structure is owned or controlled by someone other than the producer or if the lease expires prior to 60 days following the maturity date of the extended reseat loan.

#### § 1421.3266 Quantity eligible for extended reseat loan.

The quantity of the wheat eligible for an extended reseat loan shall be the quantity shown on the original note and chattel mortgage less (a) any quantity delivered not including the quantity represented by overdelivery for which over-run payment is made and (b) the quantity redeemed.

#### § 1421.3267 Commingling.

(a) *When authorized.* If authorized by the State committee, the county committee may permit a producer to commingle a commodity which is under more than one loan and which is deemed safe for commingling by the county committee, subject to the following conditions: (1) 1962-crop hard wheat on which a sedimentation premium has been paid shall not be commingled; (2) A commodity of not more than three crop years may be commingled; (3) The commodity to be commingled must be of the same class and meet the applicable eligibility requirements before commingling; and (4) Commodities owned by more than one producer may be commingled only if the original loan was made jointly to the same producers and the other requirements of this section are complied with.

(b) *Special conditions.* Notwithstanding any other provision of these regulations, the following shall apply in the event commodities covered by more than one loan are commingled: (1) Partial deliveries of the commingled commodities shall not be permitted; (2) If partial redemptions are made in accordance with other provisions of these regulations, the quantity redeemed shall be prorated to each loan on the basis of the rate of the quantity on which the



loan was made to the total quantity on which all the loans covering the commingled commodities were made. The dollar amount to be credited to each loan shall be based on the amount of the loan represented by the quantity determined to have been redeemed from the loan; (3) Producers whose commodities are commingled shall be jointly and severally responsible for the amount of each loan represented by the commingled commodities; (4) For settlement purposes, if a commodity of more than one crop year has been commingled, the quantity delivered shall be prorated to each loan based on the ratio that the quantity on which the loan was made bears to the quantity covered by all the loans on the commingled commodity. If less than the total quantity covered by the commingled loan is delivered, the quantity delivered shall be applied first to the loan having the commodity with the lowest basic support rate up to the total amount on which the loan was made, and the balance, if any, shall be applied to the other loans proceeding successively in order of the loans having increasingly higher basic support rates; (5) In the case of 1962 crop grain sorghums commingled with grain sorghums of other crop years, if any grain sorghums delivered to CCC grades No. 1, the quantity of No. 1 grade to be created as a delivery under the 1962 crop loan shall be obtained by using the same ratio as was used in determining the total quantity delivered under such loan pursuant to the preceding subparagraph of this section. In other cases where a commodity of different grades and qualities is delivered, the quantity of each grade and quality to be credited to each loan shall be determined by the county office, provided that the total quantity credited to the loan shall equal the amount determined under the preceding subparagraph of this section.

#### § 1421.3268 Storage and track-loading payments.

(a) *Storage payment for 1962-63 re-seal period.* (1) A producer who extends his re-seal loan for the 1963-64 re-seal period will at the time of such extension receive a payment for storage earned during the 1962-63 re-seal loan period. This payment will be disbursed by the ASCS county office and will be 14 cents per bushel.

(2) Upon delivery of 1959-crop wheat to CCC, the actual quantity of such commodity held in farm-storage under the extended re-seal loan will be determined by weighing. The storage payment earned by the producer covering the 1960-61, 1961-62 and 1962-63 re-seal periods will then be recomputed on the basis of the actual quantity determined to have been covered by the extended re-seal loan. Any amount due the producer for such storage on the quantity delivered in excess of the quantity stated in the extended re-seal loan documents will be regarded as an additional credit in settlement with the producer. The amount of any over-payment which is determined to have been made to the producer at the time the re-seal loan was

extended shall be collected from the producer.

(3) No storage payment will be made for the 1962-63 re-seal period (i) where the producer has made any false representation in the loan documents or in obtaining the loan, or in deliveries or settlement of the loan, (ii) where during or prior to the 1962-63 re-seal period, the commodity has been abandoned or the commodity was damaged or otherwise impaired due to negligence on the part of the producer, or (iii) where during or prior to the 1962-63 re-seal period the commodity was converted by the producer or at any time subsequent thereto there was conversion of the commodity by the producer with intent to defraud CCC.

(b) *Full storage payment for 1963-64 re-seal period.* A storage payment in the amount of 14 cents per bushel will be made to the producer on the quantity involved if he (1) redeems the commodity on or after the maturity date of the extended re-seal loan (2) delivers the commodity to CCC on or after the maturity date of the extended re-seal loan.

(c) *Prorated storage payment for 1963-64 re-seal period—*(1) *Early deliveries and CCC assumed losses.* A storage payment determined according to the length of time the commodity was in store beginning 60 days subsequent to March 31, 1963 will be made to the producer in the case of: (i) Losses assumed by CCC, or (ii) Deliveries prior to the maturity date of the re-seal loan. The prorated payment will be computed at the daily rate of \$0.00045 per bushel, but not to exceed the applicable amount specified in paragraph (b) of this section. In case of losses assumed by CCC, the period for computing the storage payment shall end on the date of the loss and in the case of deliveries of the commodity to CCC the period for computing the storage payment shall end on the date delivery is completed, or the final date for delivery specified by the county office, whichever is earlier.

(2) *Redemptions prior to maturity.* On redemptions prior to the maturity date of the re-seal loan, a storage payment will be made to the producer. Such storage payment will be determined according to the length of time the commodity was in store for the period beginning April 1, 1963 and ending on the date of repayment. The prorated payment will be computed at the daily rate of \$0.00038, but not to exceed the applicable amount specified in paragraph (b) of this section.

(d) *Quantity eligible.* Except in the case of partial loans, the quantity eligible for storage payment under the preceding paragraphs of this section shall be (1) in the case of delivery to CCC, or losses assumed by CCC the entire quantity in the bin, (2) in the case of redemptions, the quantity in the bin but not to exceed the measured quantity adjusted for test weight. The quantity eligible for a storage payment in the case of a partial loan shall not exceed the quantity under loan.

(e) *No storage payments.* Notwithstanding the foregoing provisions of this section, in no case will any storage payment be made for the 1963-64 re-seal period where the producer has made any false representation in the loan documents or in obtaining the loan or in deliveries or settlement under the loan, or where during or prior to such period, the commodity has been abandoned, there has been conversion on the part of the producer, the commodity was damaged or otherwise impaired due to negligence on the part of the producer.

(f) *Track-loading payment.* A track-loading payment of 3 cents per bushel will be made to the producer on wheat delivered to CCC on track at a country point in accordance with instructions of the county committee.

#### § 1421.3269 Maturity.

Extended re-seal loans will mature on demand but not later than March 31, 1964.

#### § 1421.3270 Settlement.

(a) The producer must pay off his loan, plus interest on or before maturity or deliver the wheat in accordance with the instructions of the county committee. If the producer desires to deliver the wheat he should, prior to maturity, give the county committee notice in writing of his intention to do so. The producer may, however, pay off his loan and redeem his wheat at any time prior to the delivery of the wheat to CCC or removal of the wheat by CCC. Credit will be given at the applicable settlement value according to the grade and quality for the total quantity delivered. Delivery of the wheat will be accepted only from the structure(s) in which the wheat was stored under the extended re-seal loan, and the producer shall not include in the quantity of wheat delivered in settlement of a loan any wheat which has been added to or substituted for the wheat covered by the loan documents. The provisions of § 1421.4018 (a) and (b), § 1421.4046 (a) (1), (b) (2), (3), (4), and (5), (e) and (g) shall apply to the commodity.

(b) *Fraud.* The making of any fraudulent representation by the producer, in connection with settlement or deliveries under the loan shall render the producer personally liable, aside from any additional liability under criminal and civil frauds statutes; for the amount of the loan, for any additional amount paid to the producer on the commodity, and for all costs which the CCC would not have incurred had it not been for the producer's fraudulent representation, together with interest at the rate of 6 percent per annum on such amounts from the date of disbursement. For the purpose of establishing any deficiency remaining due in the event the producer has made any such fraudulent representation, the value of the wheat delivered to the CCC under the loan or removed by CCC, shall be the market value, as determined by the CCC, on the date of delivery or removal, or the sales price if the wheat is sold by CCC in order to determine its market value.



**§ 1421.3271 Support rates, premiums and discounts.**

(a) The support rate for the extended resale loan shall remain the same as for the original loan.

(b) The applicable discounts or premiums established for variation in quality as shown for wheat in §§ 1421.4043(c) and 1421.4047(c) shall apply in settlement.

**§ 1421.3272 Death, incompetency or disappearance.**

In case of the death, incompetency or disappearance of any producer who is entitled to a payment of any sum under these regulations, the payment of such sum shall be made to the person or persons who would be entitled to such producer's payment under the regulations contained in §§ 1472.1151 to 1472.1154 of this chapter (Payment Program for Shorn Wool and Unshorn Lambs (Pulled Wool) 27 F.R. 933, February 1, 1962, as amended) upon proper application to the office of the county committee which made the loan. Application forms may be obtained from the office of the county committee.

**§ 1421.3273 Delegation of authority.**

No delegation herein to a State or county committee shall preclude the Executive Vice President, CCC, or his designee, from determining any question arising under the program or from reversing or modifying any determination made by a State or county committee, or ASCS commodity office, or the ASCS Data Processing Center.

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., June 25, 1963.

RAY FITZGERALD,  
Acting Executive Vice President,  
Commodity Credit Corporation.

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8:59 a.m.]

## Title 8—ALIENS AND NATIONALITY

### Chapter I—Immigration and Naturalization Service, Department of Justice

#### PART 103—POWERS AND DUTIES OF SERVICE OFFICERS

##### PART 246—RESCISSION OF ADJUSTMENT OF STATUS

#### Delegations of Authority to Officers in Charge; and Notice to Persons Regarding Adjustment of Status

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

1. The second sentence of paragraph (g) of § 103.1 is amended so that when taken with the introductory material paragraph (g) will read as follows:

**§ 103.1 Delegations of authority.**

Without divesting the Commissioner of any of the powers, privileges, and duties delegated to him by the Attorney General under the immigration and naturalization laws of the United States, co-extensive authority is hereby delegated to the following-described officers of the Service:

(g) *Officers in charge.* The supervision of inspection at ports of entries and the authorizations of extensions of nonimmigrant admission periods and of voluntary departure prior to the commencement of deportation hearings. Officers in charge in Districts 33, 34, 35, and 37 have the same powers with respect to petitions and applications submitted by citizens or aliens residing in their respective areas as are conferred on district directors in the United States.

2. The last sentence of § 246.1 is amended so that section will read as follows:

**§ 246.1 Notice.**

If it appears to a district director that a person residing in his district was not in fact eligible for the adjustment of status made in his case, a proceeding shall be commenced by the service upon such person of a notice of intention to rescind which shall inform him of the allegations upon which it is intended to rescind the adjustment of his status. In such a proceeding the person shall be known as the respondent. The notice shall also inform the respondent that he may submit, within thirty days from the date of service of the notice, an answer in writing under oath setting forth reasons why such rescission shall not be made, and that he may, within such period, request a hearing before a special inquiry officer in support of, or in lieu of his written answer. The respondent shall further be informed that he may have the assistance of or be represented by counsel or representative of his choice qualified under Part 292 of this chapter, without expense to the Government, in the preparation of his answer or in connection with his hearing, and that he may present such evidence in his behalf as may be relevant to the rescission.

(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 rules prescribed by the order relate to agency procedure and management.

Dated: June 25, 1963.

RAYMOND F. FARRELL,  
Commissioner of  
Immigration and Naturalization.

[F.R. Doc. 63-6878; Filed, June 28, 1963;  
8:53 a.m.]

## Title 15—COMMERCE AND FOREIGN TRADE

### Chapter III—Bureau of International Commerce, Department of Commerce

#### SUBCHAPTER B—EXPORT REGULATIONS [9th General Rev., Export Regs.; Amdt. No. 64]

#### PART 370—SCOPE OF EXPORT CONTROL BY DEPARTMENT OF COMMERCE

##### PART 371—GENERAL LICENSES

#### PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

##### PART 377—TIME LIMIT (TL) LICENSE

#### PART 379—EXPORT CLEARANCE AND DESTINATION CONTROL

#### PART 380—AMENDMENTS, EXTENSIONS, TRANSFERS

##### Miscellaneous Amendments

1. Section 370.2 *Prohibited exportations*, paragraph (a) *General provisions*, subparagraph (1) is amended to read as follows:

(1) Any exportations to Canada except sugar, beet and cane, Schedule B No. 16190. (See § 370.3.)<sup>1</sup>

2. Section 371.10 *General license GLV; shipments of limited value*, paragraph (d) *Positive List commodities* is amended by adding a new subparagraph (3) to read as follows:

(3) *Canada.* Sugar, beet and cane, Schedule B No. 16190, may be exported to Canada provided that the net value of the shipment does not exceed \$500.00.

3. Section 371.51 *Supplement 1; Commodities subject to General license GHK or GLSA* is amended by deleting the following commodity:

Sugar, beet and cane; Schedule B No. 16190.

4. Section 371.54 *Supplement 4; Commodities subject to General license GCU* is amended by deleting the following commodity:

Sugar, beet and cane; Schedule B No. 16190.

5. Part 373 is amended by adding a new § 373.18 to read as follows:

##### § 373.18 Sugar, beet and cane.

(a) *Date of order.* An applicant for a license to export sugar, beet and cane, Schedule B No. 16190, to any destination shall enter in the commodity description space of his application the following statement:

I (We) received an export order dated \_\_\_\_\_ covering the sugar (Schedule B No. 16190) described on this application.

(b) *Past participation in exports.* The first application for a license to ex-

<sup>1</sup> See § 379.1(d) of this chapter regarding the requirement of a Shipper's Export Declaration for certain exportations to Canada.



## RULES AND REGULATIONS

port sugar, beet or cane, Schedule B No. 16190, submitted on or after June 27, 1963, shall be accompanied by a statement showing the applicant's annual total exports of this commodity from the United States to each foreign country during each of the calendar years, 1961 and 1962. Subsequent applications for licenses to export beet and cane sugar need not be accompanied by this information. Generally, a validated license will be approved for only those applicants who have participated in the past in the exportation of beet and cane sugar, in proportion to their exportations in years 1961 and 1962.

(c) *Certification regarding sugar of foreign origin.* The following certification shall be included on, or shall accompany each application for a license to export sugar, beet or cane, Schedule B No. 16190 which was refined from foreign-origin raw sugar imported under bond into the United States for refining and reexport only, and not for resale in the United States:

I (We) certify that the sugar covered by this application under Schedule B No. 16190 was imported into the United States under bond for refining and reexport only, pursuant to Form SU-3, Sugar Quota Record, Authorization No. -----

6. Section 377.2 *Commodities subject to TL license* is amended to read as follows:

§ 377.2 *Commodities subject to TL License.*

The commodities which may be exported under the time limit licensing procedure are all RO commodities on the Positive List of Commodities (§ 399.1 of this chapter), except:

(a) Complete aircraft, either assembled or knocked down,<sup>2</sup> or

(b) Sugar, beet and cane, Schedule B No. 16190.

7. The Note following § 379.10(c) (1) is amended to read as follows:

NOTE: *Shipments to Canada.* The provisions of this paragraph (c) are inapplicable to any exportation intended for consumption in Canada, except shipments of beet or cane sugar, since all other exportations require neither a general nor a validated license. However, these provisions are applicable to shipments of any commodities through Canada to other foreign countries.

8. Section 380.2 *Amendments or alterations of licenses*, paragraph (f) *Where to file*, subparagraph (3) *Amendment requests on which field offices may not take action* is amended by adding a new subdivision to read as follows:

(vii) Request to amend the quantity or value of a license covering the exportation of beet or cane sugar, Schedule B No. 16190.

<sup>2</sup> Applicants who propose to export a complete aircraft, either assembled or knocked down, must apply for an individual validated license for the aircraft. However, a Time Limit (TL) license may be used, where applicable, to export related parts, accessories, or components for the aircraft.

This amendment shall become effective at 3:01 p.m. e.d.s.t., June 27, 1963.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487; E.O. 11038, 27 F.R. 7003)

FORREST D. HOCKERSMITH,  
Director,  
Office of Export Control.

[F.R. Doc. 63-6970; Filed, June 28, 1963;  
10:22 a.m.]

| Dept. of Commerce Schedule B No. | Commodity description     | Unit | Processing code and related commodity group | GLV dollar value limits* | Validated license required | Commodity lists |
|----------------------------------|---------------------------|------|---------------------------------------------|--------------------------|----------------------------|-----------------|
| 16190                            | Sugar, beet and cane..... | Lb.  | AGRI                                        | 125                      | RO <sup>1</sup>            |                 |

\*See § 371.10 for dollar-value limit of shipments under General License GLV to Group "R" and Group "O" destinations.

<sup>1</sup> A validated license is also required for an exportation of sugar to Canada where the net value of the shipment exceeds \$500. Where an exportation does not exceed \$500 it may be made under General License GLV (see § 371.10).

This amendment shall be effective at 3:01 p.m., e.d.s.t., June 27, 1963. Any exporting carrier on which sugar, cane or beet, in excess of 100 tons is laden, but which has not yet been cleared for a foreign port by the Collector of Customs prior to 3:01 p.m., e.d.s.t. on June 27, 1963, may not be cleared unless a validated license for such sugar has been issued by the Department of Commerce, or unless authorized under general license.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487; E.O. 11038, 27 F.R. 7003)

FORREST D. HOCKERSMITH,  
Director,  
Office of Export Control.

[F.R. Doc. 63-6969; Filed, June 28, 1963;  
10:22 a.m.]

## Title 19—CUSTOMS DUTIES

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

[T. D. 55927]

#### PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

##### Registration of Valuable Effects or Plumage Taken Abroad by Resident Travelers, Seamen and Airmen To Facilitate Their Identification on Return

Section 10.28 of the Customs regulations provides for the issuance of customs Form 4455 for the registration of valuable effects of foreign origin or plumage being taken abroad so as to facilitate their identification on return to the United States. Customs Form 4457 has been revised to consist of a two-part carbon interleaved snapout style form to simplify the registration of the articles and it will be permitted to be used as a registration certificate for three (3) years for travelers and tourists as well as resident airmen, seamen, and others. Customs Form 4455 shall continue to be used in accordance with §§ 10.8, 10.42,

[9th General Rev., Export Regs.; Amdt. Public Law 35]

#### PART 399—POSITIVE LIST OF COM- MODITIES AND RELATED MATTERS

##### Beet and Cane Sugar

Section 399.1 *Appendix A—Positive List of Commodities* is amended by adding the following commodity:

and 10.68, Customs regulations, and in any situation where customs Form 4457 is inadequate to serve the purpose.

Section 10.28, Customs regulations, is amended to read as follows:

##### § 10.28 Registration of valuable effects.

(a) Any person who intends to take valuable effects of foreign origin or plumage abroad may present such articles, before his departure from the United States, to a collector of customs or other customs officer together with customs Form 4457, in duplicate, for registration in order to facilitate their identification on return to the United States. After the articles have been examined, the duplicate copy of the completed form shall be given to the applicant for use in connection with the return of the articles. The original shall be retained by the issuing office. The duplicate of the form shall be presented to the customs officer when the articles are returned to the United States. The registration certificate shall be effective for a period of 3 years from the date of its issuance.

(b) A resident seaman, airman, or person engaged in similar employment, who makes recurrent voyages or trips while pursuing his occupation may register cameras, photographic equipment, binoculars, sextants, radios, or other effects of foreign origin on customs Form 4457 under the procedure prescribed in paragraph (a) of this section. This registration certificate shall be effective for a 3-year period.

(c) Customs Form 4455 may be required to be used in any case in which customs Form 4457 will not adequately serve the purpose of registration. (Sec. 498, 46 Stat. 728, as amended; 19 U.S.C. 1498.)

(R.S. 251, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

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

Approved: June 20, 1963.

JAMES A. REED,  
Assistant Secretary of the  
Treasury.

[F.R. Doc. 63-6881; Filed, June 28, 1963;  
8:53 a.m.]



[T.D. 55928]

# PART 14—APPRAISEMENT

## Examination of Cuban Tobacco at Ports of New York, N.Y., and Tampa, Fla.

Both the port of New York, New York, and the port of Tampa, Florida, now have set up procedures for the identification of tobacco, cigars, and cigarillos, wholly or partly of Cuban origin. At each port the tobacco examiner will supervise the examination of such articles when imported through ports coming under their general supervision as defined below. Accordingly, § 14.2(i) is amended to read as follows:

(i) The tobacco examiner at the port of New York shall have general supervision of the examination of all cigars or cigarillos, which may be made or derived in whole or in part of Cuban articles. In addition, he shall have general supervision of the examination of tobacco which may be of Cuban origin when imported in the districts of:

- |                              |                    |
|------------------------------|--------------------|
| (1) Maine and New Hampshire. | (11) Philadelphia. |
| (2) Vermont.                 | (12) Pittsburgh.   |
| (4) Massachusetts.           | (13) Maryland.     |
| (5) Rhode Island.            | (14) Virginia.     |
| (6) Connecticut.             | (38) Michigan.     |
| (7) St. Lawrence.            | (39) Chicago.      |
| (8) Rochester.               | (40) Indiana.      |
| (9) Buffalo.                 | (41) Ohio.         |
| (10) New York.               | (42) Kentucky.     |

The tobacco examiner at the port of Tampa shall have general supervision of the examination of tobacco (not including cigars or cigarillos) which may be of Cuban origin when imported in any district not specified above. (Secs. 488, 499, 46 Stat. 725, 728, as amended; 19 U.S.C. 1488, 1499.)

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

[SEAL] D. B. STRUBINGER,  
Acting Commissioner of Customs.

Approved: June 24, 1963.

JAMES P. HENDRICK,  
Acting Assistant Secretary of  
the Treasury.

[F.R. Doc. 63-6882; Filed, June 28, 1963;  
8:53 a.m.]

[T.D. 55929]

# PART 22—DRAWBACK

## Allowance on Supplies and Equipment for Vessels and Aircraft Engaged in Certain Classes of Trade

Currently, certification on the notice of lading on customs Form 7515 as to the receipt of the articles and quantity laden on vessels or aircraft as required by § 22.18(c), Customs regulations, may be made by a representative of the owner of the vessel or aircraft having knowledge of the facts, and the declaration required by § 22.18(h) for supplies laden on an American vessel may be made by a representative of the vessel owner having knowledge of the facts. In some cases, such as when a vessel is chartered, neither the owner nor his representative has knowledge of the facts; such facts

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being contained in the records of the operator. Accordingly, to make provision whereby the certification and furnishing of the declaration required by § 22.18 (c) and (h) can be accomplished by the operators of vessels and aircraft and their representatives, the last two sentences of § 22.18(c) and the first sentence of § 22.18(h) are amended, respectively, to read as follows:

(c) \* \* \* After numbering, one copy of the notice shall be returned to the exporter for delivery to the master or an authorized officer of the vessel or aircraft, or to a representative of the owner or operator of the vessel or aircraft having knowledge of the facts and holding a customs power of attorney, for certification thereon as to the receipt of the articles and the quantity laden. This copy shall be filed by the claimant with the drawback entry, except that, in cases where the notice of lading was filed after the lading of the articles, a separate receipt of the master or authorized officer of the vessel or aircraft, or of a representative of the owner or operator of the vessel or aircraft having knowledge of the facts and holding a customs power of attorney, may be filed with the drawback entry.

(h) If the supplies were laden on an American vessel, a declaration of the master or other officer of the vessel who has knowledge of the facts, or of a representative of the vessel owner or operator having knowledge of the facts and holding a customs power of attorney, showing the class of business or trade in which the vessel on which the articles were laden as supplies was engaged at the time of lading shall be furnished in support of the drawback entry. \* \* \*

(Secs. 309, 624, 46 Stat. 690, as amended, 759; 19 U.S.C. 1309, 1624)

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

Approved: June 20, 1963.

JAMES A. REED,  
Assistant Secretary of the  
Treasury.

[F.R. Doc. 63-6883; Filed, June 28, 1963;  
8:54 a.m.]

## Title 43—PUBLIC LANDS: INTERIOR

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

#### APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3108]

[88527]

### OREGON

#### Revoking Withdrawals for Forest Service Administrative Sites

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

The orders hereinafter described, reserving national forest lands as indi-

cated, for use of the Forest Service as administrative sites, are hereby revoked:

a. Executive Order No. 4855 of March 26, 1928.

WILLAMETTE MERIDIAN

SISKIYOU NATIONAL FOREST

Agness Ranger Station

T. 32 S., R. 6 E.,  
Sec. 7, lot 7.

b. Departmental Order of May 5, 1908.

CASCADE NATIONAL FOREST

Anna Creek Site

T. 32 S., R. 6 E.,  
In secs. 25 and 36.

c. Departmental Order of January 17, 1908.

Cherry Flat Site

T. 34 S., R. 6 E.,  
Sec. 22, NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NE $\frac{1}{4}$ .

d. Departmental Order of May 12, 1908.

Malone Springs Site

T. 35 S., R. 6 E.,  
Sec. 14, W $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ .

e. Departmental Order of May 1, 1914.

Recreation Sites 1 and 2

T. 35 S., R. 6 E.,  
In sec. 35, by metes and bounds.

f. Departmental Order of April 1, 1908.

Odessa Creek Site

T. 36 S., R. 6 E.,  
In sec. 24, by metes and bounds.

Aggregating about 245 acres.

At 10:00 a.m. on July 30, 1963, the lands shall be open to such forms of disposition as may by law be made of national forest lands, subject to any existing withdrawals for special purposes other than for national forests.

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

JUNE 24, 1963.

[F.R. Doc. 63-6861; Filed, June 28, 1963;  
8:47 a.m.]

## Title 21—FOOD AND DRUGS

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

#### SUBCHAPTER A—GENERAL

### PART 9—COLOR CERTIFICATION

#### Revocation of Obsolete Material

Effective on June 22, 1963, §§ 9.1 (a), (b), (c), (d), (e), (f), (k), (l), (m), (o), (p), 9.4, 9.5, 9.6, 9.7, 9.8, 9.9, 9.10, and 9.11 are revoked.

(Sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371)

Dated: June 25, 1963.

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

[F.R. Doc. 63-6872; Filed, June 28, 1963;  
8:50 a.m.]



## SUBCHAPTER B—FOOD AND FOOD PRODUCTS

## PART 121—FOOD ADDITIVES

## Subpart A—Definitions and Procedural and Interpretative Regulations

## FURTHER EXTENSION OF EFFECTIVE DATE OF STATUTE FOR CERTAIN SPECIFIED FOOD ADDITIVES

As provided in the Federal Food, Drug, and Cosmetic Act (sec. 6(c), Public Law 85-929, as amended sec. 2, Public Law 87-19; 72 Stat. 1788, as amended 75 Stat. 42; 21 U.S.C., note under sec. 342) and delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the food additive regulations (21 CFR 121.90, 121.91) are amended as set forth below:

1. Section 121.90 *Further extensions of effective date of statute for certain specified food additives as direct additives to food* is amended as follows:

## SYNTHETIC FLAVORING SUBSTANCES AND ADJUNCTS

| Product         | Specified uses or restrictions                        | Effective date of statute extended to— | Progress report required by— |
|-----------------|-------------------------------------------------------|----------------------------------------|------------------------------|
| Ethyl cellulose | No greater than 10 percent, by weight, of the flavor. | Jan. 1, 1964                           |                              |

2. Section 121.91 *Further extensions of effective date of statute for certain specified food additives as indirect additives to food* is amended as follows:

a. The effective date of the following items is extended to January 1, 1964:

Poly bis(chloromethyl) oxetane.  
Rosin, wood, gum, tall oil, and dark wood \* \* \*.  
Rosin, wood, gum, and tall oil, and the dimers thereof \* \* \*.  
Rosin (gum, wood, or tall oil) \* \* \*.  
Sodium (lignosulfonate).

b. The effective date of the following items is extended to June 30, 1964, and the date the progress report is required is changed to January 1, 1964.

Acrylic acid and its methyl, ethyl, and butyl esters \* \* \*.  
Acrylic or methacrylic acid and divinyl benzene copolymer aminolyzed \* \* \*.  
Acrylic acid or methacrylic acid and divinyl benzene copolymer.  
Allethrin.  
11-Amino undecanoic acid polymer.  
Ammonium persulfate.  
N,N-Bis(hydroxyethyl) lauramide.  
Candelilla wax.  
Calcium lignosulfonate \* \* \*.  
E-Caprolactam polymer.  
Castor oil, potassium soap.  
Castor oil, sulfated.  
Castor oil, sulfated, potassium soap. Paper coating adjuvant used in manufacture of food packages.  
Chloropirrin.  
Di-tert-butyl hydroquinone.  
2,4-Di-tert-butyl hydroquinone.  
Dicyandiamide. Viscosity modifier \* \* \*.  
Diethanolamine.  
Diisopropanol monoamide of tallow fatty acids.  
Diphenylamine.  
Ethyl acrylate-acrylonitrile-methacrylic acid terpolymer.

a. The effective date of the following items is extended to January 1, 1964:

Ethylene oxide.  
Starch, modified with propylene oxide (hydroxypropyl starch).

b. The effective date of the following items is extended to June 30, 1964, and the date the progress report is required is changed to January 1, 1964:

2-Acetylaminio-5-nitrothiazole.  
Mineral oil \* \* \*. Defoamer in food \* \* \*;  
Coating for fresh fruits \* \* \*; Lubricant and binder \* \* \*; Sealant in food \* \* \*.  
Petrolatum N.F. and U.S.P. \* \* \*. In animal feed \* \* \*; Component of coating \* \* \*; Component of protective coating \* \* \*.  
Petroleum hydrocarbons \* \* \*. Defoamer in food \* \* \*; Component of detergent \* \* \*; In froth-floatation \* \* \*.  
Polysorbate 60 (polyoxyethylene (20) sorbitan monostearate).  
Wax, microcrystalline \* \* \*. Component of coating \* \* \*; In matrix \* \* \*; Component of chewing gum base.

c. A new item is added to § 121.90, as follows:

Ethyl acrylate and methyl methacrylate copolymers of itaconic acid or methacrylic acid.  
Ethyl acrylate, methyl methacrylate, and acrylic acid copolymerized.  
Ethylenediamine tetraacetic acid, sodium, potassium, and calcium salts.  
Ethylene oxide. Fumigant in \* \* \* edible grains, dehydrated or freeze-dried mushrooms, in ground spices, and onion and garlic powder \* \* \*; Fumigant in dried fruits \* \* \*.  
Ethyl p-hydroxybenzoate.  
Fish oil, hydrogenated.  
Fish oil, hydrogenated, potassium soap.  
Formaldehyde. Paper coating adjuvant \* \* \*.  
Hydrocarbons, aliphatic \* \* \*.  
Hydrocarbons, aromatic \* \* \*.  
Hydroxyethylcellulose.  
N-Hydroxyethyl-lauramide.  
Isobutyl alcohol. Paper coating adjuvant \* \* \*.  
Isobutyl oleate, sulfated.  
Isopropylated m-cresol.  
Isopropylated p-cresol.  
Isopropylcresol \* \* \*.  
Lignin sulfonates, calcium and sodium salts.  
Methacrylic acid and its ethyl esters \* \* \*.  
Methacrylic acid polymer.  
Mineral oil meeting the following specifications \* \* \*—  
Component or a textile-processing lubricant \* \* \*;  
Component of packaging materials.  
Mineral oil \* \* \*.  
Mineral spirits \* \* \*.  
Montan wax, blown.  
Mustardseed oil, sulfated.  
N-Octylbicycloheptene dicarboximide.  
Oleic acid, sulfated.  
Ozokerite, purified (ozocerite).  
Petrolatum \* \* \*—Component of coating of paper and paperboard.  
Petrolatum, N.F. and U.S.P. \* \* \*—All uses presently extended.  
Petroleum hydrocarbons, aliphatic \* \* \*.  
Petroleum sulfonate, made by sulfonating a straight chain aliphatic hydrocarbon \* \* \*.

Pigment blue 15 \* \* \*.  
Pigment green 7 \* \* \*.  
Pigment green 17 \* \* \*.  
Pigment orange 13 \* \* \*.  
Pigment orange 23 \* \* \*.  
Pigment red 48 \* \* \*.  
Pigment red 108 \* \* \*.  
Pigment red 113 \* \* \*.  
Pigment white 21 \* \* \*.  
Pigment yellow 12 \* \* \*.  
Pigment yellow 14 \* \* \*.  
Pigment yellow 17 \* \* \*.  
Pigment yellow 35 \* \* \*.  
Pine oil—Component of coatings for food containers.  
Polyglyceryl phthalate ester \* \* \*.  
Polyethylene blending resins.  
Polyoxyethylene (1-15 mols) ether of p-isooctyl phenol (1-mol).  
Polyoxyethylene (1-15 mols) ether of p-nonyl phenol.  
Polyoxyethylene (5-15 mols ethylene oxide) \* \* \*.  
Polyoxyethylene (20) ether of oleyl alcohol.  
Polyoxyethylene (1.5-15 mols) \* \* \*.  
Polyoxyethylene (4 mols) \* \* \*.  
Polyoxyethylene (600) glycol ester \* \* \*.  
Polyoxyethylene (400) glycol monolaurate.  
Polyoxyethylene (400) glycol monostearate.  
Polyoxyethylene (600) glycol monostearate.  
Polyoxyethylene (3,000) glycol monostearate.  
Polyoxypropylene (16-30 mols)-polyoxyethylene (17-400 mols) glycol.  
Polyvinyl acetate copolymerized with monoethyl maleate.  
Polyvinyl acetate copolymers \* \* \*.  
Polyvinyl alcohol—In silicone antiadhesive functional coatings \* \* \*; Component of coating of paper and paperboard \* \* \*.  
Rapeseed oil, sulfated.  
Resinous and polymeric substances \* \* \*.  
Rice bran oil, sulfated.  
Sodium dodecylbenzene sulfonate—Component of food-packaging material.  
Sodium lignosulfonate—Component of sizing agent \* \* \*.  
Sodium N-methyl-N-oleyltaurate.  
Sodium salt of naphthalenesulfonic acid \* \* \*—In the manufacture of paper and paperboard \* \* \*.  
Sodium salt (tri- or tetra-) of ethylenediamine tetraacetate.  
Soybean fatty acids, sodium soap.  
Sperm oil, sulfated.  
Styrene and divinyl benzene copolymer \* \* \*.  
Styrene and divinyl benzenesulfonate copolymer.  
Styrene-methacrylic acid copolymer, potassium salt.  
Tallow.  
Tallow alcohol, hydrogenated.  
Tallow fatty acids.  
Tallow fatty acids, hydrogenated.  
Tallow, hydrogenated.  
Tallow, sulfated.  
Vinyl acetate polymer.  
Vinylidene chloride.  
Vinylidene chloride copolymerized \* \* \*.  
Vinylidene chloride-itaconic acid copolymer.  
Vinylidene chloride-methyl acrylate copolymer.  
Vinylidene chloride-methyl acrylate-vinylsulfonic acid acrylamide copolymer.  
Vinylidene chloride-methyl acrylate-vinylsulfonic acid copolymer.  
Wax, microcrystalline and paraffin \* \* \*—  
Constituent of food-packaging materials \* \* \*.

c. All items (components of coatings of paper and paperboard for food packaging) granted an extension of effective date on April 23, 1963 (28 F.R. 3970), are further extended to June 30, 1964, with a progress report required by January 1, 1964.

d. Section 121.91 is further amended by inserting therein, in alphabetical order, the following items:



| Product                                                                                                     | Specified uses or restrictions                                                            | Effective date of statute extended to— | Progress report required by— |
|-------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------|----------------------------------------|------------------------------|
| Alkyl (C <sub>8</sub> -C <sub>18</sub> ) phenolethylene oxide (4-50) condensation product, phosphate ester. | Component of food-packaging materials...                                                  | June 30, 1964                          | Jan. 1, 1964                 |
| Dialkyl (C <sub>8</sub> -C <sub>18</sub> ) dimethyl ammonium chloride.                                      | Flocculating agent in manufacture of silica and silicate pigments used in food packaging. | Jan. 1, 1964                           | -----                        |
| Glyceryl-mono-12-hydroxystearate.....                                                                       | Paper coating adjuvant used in manufacture of food packages.                              | June 30, 1964                          | Jan. 1, 1964                 |
| Glyceryl monoleinate.....                                                                                   | do.                                                                                       | June 30, 1964                          | Jan. 1, 1964                 |
| Polyethoxylated fatty alcohols, phosphate ester.                                                            | Component of coating of paper and paperboard for food packaging.                          | June 30, 1964                          | Jan. 1, 1964                 |
| Polyoxyethylene (1.5-15 moles) ether of tridecyl alcohol, phosphate ester.                                  | Paper coating adjuvant used in manufacture of food packages.                              | June 30, 1964                          | Jan. 1, 1964                 |
| Polyoxyethylene (200) glycol dilaurate.....                                                                 | do.                                                                                       | June 30, 1964                          | Jan. 1, 1964                 |
| Polyoxyethylene (400) glycol monooleate.....                                                                | do.                                                                                       | June 30, 1964                          | Jan. 1, 1964                 |
| Polyoxyethylene (600) glycol monooleate.....                                                                | do.                                                                                       | June 30, 1964                          | Jan. 1, 1964                 |

Notice and public procedure and delayed effective date are not necessary prerequisites to the promulgation of this order, and I so find, since extensions of time, under certain conditions, for the effective date of the food additive amendment to the Federal Food, Drug, and Cosmetic Act were contemplated by Public Law 87-19 as a relief of restrictions on the food-processing industry.

**Effective date.** This order shall become effective on the date of signature.

(Sec. 6(c), Public Law 85-929, as amended sec. 2, Public Law 87-19; 72 Stat. 1788, as amended 75 Stat. 42; 21 U.S.C., note under sec. 342)

Dated: June 25, 1963.

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

[F.R. Doc. 63-6875; Filed, June 28, 1963;  
8:52 a.m.]

## PART 121—FOOD ADDITIVES

### Subpart D—Food Additives Permitted in Food for Human Consumption

#### CHEMICALS USED IN WASHING FRUITS AND VEGETABLES

The Commissioner of Food and Drugs, having evaluated data submitted in a petition filed by The Diversey Corporation, 212 West Monroe Street, Chicago 6, Illinois, and other relevant material, has concluded that a regulation should issue to prescribe the safe use of chemicals used in washing fruits and vegetables. 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 by adding to Subpart D a new section reading as follows:

#### § 121.1091 Chemicals used in washing fruits and vegetables.

Chemicals may be safely used to wash fruits and vegetables in accordance with the following conditions:

(a) The chemicals consist of one or more of the following:

(1) Substances generally recognized as safe in food or covered by prior sanctions for use in washing fruits and vegetables.

(2) Potassium bromide, sodium hypochlorite.

(b) The chemicals are used in amounts not in excess of the minimum required to accomplish their intended effect.

(c) The use of the chemicals is followed by rinsing with potable water to remove, to the extent possible, residues of the chemicals.

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: June 25, 1963.

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

[F.R. Doc. 63-6873; Filed, June 28, 1963;  
8:51 a.m.]

## PART 121—FOOD ADDITIVES

### Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

#### ALKYL KETENE DIMERS

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by Hercules Powder Company, Wilmington 99, Delaware, and other relevant material, has concluded that the food additive regulations should be amended to permit the use of sodium lignosulfonate as a dispersant in alkyl ketene dimer emulsions used in the manufacture of paper and paperboard employed in direct contact with food. 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), § 121.2538 is amended by adding thereto a new paragraph (c) reading as follows:

#### § 121.2538 Alkyl ketene dimers.

(c) The alkyl ketene dimers may be used in the form of an aqueous emulsion which may contain sodium lignosulfonate as a dispersant.

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: June 25, 1963.

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

[F.R. Doc. 63-6874; Filed, June 28, 1963;  
8:51 a.m.]

## Title 30—MINERAL RESOURCES

### Chapter II—Geological Survey, Department of the Interior

#### PART 222—CONNALLY ACT REGULATIONS

Effective 8:00 a.m., c.s.t., July 1, 1963 all functions of the Federal Petroleum Board relating to the Connally (Hot Oil) Act of February 22, 1935 (49 Stat. 30, as amended; 15 U.S.C. 715-715k), are transferred to the Branch of Connally Act Compliance, Conservation Division, Geological Survey. Incident to this transfer Part 222, Title 30, is revised to read as set forth below. Since this revision merely reflects a change in organization within the Department, notice and public procedure thereon have been deemed unnecessary and the revision shall become effective at 8:00 a.m., c.s.t., on July 1, 1963.

STEWART L. UDALL,  
Secretary of the Interior.

JUNE 10, 1963.



## PART 222—CONNALLY ACT REGULATIONS

### Subpart A—General

- Sec.  
222.1 Delegations of authority.  
222.2 Definitions.  
222.3 Official records.  
222.4 Saving clause.

### Subpart B—Records and Reports

- 222.9 Designated areas.  
222.10 Records.  
222.11 Measurements; records.  
222.12 Accurate billing.  
222.13 Way bills.  
222.14 Producer's reports.  
222.15 Instructions for filing reports P and P-A.  
222.16 Diagrams.  
222.17 Sworn or certified reports and statements.  
222.18 Shipment by barge, tanker, or other vessel; reports; certificates.

### Subpart C—Investigations

- 222.23 Inspection of books and records; examination of properties and facilities.  
222.24 Non-public investigatory proceedings.  
222.25 Right to copy of data or transcript of testimony.  
222.26 Counsel for witnesses in investigations.  
222.27 Suspension or exclusion of counsel.  
222.28 Witness fees.

AUTHORITY: §§ 222.1 to 222.28 issued under secs. 5 and 11, 49 Stat. 31; 15 U.S.C. 715d; E.O. 10752, 23 F.R. 973.

### Subpart A—General

#### § 222.1 Delegations of authority.

(a) The Branch of Connally Act Compliance, Conservation Division, Geological Survey, shall administer the regulations prescribed in this part, under the supervision of the Director, Geological Survey, and the Chief, Conservation Division.

(b) The Chief, Branch of Connally Act Compliance, may hold and conduct such investigations, hearings, and proceedings as may be necessary to administer and enforce the Act of February 22, 1935, as amended (15 U.S.C., secs. 715-715k). In connection with such investigations, hearings, or proceedings he may exercise the authority granted by the act relating to the administering of oaths and affirmations, the attendance and testimony of witnesses, and the production of evidence.

(c) The Chief, Branch of Connally Act Compliance, may, in writing, redelegate to any official or employee of the Branch the authority delegated to him by paragraph (b) of this section. The Chief Investigator, the Investigators-in-Charge, and the General Investigators of the Branch of Connally Act Compliance are respectively empowered to exercise the authority (28 F.R. 3429) which was redelegated by the Chairman of the Federal Petroleum Board to the Chief Investigator, Investigators-in-Charge, and General Investigators, respectively, of the Federal Petroleum Board, until that authority is revoked or modified by the Chief of the Branch.

#### § 222.2 Definitions.

When used in this part or in subsequent orders and regulations prescribed

pursuant to said act and Executive orders, or in any forms prescribed thereunder, the term:

(a) "Branch" means Branch of Connally Act Compliance, Conservation Division, Geological Survey.

(b) "Person" shall include any individual, partnership, corporation, or joint stock company.

(c) "Producer" shall include every person having any part in the control or management of any operation by which petroleum is produced from any property. Every person in possession of crude petroleum who refuses to identify the prior owner thereof, from whom he acquired the same, shall be deemed the producer of such petroleum within the meaning of this part.

(d) "Refiner" shall include every person who has any part in the control or management of any operation by which the physical or chemical characteristics of petroleum or petroleum products are changed, but exclusive of the operations of passing petroleum through separators to remove gas, placing petroleum in settling tanks to remove basic sediment and water, dehydrating petroleum and generally cleaning and purifying petroleum. Within the term shall be included every person who blends petroleum with any product of petroleum.

(e) "Reclamation plant" shall include every plant operated in the process of reclaiming, treating or washing waste petroleum, wash oil, pit oil, fugitive oil, basic sediment, or tank bottoms.

(f) "Casinghead gasoline plant" shall include every plant or device by the use of which gasoline or natural gasoline or casinghead gasoline (as those terms are commonly understood in the industry); or any of them, is extracted by any process or method from natural gas or casinghead gas, or from any gas liberated from petroleum in the process of refining.

(g) "Pipe line" shall include every line of pipe, however constructed and regardless of length, and all receiving, storage and delivery tanks and facilities used in the operation thereof, by which petroleum or any petroleum product is transported, regardless of whether or not such line of pipe is owned, in whole or in part, by the person producing, refining, processing, manufacturing, purchasing, cleansing, or marketing such petroleum or such petroleum product, or by any or all such persons jointly, or by any other person or combination of persons, except that the term "pipe line" shall not include any line from a well to lease storage, or any line used in actual plant operations, and not used in the receipt or delivery of petroleum or petroleum products. The terms "pipe line system" and "gathering system" are included within the term "pipe line."

(h) "Transporting agency" shall include railroads, pipe lines, gathering systems, tankers, barges, trucks, or any other means of conveyance used for transporting petroleum or petroleum products.

(i) "Storer" shall include every person who places petroleum or any petroleum product in any receptacle and keeps the same in any such receptacle

for any period of time longer than is usually required in the ordinary conduct of business to move the same currently into the channels of trade and commerce; but excluding the ordinary working stocks of refiners and transporters by pipe line.

(j) "Petroleum" when used singly and separate and apart from "product" shall include petroleum in its crude form, and the terms "product (or products) of petroleum" or "petroleum product (or products)" shall include any article produced or derived in whole or in part from petroleum or any product thereof by refining, processing, manufacturing or otherwise. Whenever natural gas is produced in conjunction or coincidentally with petroleum, such natural gas and all products derived therefrom shall be considered petroleum products. The terms "oil," "crude oil," and "crude petroleum" shall be considered synonymous with petroleum in the regulations in this part.

(k) "Barrel of petroleum" means 42 United States gallons of petroleum, measured and calculated to net or gross quantities in accordance with the regulations of the State authorities in force at the point of production, or in the absence of such regulations, measured and calculated in the manner generally in use in the industry at such point of production. The term "barrel" as used otherwise in the regulations in this part shall mean 42 United States gallons of the article referred to.

(l) "Contraband oil" means petroleum which, or any constituent part of which, was produced, transported, or withdrawn from storage in excess of the amounts permitted to be produced, transported, or withdrawn from storage under the laws of a State or under any regulation or order prescribed thereunder by any board, commission, officer, or other duly authorized agency of such State, or any of the products of such petroleum.

(m) "Interstate commerce" means commerce between any point in a State and any point outside thereof, or between points within the same State but through any place outside thereof, or from any place in the United States to a foreign country, but only in so far as such commerce takes place within the United States.

#### § 222.3 Official records.

Official records to be kept confidential, except when otherwise ordered by the Director, Geological Survey, shall include the following types of records: reports, diagrams and other papers submitted, and records of inspections made, pursuant to this part; records of investigations and hearings; and recommendations in the enforcement of the Connally "Hot Oil" Act. (See also 43 CFR Part 2.)

#### § 222.4 Saving clause.

If any provision of this part or any clause, sentence or part hereof is held unauthorized or invalid for any reason, or the application thereof to any person, circumstance, commodity or class of transactions with respect to any com-



modity be held unauthorized or invalid for any reason, the validity of the remainder of this part and the application of such provisions to other persons, circumstances, commodities and classes of transactions shall not be affected thereby.

### Subpart B—Records and Reports

#### § 222.9 Designated areas.

The regulations in §§ 222.9 through 222.15 of this part shall be applicable only to that part of the State of New Mexico included within the counties of Lea and Eddy, to that part of the State of Texas included within the counties of:

Anderson, Andrews, Angelina, Aransas, Austin, Bee, Borden, Bowie, Brazoria, Brazos, Brooks, Burleson, Calhoun, Cameron, Camp, Cass, Chambers, Cherokee, Cochran, Colorado, Crane, Crockett, Dawson, De Witt, Duval, Ector, Fayette, Fisher, Fort Bend, Franklin, Gaines, Galveston, Garza, Glasscock, Goliad, Gonzales, Gregg, Grimes, Hardin, Harris, Harrison, Hidalgo, Hockley, Houston, Howard, Jackson, Jasper, Jefferson, Jim Hogg, Jim Wells, Karnes, Kenedy, Kleberg, Lavaca, Lee, Liberty, Live Oak, Loving, Lynn, Madison, Marion, Martin, Matagorda, Midland, Mitchell, Montgomery, Morris, Nacogdoches, Newton, Nueces, Orange, Panola, Pecos, Polk, Reagan, Red River, Reeves, Refugio, Rusk, Sabine, San Augustine, San Jacinto, San Patricio, Scurry, Shelby, Smith, Starr, Terry, Titus, Trinity, Tyler, Upshur, Upton, Victoria, Walker, Waller, Ward, Washington, Webb, Wharton, Willacy, Wilson, Winkler, Wood, Yoakum, and Zapata, and to the entire State of Louisiana, which area is hereinafter referred to as the designated area.

#### § 222.10 Records.

The following records shall be made and retained accurately and completely showing the following facts with respect to production, refining, processing, manufacturing, transporting, withdrawing or otherwise handling petroleum or petroleum products in the designated area. Unless otherwise notified by the Chief, Branch of Connally Act Compliance, the operator may dispose of records retained for a period of 5 or more years.

##### (a) By producers:

(1) *Location, wells, allowable production.* The location of the producing properties, the number and location of wells thereon, and the allowable production for each property and well as prescribed by the proper State agency.

(2) *Inventories.* An opening and closing inventory of the crude petroleum on hand at the beginning and end of each month.

(3) *Production.* The monthly production in barrels of petroleum produced from each lease and each well showing the number of wells which produced said oil with a notation of the allowance made for basic sediment and water, and the tanks, identified by number and location, into which the petroleum is run. When wells are produced into common storage tanks production from each well will be based on latest gas-oil ratio or well status tests. Where a Lease Automatic Custody Transfer (LACT) system of the Positive Displacement Meter type is used, said meter's calibration correction factor shall also be recorded. Where Dump Tank and Weir Tank types of

LACT systems are used, the number of pipeline runs and the quantity of each run shall likewise be recorded.

(4) *Consumption.* The amount of petroleum consumed upon each property monthly.

(5) *Deliveries.* A monthly record of all deliveries of petroleum or petroleum products, showing the names and places of business of all persons to whom such petroleum or petroleum products are delivered, whether purchasers, consignees or transporting agencies, the quantity involved in each delivery, transportation or other disposition, the identity of the means of transportation by which the petroleum or products are removed.

(6) *Tickets.* Gauge tickets and run tickets, as made by the employees actually performing or observing the operations to which such records relate.

(7) *Diagrams.* Where any type of Lease Automatic Custody Transfer system is in operation by producers, complete diagrams shall be maintained of the system in use, with accurate meter calibration records kept.

(8) *Other records.* Such other records as may now be required under the rules and regulations of other governmental agencies, State or Federal, which supervise, regulate or tax the production of petroleum.

(b) By every purchaser, refiner, storer, shipper, or consignor of petroleum or petroleum products, by every casing head gasoline plant, and by every person dealing in petroleum or petroleum products as a factor, broker, buyer, or seller:

(1) *Inventories.* An opening and closing inventory of petroleum and petroleum products on hand at the beginning and end of each month.

(2) *Receipts.* The monthly receipts of petroleum and the petroleum products showing the amount received, the place and date of each receipt, the tanks identified by location and number into which received, the names and addresses of all producers or other persons from whom the crude petroleum and the petroleum products were received, a description identifying the transporting agency or facility by which received.

(3) *Consumption.* The amount of petroleum and petroleum products used or otherwise disposed of monthly showing the amount run to stills and to cracking units and the amount and type of petroleum products refined, processed or manufactured.

(4) *Deliveries; purchasers; transporter.* A monthly record of all deliveries of petroleum and petroleum products including the names and addresses of purchasers and a description identifying the transporting agency delivering the same.

(5) *Reports of operations.* Crude, pumping, still, transfer, and yield reports as made by the employees actually performing or observing the operations to which such records relate.

(6) *Other records.* Such other records as may now be required under the rules and regulations of other governmental agencies, State or Federal, which supervise, regulate, or tax the purchasing, refining, storing, shipping or consigning or otherwise dealing in as a factor, bro-

ker, buyer or seller of petroleum and petroleum products.

(c) By every person operating a reclamation plant:

(1) *Inventories.* An opening and closing inventory of all petroleum and petroleum products on hand at the beginning and end of each month.

(2) *Receipts.* The number of barrels of each kind of petroleum and petroleum products which came into the possession of such plant monthly, the name and address of each person from whom possession was acquired, the location from which the petroleum and petroleum products were acquired, the quantities acquired from each prior possessor and from each location, a description identifying the transporting agency by which such petroleum and petroleum products were acquired. In case any petroleum or petroleum product is picked up or reclaimed by such plant from any pit, creek, river, stream or the bed thereof, such record shall also contain information as to apparent source of the petroleum or petroleum product before it went into such pit, creek, river, stream or the bed thereof.

(3) *Reclamation; destination; identification.* The number of barrels reclaimed by such plant monthly and the disposition thereof showing the names and addresses of purchasers, a description identifying the transporting agency used in making delivery.

(4) *Original operating records.* The original records made by the employees actually performing or observing the operations to which such records relate as required by subparagraphs (1), (2) and (3) of this paragraph.

(5) *Other records.* Such other records as may now be required under the rules and regulations of other governmental agencies, State or Federal which supervise, regulate, or tax the reclaiming or handling of petroleum or petroleum products.

##### (d) By pipelines:

(1) *Inventories.* An opening and closing inventory including averages of crude petroleum and petroleum products on hand at the beginning and end of each month.

(2) *Receipts; consignors, consignees; origin, destination.* The monthly receipts of all petroleum and petroleum products showing the kind, grade, and quantity received, the names and addresses of the consignors, the names and addresses of the consignees, the points of origin and destination.

(3) *Locations; persons; transporting agencies.* In case of the first transporting pipeline, and where possible in cases of subsequent transporting pipelines, the location of the properties where the petroleum or petroleum products were produced, refined, processed, or manufactured, the names and addresses of persons removing the petroleum or petroleum products from the properties where produced, refined, processed, or manufactured, and a description identifying the transporting agency used in making delivery from such properties.

(4) *Diversion, stoppage.* A record of all shipments of petroleum or petroleum products diverted prior to reaching the



original point of destination or stopped in the course of transportation, showing the disposition thereof.

(5) *Shipping documents.* Copies of all run tickets, waybills, division and transfer orders and other documents used in the transportation of petroleum or petroleum products.

(6) *Other records.* Such other records as may now be required under the rules and regulations of other governmental agencies, State or Federal, which supervise, regulate, or tax the transportation of petroleum or petroleum products.

(e) By transporting agencies, other than pipelines:

(1) *Shipments.* The monthly shipments of all petroleum and petroleum products showing the kind, grade and quantity transported, the names and addresses of the consignors, the names and addresses of the consignees, the points of origin and destination, and in the case of railroads the car initials and numbers identifying the various shipments.

(2) *Diversion or stoppage.* A record of all shipments of petroleum or petroleum products diverted prior to reaching the original point of destination, or stoppage in the course of transportation, showing the disposition thereof.

(3) *Shipping documents.* Copies of all waybills, bills of lading and other documents used in the transportation of petroleum or petroleum products.

(4) *Other records.* Such other records as may now be required under the rules and regulations of other governmental agencies, State or Federal, which supervise, regulate, or tax the transportation of petroleum or petroleum products.

(f) The records required by this section to be made and preserved shall be made currently as the transactions involved occur. Such records prescribed in paragraph (a) (1), (2), (3), (4), and (5) of this section shall be kept on the lease or property to which they relate, or shall be kept in the field office or field headquarters from which the operations on such properties are conducted. Such records prescribed under paragraph (b) (1), (2), (3), (4), (c) (1), (2), and (3), and (d) (1), (2), (3), and (5) of this section shall be kept at the field office or field headquarters from which the operations involved are conducted. Such records prescribed under paragraph (e) (1) and (3) of this section shall be kept at the freight office where the shipping papers for any shipment originate.

#### § 222.11 Measurements; records.

Every producer, transporter, storer and refiner in the designated area shall accurately gauge and measure all petroleum and petroleum products before any part thereof leaves his possession or control. No means or device which prevents or hinders such accurate measurement shall be used. Complete and accurate records of all such measurements shall be kept up to date and retained as provided in § 222.10, and shall be open to the inspection of any person authorized by the Secretary of the Interior or by the Chief, Branch of Connally Act Compliance.

#### § 222.12 Accurate billing.

No transporting agency transporting petroleum or petroleum products from the designated area in interstate commerce shall accept for shipment any petroleum or any petroleum product unless the billing and other records of transportation covering such shipment truly and accurately describe by its proper and generally accepted name the commodity so shipped. Every transporting agency shall be held responsible for the truth of its records, way bills, bills of lading, division or transfer orders and other papers relating to such shipment, and shall be answerable as for a violation of the regulations in this part for each false billing of any such petroleum or petroleum product.

#### § 222.13 Way bills.

Each transporting agency, other than pipe lines, transporting petroleum or petroleum products in or from the designated area shall make available daily to the Branch of Connally Act Compliance for inspection copies of all way bills, or other papers fulfilling the functions thereof, covering the movement during the preceding day of petroleum or petroleum products in or from said area, both interstate and intrastate. Upon request of the Chief of the Branch such way bills or other papers shall be attached to an affidavit executed by a duly authorized agent of the transporting agency stating that the way bills or other papers cover all shipments of petroleum or petroleum products moved by the transporting agency during the period named therein.

#### § 222.14 Producer's reports.

(a) Except as provided in paragraph (b) of this section, every producer of petroleum or petroleum products in the areas designated in § 222.9 shall file a monthly report, Form P, and a semiannual report, Form P-A.

(b) If the Chief, Branch of Connally Act Compliance, determines that the reports required of any person under this section serve no useful purpose, he may, by written notice to such person, relieve him of the obligation to submit such reports for any specified period of time or until further notice.

#### § 222.15 Instructions for filing reports P and P-A.

(a) Report forms may be obtained from any office of the Branch of Connally Act Compliance, or unofficial copies may be used provided that they are exact reproductions of the official forms.

(b) The Form P report shall be filed on or before the 15th day of the month succeeding the month covered by the report. The Form P-A report shall be filed semiannually, on or before January 15 and July 15. The reports must be complete as to all data requested in the forms. Unless otherwise directed by the Chief of the Branch, reports shall be filed at the following offices of the Branch:

Kilgore, Texas, by producers of leases in the counties of Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Franklin, Gregg, Harrison, Houston, Marion, Morris, Nacogdoches,

Panola, Red River, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, and Wood, Texas.

Midland, Texas, by producers of leases in the counties of Lea and Eddy, New Mexico, and the counties of Andrews, Borden, Cochran, Crane, Crockett, Dawson, Ector, Fisher, Gaines, Garza, Glasscock, Hockley, Howard, Loving, Lynn, Martin, Midland, Mitchell, Pecos, Reagan, Reeves, Scurry, Terry, Upton, Ward, Winkler, and Yoakum, Texas.

Victoria, Texas, by producers of leases in the counties of Aransas, Austin, Bee, Brazoria, Brazos, Brooks, Burleson, Calhoun, Cameron, Chambers, Colorado, De Witt, Duvall, Fayette, Fort Bend, Galveston, Goliad, Gonzales, Grimes, Hardin, Harris, Hidalgo, Jackson, Jasper, Jefferson, Jim Hogg, Jim Wells, Karnes, Kennedy, Kleberg, Lavaca, Lee, Liberty, Line Oak, Madison, Matagorda, Montgomery, Newton, Nueces, Orange, Polk, Refugio, San Jacinto, San Patricio, Starr, Trinity, Tyler, Victoria, Walker, Waller, Washington, Webb, Wharton, Willacy, Wilson, and Zapata, Texas.

Lafayette, Louisiana, by Producers of leases in all parishes in Louisiana.

(c) A separate report shall be made for each field or pool. The report shall be signed by the producer, one or more members of a partnership, or an officer of a corporation. However, the report may be signed by an authorized agent of any person (as defined in § 222.2(b)), but such authorization must be submitted in writing to the office of the Branch at which the report is filed.

#### § 222.16 Diagrams.

Whenever directed by written order issued by a person authorized under § 222.1 to conduct investigations, any producer, refiner, or operator of any pipeline, gathering system, reclamation plant or casinghead gasoline plant shall, within 30 days from the service of such order, furnish the Branch of Connally Act Compliance with a diagram or diagrams accurately and completely showing to scale, so far as is applicable to the business of the person furnishing the diagram, the location of each lease, the location and identifying number of each well, the location, capacity and identifying number of all tanks, the location and size of all pipelines, flow lines and gathering systems and other outlets attached to his properties, and every method by which oil is or can be delivered to and from his properties.

#### § 222.17 Sworn or certified reports and statements.

When any sworn or certified report or statement is required by this part, or by orders promulgated pursuant hereto or to the act of February 22, 1935 (49 Stat. 30; 15 U.S.C. 715-715k) as amended, or Executive orders, to be made or filed by any person, such report or statement must be made or filed by any real person in interest owning, producing, refining, processing, manufacturing, transporting, withdrawing from storage, or otherwise handling petroleum or petroleum products involved in the transaction or transactions which are the subject of such report or statement. Such report or statement, however, may be made or filed by a duly authorized agent of such real party in interest if, on or before the date of filing the same, proof of his authorization has been filed with the



Branch of Connally Act Compliance or other agency with which the report or statement is to be filed.

**§ 222.18 Shipment by barge, tanker, or other vessel; reports; certificates.**

The shipper, or duly authorized agent of the shipper, a copy of whose authorization has been filed with the Geological Survey, Department of the Interior, Washington 25, D.C., of a cargo of petroleum or petroleum products, or any part thereof, which has been loaded at any port in the States of Texas, Louisiana, Arkansas, or Mississippi, for shipment by tanker, barge, or other vessel, in whole or in part in interstate or foreign commerce, shall transmit by mail to the Geological Survey, Department of the Interior, Washington 25, D.C., with full postage paid, not later than 24 hours after the date of sailing, a report and certification in duplicate on form designated OCR-1, made and executed in accordance with instructions prescribed and approved by the Secretary of the Interior and appearing thereon. No such report on Form OCR-1 is required covering the shipment of petroleum or petroleum products where the cargo is loaded and unloaded wholly within a State.

**Subpart C—Investigations**

**§ 222.23 Inspection of books and records; examination of properties and facilities.**

All persons producing, refining, processing, manufacturing, transporting, withdrawing from storage or otherwise handling petroleum or any petroleum product shall permit any person or persons authorized under § 222.1 to conduct investigations to enter upon their properties, plants and facilities, and to examine all the books and records kept or required to be kept in accordance with this part, and all other books, papers, records, vouchers, run-tickets, bills of lading, way bills, charges, memoranda, diagrams showing the location of each lease, the location and identifying number of each well, the location, capacity and identifying number of each tank, the size of all pipelines, flow lines and gathering systems and other outlets attached to their properties, or other documents which are used by them in connection with producing, refining, processing, manufacturing, transporting, withdrawing from storage or otherwise handling petroleum or any petroleum products, and to inspect such plants, facilities and properties, and to gauge tanks, and to examine wells, pipelines, gathering systems, flow lines, pipe connections, storage tanks, loading racks, separators, pumps, meters or other measuring devices, and any other equipment or instruments.

**§ 222.24 Non-public investigatory proceedings.**

All formal proceedings in connection with any investigation conducted pursuant to this part to hear or take the testimony of a witness, whether such witness appears voluntarily or in response to a subpoena, are designated, and shall be conducted, as non-public investigatory proceedings.

**§ 222.25 Right to copy of data or transcript of testimony.**

(a) Except with respect to a non-public investigatory proceeding, a person who has submitted data or evidence in the course of an investigation conducted pursuant to this part shall be entitled to retain or procure a copy of his data or a transcript of his testimony. If a person who has testified in a non-public investigatory proceeding desires a copy of the transcript of his testimony such person shall file a written request stating the reason for desiring to procure such transcript. The Chief, Branch of Connally Act and Compliance, may for good cause deny such request. The determination as to whether good cause exists for denying the request shall be based upon the nature and content of the testimony in its relation to the investigation or investigations concerning which it was given or required. If the request is denied, such person, upon proper identification, shall have the right to inspect the official transcript of his testimony.

(b) A witness who desires a copy of the official transcript of the testimony which he has given in any such non-public investigatory proceeding must file a written request. The request may be filed during the proceeding or at any time thereafter. Such request shall be acted upon within fifteen days after its filing. The filing of such a request shall not be grounds for failure or refusal by a witness to testify in any such non-public investigatory proceeding until the request has been acted upon, and such testimony shall not constitute a waiver of any rights the witness may have to obtain a copy of the official transcript of his testimony.

**§ 222.26 Counsel for witnesses in investigations.**

(a) Any person appearing in an investigation or investigatory proceeding conducted pursuant to this part may be accompanied, represented, and advised by counsel, but such counsel may not represent any other witness, or any other person being investigated, unless permitted in the discretion of the authorized person conducting the investigation, or of the Chief, Branch of Connally Act Compliance, upon being satisfied that there is no conflict of interest in such representation and that the presence of identical counsel for other witnesses or persons being investigated would not tend to hinder the course of the investigation.

(b) Counsel appearing with a person or witness, as provided in paragraph (a) of this section, shall be limited to attorneys at law permitted to practice before the courts of any State, Territory, or the District of Columbia.

**§ 222.27 Suspension or exclusion of counsel.**

The Chief, Branch of Connally Act Compliance, may, for good cause, issue an order requiring any counsel appearing with a person or witness during an investigation or investigatory proceeding to show cause why he should not be suspended or excluded for the duration of the investigation or investigatory

proceeding in which he has so appeared, by reason of disorderly or contemptuous conduct in the course of any such investigation or proceeding. Such counsel shall be granted due opportunity to be heard in his own defense. Thereafter, if warranted by the facts, the Chief, Branch of Connally Act Compliance, may issue an order of reprimand, suspension, or exclusion against such counsel. In the event such order is one of suspension or exclusion, the person or witness shall be given the right and opportunity to retain other counsel.

**§ 222.28 Witness fees.**

Any person compelled to appear in person in an investigation or investigatory proceeding conducted pursuant to this part shall be entitled to fees and mileage to the extent authorized under section 10 of the Administrative Expenses Act of 1946 (60 Stat. 809, 5 U.S.C. 95a).

[F.R. Doc. 63-6885; Filed, June 28, 1963; 8:54 a.m.]

## Title 32—NATIONAL DEFENSE

### Chapter VII—Department of the Air Force

#### SUBCHAPTER E—POST SERVICES

### PART 857—INDIVIDUALS AND ORGANIZATIONS AUTHORIZED COMMISSARY STORE PRIVILEGES

A new Part 857 is added as follows:

Sec.

857.1 Authorized patrons.

857.2 Abuses of commissary privileges.

AUTHORITY: §§ 857.1 and 857.2 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012.

SOURCE: AFR 145-15, June 4, 1963.

**§ 857.1 Authorized patrons.**

Commissary privileges may be granted to the following individuals, organizations, and activities for their own use or, in the case of individuals, for the use of members of their families.

(a) *Widows.* Widows who have not remarried and who were wives of:

(1) Members of the Regular Army, Navy, Air Force, Marine Corps, and Coast Guard;

(2) Retired personnel of the Army, Navy, Air Force, Marine Corps, and Coast Guard including non-Regular personnel of the Army and Air Force who retired under the Act of April 3, 1939 (53 Stat. 559), as amended (10 U.S.C. 1201, 1203), and who were certified to the Veterans' Administration according to Executive Order 8099, April 28, 1939.

(3) Service personnel who died in line of duty while actively serving as inductees with the Army of the United States, the United States Navy, the United States Air Force, and the United States Marine Corps; the Public Health Service as regular members; and the Reserve components of the United States Armed Forces.

(4) Personnel of the Reserve components retired under 10 U.S.C. 1331, 8911.

(5) Personnel on the Emergency Officers' Retired Lists of the Army, Navy, Air Force, and Marine Corps, who re-



tired under the Act of May 24, 1928 (45 Stat. 735; 38 U.S.C. 581, 582), and members of the Fleet Reserve of the Navy and Fleet Marine Corps Reserve.

(b) *Contract surgeons.* Sales to contract surgeons will be made only during periods of their contracts.

(c) *Uniformed personnel of the Red Cross.* Include only those uniformed Red Cross professional staff personnel who reside onbase and who perform duties at the installation. Sales will be made to such personnel only where the installation commander finds that it is impracticable for them to purchase subsistence from civilian sources.

(d) *Hospitalized veterans.* Honorably discharged veterans of the armed services and the Coast Guard, whether totally disabled or not. Sales may be made to such individuals only when they are hospitalized where commissary store facilities are available.

(e) *Totally disabled veterans.* Honorably discharged veterans of the armed services and the Coast Guard who are totally disabled as the result of a service incurred or aggravated disability, and who are receiving medical care or undergoing treatment in a hospital or in a private domicile through the Veterans' Administration. The medical care and treatment furnished must be a continuous service, even though furnished from an out-patient clinic. Totally disabled veterans who are receiving medical care or undergoing medical treatment on an occasional out-patient service are not entitled to commissary store privileges. Specific inclusions and exclusions are as follows:

(1) Totally disabled veterans receiving continuous medical care and treatment are those that have scheduled future appointments to receive medical care and treatment regardless of frequency of the appointments. These persons are entitled to commissary store privileges.

(2) Totally disabled veterans receiving one-time medical care and treatment are those that do not have scheduled future appointments to receive medical care and treatment. These persons are not authorized commissary store privileges.

(f) *Retired civilian employees of the Coast Guard.* Retired civilian employees of the Coast Guard who were serving on June 30, 1939, as officers or crew members of Lighthouse Service vessels, lightkeepers, or depot keepers in the former Lighthouse Service; and who after June 30, 1939, and at the time of retiring, were civilian employees of the Coast Guard serving as lighthouse keepers or serving on board lightships or other Coast Guard vessels.

(g) *Lighthouse Service personnel.* Retired officers and crews of vessels of the former Lighthouse Service, and retired lightkeepers and depot keepers of the former Lighthouse Service.

(h) *Young Men's Christian Association (YMCA).* At installations where YMCA buildings have been constructed under the provisions of 10 U.S.C. 9778, YMCA secretaries may purchase available subsistence supplies needed for their official installation activities.

(i) *Others.* Sales may be made to other individuals, organizations, and activities in oversea areas not specifically covered by this part when authorized by the major commander.

(j) *Agents.* Sales of subsistence may be made to members of families of individuals listed in this section when such members are residing in the sponsor's household; have been designated as agents of such authorized individuals; and are making purchases in their behalf. Installation commanders may limit agent privileges of minor children because of limited facilities or to prevent abuse of commissary store privileges.

#### § 857.2 Abuses of commissary privileges.

At the discretion of the installation commander and for reasons thought sufficient by him, commissary privileges may be withdrawn from any person for any type of commissary abuse. Commissary officers will post notices in the commissary store to advise patrons that all commissary store purchases are for their own use or for the use of members of their immediate families and that they will not sell, give away, trade, or otherwise dispose of articles purchased in the commissary store. This matter will also be brought to the attention of authorized commissary store patrons by pertinent base publications.

By order of the Secretary of the Air Force.

WILLIAM L. KOCH,  
Lt. Colonel, U.S. Air Force,  
Chief, Special Activities  
Group, Office of The Judge  
Advocate General.

[F.R. Doc. 63-6890; Filed, June 28, 1963;  
8:56 a.m.]

## Title 36—PARKS, FORESTS, AND MEMORIALS

### Chapter I—National Park Service, Department of the Interior

#### PART 7—SPECIAL REGULATIONS RELATING TO PARKS AND MONUMENTS

##### Yellowstone National Park, Wyoming; Fishing

On page 4620 of the FEDERAL REGISTER of May 8, 1963, there was published a notice and text of a proposed amendment to § 7.13 of Title 36, Code of Federal Regulations. The purpose of this amendment is to establish a suitable management program for waters of the Park in the interest of conservation and protection as recommended by research findings of the United States Fish and Wildlife Service.

Interested persons were given 30 days within which to submit comments, suggestions, or objections with respect to the proposed amendment. No comments, suggestions, or objections have been received; therefore, due to the open season date for fishing in the waters of the Park, this amendment will become

effective upon publication in the FEDERAL REGISTER (60 Stat. 238; 5 U.S.C. 1003; 39 Stat. 535; 16 U.S.C. 3).

LEMUEL A. GARRISON,  
Superintendent,  
Yellowstone National Park.

Paragraph (e) of § 7.13 is revised to read as follows:

#### § 7.13 Yellowstone National Park.

(e) *Fishing*—(1) *Open season.* Except as otherwise provided, the open season for fishing in the waters of the Park shall be from sunrise on May 30 to sunset on October 31.

(2) *Limited open season.* (i) Riddle Lake, Grebe Lake, Wolf Lake, the stream connecting Grebe and Wolf Lakes, and the Yellowstone River and its tributaries from the Upper Falls at Canyon to the marking buoys at the outlet of Yellowstone Lake are open to fishing from sunrise on July 1 to sunset on October 31. Yellowstone Lake and Squaw Lake are open to fishing from sunrise on June 15 to sunset on October 31.

(ii) All streams emptying into Yellowstone Lake, except those closed for management or cultural purposes, are open to fishing from sunrise on July 15 to sunset on October 31. Streams trapped for egg taking purposes are closed during the spawning season. Closure of all such streams will be indicated by signs. Mouths of streams shall include those portions of Yellowstone Lake marked by signs and buoys within 100 yards of the stream outlet and/or inlet.

(4) *Closed waters.* (i) The following waters of the Park are closed to fishing: Indian Creek; Panther Creek; Duck Lake; all of that portion of Obsidian Creek upstream from a point  $\frac{3}{4}$  mile above the bridge at the entrance to Indian Creek Campground; Cascade Creek; Mammoth Water Supply Reservoir; Yellowstone River for a distance of 250 yards on either side of the center of the Yellowstone Cascades; Firehole River from the Old Faithful water supply intake to the Shoshone Lake Trail crossing above Lone Star Geyser; Gardner River for its entire length above the Mammoth water supply intake at Swan Lake Flat to be closed, and Glen Creek for its entire length above the Mammoth Water Supply Reservoir. All closed waters will be indicated by appropriate signs.

[F.R. Doc. 63-6862; Filed, June 28, 1963;  
8:47 a.m.]

## Title 39—POSTAL SERVICE

### Chapter I—Post Office Department

#### PART 201—PROCEDURES OF THE POST OFFICE DEPARTMENT

##### Subpart L—Rules of Procedure Before the Board of Contract Appeals

A notice of proposed revision, effective July 1, 1963, in the Rules of Procedure Before the Board of Contract Appeals, Subpart L of Part 201, was published in the FEDERAL REGISTER of May 14, 1963, at



pages 4794 through 4796 (Effective date revised 28 F.R. 5021). Interested persons were given thirty days to submit written comments.

No adverse comments were received by the Department with respect to the proposed procedure.

Therefore, the Department has reached the conclusion to adopt the proposal as so published subject to the following minor amendments:

1. Sections 201.105, 201.115 and 201.119 are amended to clearly provide that final decisions of the Board shall be by a majority of the members.

2. Section 201.112 is revised to simplify the procedure for settling disputes.

As so amended and adopted, the procedures of the Post Office Department in Subpart L of Part 201, effective July 1, 1963, read as follows:

**Subpart L—Rules of Procedure Before the Board of Contract Appeals**

| Sec.    |                                     |
|---------|-------------------------------------|
| 201.101 | Authority for rules.                |
| 201.102 | Purpose.                            |
| 201.103 | Membership.                         |
| 201.104 | Office.                             |
| 201.105 | Jurisdiction of the Board.          |
| 201.106 | Appealable decisions.               |
| 201.107 | Appeal.                             |
| 201.108 | Contracting Officer.                |
| 201.109 | Department Counsel.                 |
| 201.110 | Practice.                           |
| 201.111 | Pre-hearing conference.             |
| 201.112 | Settlement.                         |
| 201.113 | Depositions.                        |
| 201.114 | Stipulations.                       |
| 201.115 | Hearing.                            |
| 201.116 | Continuance.                        |
| 201.117 | Other procedure concerning hearing. |
| 201.118 | Service.                            |
| 201.119 | Decisions.                          |
| 201.120 | Reconsideration by the Board.       |
| 201.121 | Conflicts.                          |

**AUTHORITY:** §§ 201.101 to 201.121 issued under R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 308a, 309, 501; Postal Manual 821.6 (27 F.R. 8984-8985).

**§ 201.101 Authority for rules.**

These rules of practice are issued by the Judicial Officer of the Post Office Department pursuant to authority delegated by the Postmaster General.

**§ 201.102 Purpose.**

This subpart prescribes the functions and rules of procedure of the Board of Contract Appeals.

**§ 201.103 Membership.**

The Board of Contract Appeals consists of three members: (a) The Judicial Officer of the Post Office Department who is the Chairman; (b) the Chief Hearing Examiner; and (c) one of the hearing examiners assigned to the Department to be designated by the Judicial Officer. An alternate may be appointed by the Deputy Postmaster General for any absent or disqualified member. No member of the Board may consider an appeal if he has participated in the formulation or administration of, or has any interest, directly or indirectly, in the contract in dispute.

**§ 201.104 Office.**

The Office of the Board of Contract Appeals shall be in the Office of the Judicial Officer in the Post Office Department Building, Washington 25, D.C.

A suitable docket of contract appeals cases shall be maintained for public inspection at that office.

**§ 201.105 Jurisdiction of the Board.**

As the duly authorized representative of the Postmaster General, the Board is authorized to exercise the full authority of the Postmaster General in all cases in which, by the terms of a contract, the contractor may appeal from findings of fact or decisions of a Contracting Officer to the Postmaster General or his representative. The Board has the authority to conduct hearings, dismiss proceedings, and take official notice of facts within general knowledge and decide all questions of fact and law raised by the appeal. There is no further administrative appeal from the decision of the Board. The Chairman of the Board may assign or reassign an appeal to one or more members for all purposes, except that any final decision must be by a majority of the Board. (§ 201.119)

**§ 201.106 Appealable decisions.**

Questions of the appealability of decisions of Contracting Officers are for determination by the Board. The Board, generally, considers appeals from written decisions of Contracting Officers. The Board may dismiss an appeal or remand an appeal to the Contracting Officer in any appropriate case including those in which (a) the Contracting Officer's decision has not been served upon the contractor; (b) the Contracting Officer's decision does not state that it is final; (c) the contractor is not advised that he has 30 days from the date of the receipt of the Contracting Officer's decision in which to file his notice of appeal; and (d) the Contracting Officer does not decide every material fact in dispute or matter deemed necessary by the Board for a proper disposition of the appeal.

**§ 201.107 Appeal.**

(a) *Notice.* An appeal from a finding of fact or decision of the Contracting Officer must be made by notice of appeal in writing, addressed to the Postmaster General within 30 days from the date of receipt of the written decision of the Contracting Officer unless otherwise provided in the contract. The notice shall be mailed or otherwise furnished to the Contracting Officer and shall identify the contract and the Contracting Officer and specify the portion of the findings of fact or decision from which the appeal is taken. The notice shall be signed by the contractor or his attorney.

(b) *Petition.* A petition in support of the appeal shall be filed by the Appellant with the Board within 30 days after the filing with the Board of the notice of appeal or within such longer period as the Board may allow. The petition shall have numbered paragraphs and should set forth:

(1) A copy of the decision of the Contracting Officer from which the appeal is taken.

(2) A simple, concise and direct statement of each claim upon which the contractor relies and the reasons why the findings or decision are deemed erroneous.

(3) Documentary evidence when applicable in support of claims as exhibits to the petition.

(c) *Reply.* The contractor may file a reply within 15 days after receipt of the answer of Department Counsel provided in § 201.109(b).

(d) *Motions to dismiss.* Defenses which go to the jurisdiction of the Board may be raised by motion. Filing of motions to dismiss for lack of jurisdiction shall not be unreasonably delayed. The Board, however, has the right at any time to recognize its lack of authority to proceed in a particular case. Motions to dismiss for lack of jurisdiction shall, on application of either party, be heard and determined before oral hearing on the merits unless the Board orders that determination of the motion be deferred pending oral hearing on both the merits and the motion.

(e) *Failure to state a case.* In the event, after filing of the petition and answer, the Board finds that Appellant has failed to state a case on which any relief could be granted by the Board, the Board may give notice to Appellant to show cause why the appeal should not be dismissed on the ground that no useful purpose would be served by considering the case on the merits. Appellant, in such event, will be afforded the opportunity to be heard orally for the purpose of showing cause why the appeal should not be dismissed on that ground, and if Appellant so desires to move to amend the complaint, within the proper scope of the appeal. If the Board thereafter finds Appellant has failed to show cause, and finds that the complaint, with such amendments as may be offered by Appellant, fails to state a case on which the Board could grant relief, the appeal shall be dismissed.

**§ 201.108 Contracting Officer.**

(a) *Duties.* The Contracting Officer shall forward any notice of appeal received by him immediately to the Chairman of the Board. In any case in which the original notice of appeal is filed directly with the Board, the Chairman shall immediately forward two copies to the Contracting Officer. Within 15 days from the date of receipt of the notice of appeal or copies thereof, the Contracting Officer shall furnish one copy of the notice of appeal to the General Counsel for use of the Department Counsel together with an appeal file consisting of: (1) The decision from which the appeal is taken; (2) any and all findings of fact that may have been made in connection with the dispute; (3) all documents relied upon in making findings or decision; (4) the contractor's claim in connection with the dispute; (5) a copy of the contract and pertinent plans, specifications, amendments and change orders; (6) all correspondence between the parties relating to the dispute; (7) transcripts of any testimony taken in connection with the dispute in addition to any affidavits or statements of any witnesses that were made prior to the notice of appeal; and (8) any other information which the Contracting Officer may consider material. True copies may be substituted for originals in this file.



(b) *Reconsideration by the Contracting Officer.* The Contracting Officer may reconsider his decision during the period allowed for appeal and should the decision be modified or changed during that period the time for appeal shall be computed from the date the modification or change is served on the contractor.

#### § 201.109 Department Counsel.

(a) *Notice of designation.* The Department Counsel, designated by the General Counsel, shall upon receipt of the appeal file, notify the contractor, or his attorney, of his designation, and inform him that the appeal file is available at his office for inspection by the contractor or his attorney.

(b) *Answer and appeal file.* Within 30 days after receipt of the petition by the Board, the Department Counsel shall file with the Board an answer stating the Government's position on each claim asserted and if desired, or requested by the Board, a supporting brief. The appeal file, together with an index thereof, shall be filed in duplicate with the answer. It shall thereafter be available for inspection by either party in the Office of the Board. A copy of the index shall be served upon the Appellant not later than the date of the service of the answer.

(c) *Appeal file as part of record.* Documents, or copies thereof, which are contained in the appeal file are a part of the appeal record and need not be offered in evidence. Either party may, however, object or submit evidence as to the competency or the relevance of any such document.

#### § 201.110 Practice.

Any contractor may appeal in person, through an officer of the corporation or any attorney eligible to practice before the Post Office Department in accordance with Part 202 of this chapter.

#### § 201.111 Pre-hearing conference.

(a) *Notice and purpose.* The Chairman or the member(s) to whom the appeal is assigned may direct the parties to appear at a specified time and place for a conference to consider:

- (1) Simplification of issues;
- (2) Possibility of obtaining stipulations as to admissions of fact and introduction of documents;
- (3) Limitation of the number of expert witnesses, if a hearing is to be held, and
- (4) Such other matters as may aid in the disposition of the matter.

(b) *Results.* The results of the conference shall be reduced to writing by the Board or by the member(s) designated by the Chairman and made a part of the record.

#### § 201.112 Settlement.

A dispute may be settled at any time (a) by the contractor filing written notice withdrawing his appeal, (b) by written stipulation between the contractor and the Contracting Officer settling either the entire dispute or any part thereof. The appeal shall continue as to any issues remaining in dispute.

#### § 201.113 Depositions.

(a) *Depositions as evidence.* Depositions upon oral examination or upon written interrogatories may be taken by either party and used as evidence at the hearing when relevant and material to the case.

(b) *Persons authorized to take.* Depositions may be taken before any person authorized by laws of the United States or by the laws of the place where they are taken to administer oaths.

(c) *Procedure for taking.* Either party may take a deposition of a witness by giving the opposite party at least 15 days' notice in writing of the time and place where such deposition will be taken. The notice shall contain: The name, address and official title of the officer before whom it is proposed to take the deposition; the name of the witness and the address; whether the deposition will be taken on oral examination or written interrogatories. The parties may stipulate in writing the requirements of the notice in which case the notice can be dispensed with. If the deposition is to be taken on written interrogatories, two copies thereof should accompany the notice or stipulation. The opposing party may serve cross interrogatories to be propounded to the witness within 10 days after receipt of the interrogatories, by forwarding them to the officer designated to take the deposition and simultaneously forwarding a copy to his opponent.

(d) *Procedure for offering in evidence.* A deposition taken under the provisions of this rule may be offered in whole or in part by either party. Depositions will not be considered as evidence until they have been offered and received as such. All objections made at the time of the taking of the deposition will be passed on at the hearing by the Board which may exclude any part determined to be irrelevant, immaterial or otherwise not admissible as evidence in the proceedings.

#### § 201.114 Stipulations.

The parties or their attorneys may stipulate in writing as to any facts that are relevant and material to the issues involved and what documents or facts may be received in evidence without formal proof subject to relevance and materiality.

#### § 201.115 Hearing.

(a) *Time, place and related procedure.* The parties may submit the case on the record or request a hearing. The Board shall, at the request of either party within 15 days after the answer is filed, grant a hearing. In the absence of a request, the Board may, in its discretion, order a hearing on any appeal. The parties will be given a minimum of 15 days' notice in writing of the time and place of the hearing. The hearing may be conducted by the entire Board or one member of the Board as determined by the Chairman. All hearings shall be held in Washington, D.C., unless upon motion of either party the Board shall determine for good cause shown that the hearing shall be held elsewhere.

(b) *Unexcused absence.* The unexcused absence of a party or his authorized representative at the time and place set for hearing will not be the occasion for delay of the hearing. In such event the hearing will proceed and the case will be regarded as submitted on the record by the absent party. The Board or member(s) shall notify the absent party of the proceedings had and shall advise him that he has 15 days from the receipt of this notification within which to show cause why his absence was excusable and why the appeal should not be decided on the record made.

#### § 201.116 Continuance.

Any time after notice of appeal is filed, the Board may grant a continuance for good cause shown.

#### § 201.117 Other procedure concerning hearing.

(a) *Evidence.* Both parties may offer oral and written evidence, subject to the exclusion by the Board or the presiding member of any irrelevant, immaterial or repetitious evidence. The general procedure as to the introduction of evidence and the calling of witnesses shall be in the discretion of the Chairman or the presiding member.

(b) *Witnesses and credibility.* Attention of the witnesses shall be invited to 18 U.S.C. sections 1001 and 1621. Testimony shall be under oath or affirmation. All witnesses may be examined or cross-examined by the Board, the parties, or counsel.

(c) *Transcript or summary.* The Board shall make provision for a transcript of the hearing which ordinarily shall be a verbatim transcript. But the Board with the consent of the parties may in its discretion direct a summary of the transcript to be prepared in lieu of the verbatim transcript. If at the direction of the Board a summary is prepared, the contractor and Department Counsel shall either indicate in writing that it is accurate or file specific written objections for resolution by the Board.

#### § 201.118 Service.

The parties shall file with the Board an original and two copies of all pleadings, except the notice of appeal, and shall at the same time serve a copy on the opposing party or his representative of record. The appeal file shall be filed in duplicate. Service of papers shall be made in person or by certified mail, return receipt requested.

#### § 201.119 Decisions.

Final decisions of the Board shall be by a majority of the members. A copy of the decision shall be furnished to both parties and shall be available for public inspection in the Post Office Department Library.

#### § 201.120 Reconsideration by the Board.

A request for reconsideration by the Board may be filed within 30 days after the date of the decision. Reconsideration of any decision may be granted if, in the judgment of the Board, sufficient reason therefor appears.



## § 201.121 Conflicts.

Any conflict between these rules and specific provisions of any contract in dispute shall be resolved in favor of the provisions of the contract.

LOUIS J. DOYLE,  
General Counsel.

The foregoing are hereby adopted as Rules of Procedure for the Post Office Department.

REVA BECK BOSONE,  
Judicial Officer.

[F.R. Doc. 63-6863; Filed, June 28, 1963;  
8:48 a.m.]



# Proposed Rule Making

## DEPARTMENT OF JUSTICE

### Immigration and Naturalization Service

#### [ 8 CFR Part 242 ]

#### PROCEEDINGS TO DETERMINE DEPORTABILITY OF ALIENS IN UNITED STATES: APPREHENSION, CUSTODY, HEARING, AND APPEAL

##### Orders To Show Cause and Warrants of Arrest; Notice of Proposed Rule Making

Pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003), notice is hereby given of the proposed issuance of the following rules pertaining to the issuance of orders to show cause and warrants of arrest by Service officers. In accordance with subsection (b) of said section 4, interested persons may submit to the Commissioner of Immigration and Naturalization, Room 757, 119 D Street NE., Washington 25, D.C., written data, views, or arguments relative to these proposed rules. Such representations may not be presented orally in any manner. All relevant material received within 20 days following the day of publication of this notice will be considered.

1. Paragraph (a) of § 242.1 is amended to read as follows:

##### § 242.1 Order to show cause and notice of hearing.

(a) *Commencement.* Every proceeding to determine the deportability of an alien in the United States is commenced by the issuance and service of an order to show cause by the Service. In the proceeding the alien shall be known as the respondent. Orders to show cause may be issued by district directors, acting district directors, deputy district directors, and officers in charge.

2. Section 242.2 is amended to read as follows:

##### § 242.2 Apprehension, custody, and detention.

(a) *Warrant of arrest.* At the commencement of any proceeding under this part, or at any time thereafter and up to the time the respondent becomes subject to supervision under the authority contained in section 242(d) of the Act, the respondent may be arrested and taken into custody under the authority of a warrant of arrest. However, such warrant may be issued by no one other than a district director, acting district director, or deputy district director, and then only whenever, in his discretion, it appears that the arrest of the respondent is necessary or desirable. If, after the issuance of a warrant of arrest, a determination is made not to serve it, any district director, acting district director, or deputy district director who

issued the warrant of arrest may authorize its cancellation.

(b) *Authorized officer.* A district director, acting district director, or deputy district director may exercise the authority contained in section 242 of the Act to continue or detain an alien in, or release him from, custody, to determine whether an alien shall be released under bond, and the amount thereof, if any, and shall promptly notify the alien in writing of any determination made in his case. The alien may appeal to the Board of Immigration Appeals from any such determination. Such appeal shall be taken by filing a notice of appeal with the district director within 5 days after the date when written notification of the determination is delivered in person or mailed to the alien. Upon the filing of such a notice of appeal, the district director shall immediately transmit to the Board of Immigration Appeals all records and information pertaining to his action and shall notify the regional commissioner. The filing of such an appeal shall not operate to disturb the custody of the alien or to stay the administrative proceedings or deportation. The foregoing provisions concerning notice, reporting, and appeal shall not apply when the Service notifies the alien that it is ready to execute the order of deportation and takes him into custody for that purpose.

(c) *Revocation.* When an alien who having been arrested and taken into custody has been released, such release may be revoked at any time in the discretion of the district director, acting district director, or deputy district director, in which event the alien may be taken into physical custody and detained. If detained, unless a breach has occurred, any outstanding bond shall be revoked and cancelled.

(d) *Supervision.* Until an alien against whom a final order of deportation has been outstanding for more than six months is deported, he shall be subject to supervision by a district director, acting district director, or deputy district director, and required to comply with the provisions of section 242(d) of the Act relating to his availability for deportation.

3. Section 242.4 is amended to read as follows:

##### § 242.4 Fingerprints and photographs.

Every alien 14 years of age or older against whom proceedings are commenced under this part shall be fingerprinted. Any such alien, regardless of his age, shall be photographed if a photograph is required by the district director or officer in charge.

4. Section 242.7 is amended to read as follows:

##### § 242.7 Cancellation of proceedings.

If an order to show cause has been issued, a district director, acting district director, deputy district director, or offi-

cer in charge, may cancel the order to show cause or, prior to the actual commencement of the hearing under a served order to show cause, terminate proceedings thereunder, if in either case he is satisfied that the respondent is actually a national of the United States, or is not deportable under the immigration laws, or is deceased, or is not in the United States. If an order to show cause has been cancelled or proceedings have been terminated pursuant to this section, any outstanding warrant of arrest shall also be cancelled.

5. Paragraph (b) of § 242.9 is amended to read as follows:

##### § 242.9 Trial attorney.

(b) *Assignment.* The district director or officer in charge shall assign a trial attorney to every case within the provisions of § 242.16(c). In his discretion, or at the request of the special inquiry officer, the district director or officer in charge may assign a trial attorney to any other case at any stage of the proceedings.

6. Section 242.13 is amended to read as follows:

##### § 242.13 Postponement and adjournment of hearing.

Prior to the commencement of a hearing, the district director or officer in charge may grant a reasonable postponement for good cause shown, at his own instance upon notice to the respondent, or upon request of the respondent. After the commencement of the hearing, the special inquiry officer may grant a reasonable adjournment either at his own instance or, for good cause shown, upon application by the respondent or the trial attorney. A continuance of the hearing for the purpose of allowing the respondent to obtain representation shall not be granted more than once unless sufficient cause for the granting of more time is shown.

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

Dated: June 26, 1963.

RAYMOND F. FARRELL,  
Commissioner of

Immigration and Naturalization.

[F.R. Doc. 63-6904; Filed, June 28, 1963; 8:59 a.m.]

## POST OFFICE DEPARTMENT

### [ 39 CFR Part 22 ]

#### SECOND CLASS MAILING PRIVILEGES

##### Proposed Ownership, Management, and Circulation Statement

##### Correction

In F.R. Doc. 63-6644, appearing at page 6512 of the issue for Tuesday, June 25, 1963, the following form should appear after § 22.6(b) (4) (v):



STATEMENT OF OWNERSHIP, MANAGEMENT AND CIRCULATION  
(Act of October 23, 1962; Section 4369, Title 39, United States Code)Publisher: File two copies  
of this form with your post-  
master.

|                                                                                              |                         |                       |
|----------------------------------------------------------------------------------------------|-------------------------|-----------------------|
| 1. Date of Filing                                                                            | 2. Title of Publication | 3. Frequency of Issue |
| 4. Location of known office of publication (Street, city, county, state)                     |                         |                       |
| 5. Location of the headquarters or general business offices of the publishers (Not printers) |                         |                       |
| 6. Names and addresses of publisher, editor, and managing editor                             |                         |                       |
| Publisher (Name and address)                                                                 |                         |                       |
| Editor (Name and address)                                                                    |                         |                       |
| Managing Editor (Name and address)                                                           |                         |                       |

7. Owner (If owned by a corporation, its name and address must be stated and also immediately thereunder the names and addresses of stockholders owning or holding 1 percent or more of total amount of stock. If not owned by a corporation, the names and addresses of the individual owners must be given. If owned by a partnership or other unincorporated firm, its name and address, as well as that of each individual, must be given.)

| Name | Address |
|------|---------|
|      |         |
|      |         |
|      |         |
|      |         |

8. Known bondholders, mortgagees, and other security holders owning or holding 1 percent or more of total amount of bonds, mortgages or other securities (If there are none, so state.)

| Name | Address |
|------|---------|
|      |         |
|      |         |
|      |         |
|      |         |

9. Paragraphs 7 and 8 include, in cases where the stockholder or security holder appears upon the books of the company as trustee or in any other fiduciary relation, the name of the person or corporation for whom such trustee is acting; also the statements in the two paragraphs show the affiant's full knowledge and belief as to the circumstances and conditions under which stockholders and security holders who do not appear upon the books of the company as trustees, hold stock and securities in a capacity other than that of a bona fide owner. Names and addresses of individuals who are stockholders of a corporation which itself is a stockholder or holder of bonds, mortgages or other securities of the publishing corporation have been included in paragraphs 7 and 8 when the interests of such individuals are equivalent to 1 percent or more of the total amount of the stock or securities of the publishing corporation.

10. This item must be completed for all publications except those which do not carry advertising other than the publisher's own and which are named in sections 132.231, 132.232, and 132.233, Postal Manual (Sections 4355a, 4355b, and 4356 of Title 39, United States Code).

| Item                                                                                | Av. no. copies each issue during preceding 12 mo.                                                                                        | Single issue nearest to filing date |
|-------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|
| Total no. copies printed (Press run)                                                |                                                                                                                                          |                                     |
| Paid circulation                                                                    | 1. To term subscribers by mail, carrier delivery, or by other means.<br>2. Single copy sales through agents, news dealers, or otherwise. |                                     |
| Free distribution (including samples) by mail, carrier delivery, or by other means. |                                                                                                                                          |                                     |
| Total no. of copies distributed to readers by mail or otherwise.                    |                                                                                                                                          |                                     |

I certify that the statements made by me (Signature of editor, publisher, or owner) above are correct and complete.

## EXCERPT FROM POSTAL MANUAL—Section 132.624

Postmasters shall:

- Furnish publishers copies of Form 3526 at least 10 days prior to October 1.
- Examine each statement filed in duplicate to see that it contains all of the information required by law.
- Return incomplete or incorrect statements to the publishers and obtain from them complete and correct statements.
- Arrange the original copies alphabetically by titles and forward them to the Bureau of Operations, Classification and Special Services Division, Washington, D.C. 20260. Retain the duplicate copies in the files of the post office.
- Obtain a copy of the issue of each publication in which the required sworn statement is published, and verify the correctness of the published statement. File the copy. DO NOT forward it to the Department. Promptly report to the Bureau of Operations, Classification and Special Services Division, any instance where a publisher fails to file or publish a statement.

POD Form 3526, June 1963

## DEPARTMENT OF AGRICULTURE

## Agricultural Marketing Service

[ 7 CFR Part 990 ]

[Docket No. AO 332-A 1]

CENTRAL CALIFORNIA GRAPES  
FOR CRUSHINGNotice of Recommended Decision and  
Opportunity To File Written Exceptions  
With Respect to Proposed  
Amendment of Marketing Agree-  
ment and Order

## Correction

In F.R. Doc. 63-6790, appearing at page 6646 of the issue for Thursday, June 27, 1963, the following corrections are made in the preamble:

1. In the second paragraph, the phrase reading "not later than the close of business on the day after publication of this recommended decision in the FEDERAL REGISTER." should read "not later than the close of business on the 29th day after publication of this recommended decision in the FEDERAL REGISTER."

2. In the 32d paragraph (which appears in the center column of page 6647 as the fourth paragraph of item (3) of *Findings and conclusions*) the word "enhancement" should read "enhancement".

3. In the 61st paragraph (which appears in the center column of page 6649 as the first paragraph of item (9) of *Findings and conclusions*) the section heading reading "\$ 990.59 Optional producer division" should read "\$ 990.59 Optional producer diversion".

## DEPARTMENT OF COMMERCE

## Great Lakes Pilotage Administration

[ 46 CFR Part 401 ]

RATES AND CHARGES ON  
DESIGNATED WATERS

## Notice of Proposed Rule Making

Notice is hereby given that the Great Lakes Pilotage Administration, in conjunction with the Department of Transport of Canada, has determined that the number of pilots performing services in District No. 2 of the Great Lakes is insufficient to provide adequately for an effective and efficient pilotage service. The numbers, sizes, and transit speeds of the vessels concerned are such that the hours of service on individual vessels and the average time of service per day per individual pilot is excessive and beyond safe limits.

It has been determined by the Great Lakes Pilotage Administration and the Department of Transport of Canada that the present staff of pilots available for service must be augmented, service time on board reduced, and dispatching facilities improved to provide for a more efficient and effective pilotage service.

Accordingly, with due consideration for the reasonable cost and expense of providing and maintaining such personnel and facilities for the efficient per-



formance of pilotage services pursuant to the provisions of the Great Lakes Pilotage Act of 1960 (46 U.S.C. 216), the following amendments to § 401.400(a) (2) of the Great Lakes Pilotage Regulations are proposed to be made effective August 1, 1963.

Interested persons may submit in writing such data, views, or arguments as they may desire to the Administrator, Great Lakes Pilotage Administration, U.S. Department of Commerce, Washington 25, D.C., within fifteen (15) days of the date of this notice.

Any person duly and properly concerned who desires to present oral testimony may request in writing within fifteen (15) days of the date of this notice an opportunity for a hearing. Such request shall set forth the grounds for the petition and the nature of testimony to be presented.

In Subpart D—Rates, Charges and Conditions for Pilotage Services, § 401.400(a) is amended to read as follows:

**§ 401.400 Rates and charges on designated waters.**

(a) The following rates and charges shall be payable for all services performed by United States or Canadian registered pilots in the following areas of the United States waters of the Great Lakes described in § 401.300, pursuant to the written arrangements between United States and Canada of May 1, 1961:

- |                                                                                                                                                                                                                                                                                                                                            |           |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| (1) <i>District No. 1.</i> (i) Snell Lock to Cape Vincent.....                                                                                                                                                                                                                                                                             | \$200     |
| (ii) Trips commencing or terminating at any intermediate point within the District, an amount computed on a pro-rata basis set forth in (1) according to the distance piloted shall be charged as pilotage dues with a minimum charge therefor of.....                                                                                     | 50        |
| (2) <i>District No. 2.</i> (i) The Welland Canal.....                                                                                                                                                                                                                                                                                      | 200       |
| (ii) Trips commencing or terminating at any intermediate point within the Welland Canal an amount computed on the basis of \$5 for each mile of distance piloted plus \$15 for each lock transited except that the minimum charge for such part pilotage shall be..... and the maximum charge for such part pilotage shall not exceed..... | 50<br>200 |
| (iii) Southeast Shoal (pilots board at the Welland Canal) to Lake Huron Lightship (includes direct transit of undesignated Lake Erie waters).....                                                                                                                                                                                          | 150       |
| (iv) Southeast Shoal (pilots board at the Welland Canal) to any point on Lake Erie west of Southeast Shoal (includes direct transit of undesignated Lake Erie waters).....                                                                                                                                                                 | 95        |
| (v) Southeast Shoal (pilots board at the Welland Canal) to any point on the Detroit River (includes direct transit of undesignated Lake Erie waters).....                                                                                                                                                                                  | 95        |
| (vi) Any point on Lake Erie west of Southeast Shoal to any point on the St. Clair River or to Lake Huron Lightship.....                                                                                                                                                                                                                    | 150       |

- |                                                                                                                                                                                                                |      |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| (2) <i>District No. 2—Continued</i>                                                                                                                                                                            |      |
| (vii) Any point on Lake Erie west of Southeast Shoal to any point on the Detroit River.....                                                                                                                    | \$95 |
| (viii) Any point on the Detroit River to any point on the St. Clair River or to Lake Huron Lightship.....                                                                                                      | 95   |
| (ix) Any point on the Detroit River or the St. Clair River to any point on the same river, or from any point on Lake Erie west of Southeast Shoal to any other point on Lake Erie west of Southeast Shoal..... | 50   |
| (3) <i>District No. 3.</i> (i) Detour Reef Light to Gros Cap Reefs Light.....                                                                                                                                  | 200  |
| (ii) Detour Reef Light to Sault Ste. Marie, Mich. or Sault Ste. Marie, Ontario.....                                                                                                                            | 165  |
| (iii) Detour Reef Light to Algoma Steel Corp. Wharf at Sault Ste. Marie, Ontario.....                                                                                                                          | 200  |
| (iv) Sault Ste. Marie, Mich. or Sault Ste. Marie, Ontario including the Algoma Steel Corp. Wharf to Gros Cap Reefs Light.....                                                                                  | 75   |
| (v) Harbor movement of vessels within District No. 3, per movement.....                                                                                                                                        | 50   |

Dated: June 20, 1963.

A. T. MESCHTER,  
Administrator.

[F.R. Doc. 63-6859; Filed, June 28, 1963; 8:47 a.m.]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

#### [ 21 CFR Part 8 ]

#### COLOR ADDITIVES

#### Caramel; Notice of Proposal To List for Drug Use and Exempt From Certification

Notice is given that the Commissioner of Food and Drugs, on his own initiative, and pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706 (b) (1), (d), (f), 74 Stat. 399, 402; 21 U.S.C.A. 376 (b) (1), (d), (f)), and under the authority delegated to him by the Secretary of Health, Education, and Welfare, proposes the listing and exemption from certification of the color additive caramel for use in coloring drugs. All interested persons are hereby invited to present written views, comments, or objections regarding this proposal within 30 days from the date of publication of this notice in the FEDERAL REGISTER. Such comments should be submitted, preferably in quintuplicate, to the Hearing Clerk, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington 25, D.C.

It is proposed to amend Subpart F, Part 8, by adding thereto the following new section:

#### § 8.6002 Caramel.

(a) *Identity and specifications.* (1) The color additive caramel shall conform in identity and specifications to the

requirements of § 8.303 (a) (1), (2), and (3) and (b).

(2) The diluents in color additive mixtures for drug use containing caramel shall be limited to those listed in this subpart F as safe and suitable in color additive mixtures for coloring drugs.

(b) *Uses and restrictions.* Caramel may be used for coloring ingested and topically applied drugs generally in amounts consistent with good manufacturing practice.

(c) *Exemption from certification.* Certification of this color additive is not necessary for the protection of the public health and therefore batches thereof are exempt from the certification requirement of section 706(c) of the act.

Dated: June 25, 1963.

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

[F.R. Doc. 63-6869; Filed, June 28, 1963; 8:49 a.m.]

#### [ 21 CFR Part 20 ]

#### ICE CREAM

#### Proposal To Amend Identity Standard To Permit Use of Fructose N.F. as an Optional Ingredient

Notice is given that Dawe's Laboratories, Inc., 4800 South Richmond Street, Chicago 32, Illinois, has filed a petition proposing that fructose N.F. be listed as an optional sweetening ingredient in the definition and standard of identity for ice cream. This amendment would be effected by adding to the list of optional sweetening ingredients in § 20.1(d) a new subparagraph (13), reading as follows:

#### (13) Fructose N.F.

Because of cross-references, adopting the amendment to § 20.1(d), as herein proposed, would result in this amendment becoming applicable to § 20.2 *Frozen custard* \* \* \* and to § 20.3 *Ice milk* \* \* \*.

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625), all interested persons are invited to submit their views in writing regarding the proposal published herein. Such views and comments should be submitted, preferably in quintuplicate, to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., within 30 days following the date of publication of this notice in the FEDERAL REGISTER.

Dated: June 25, 1963.

J. K. KIRK,  
Assistant Commissioner  
of Food and Drugs.

[F.R. Doc. 63-6870; Filed, June 28, 1963; 8:49 a.m.]



# Notices

## DEPARTMENT OF DEFENSE

### Office of the Secretary PROCESSING OF CLAIMS

#### Single Service Assignment of Responsibility

The following revision to delegation of authority published at 27 F.R. 5914 was made on June 18, 1963:

**Purpose.** The purpose of this Directive is to assign single Service responsibility for the processing of claims against and in favor of the United States.

**Applicability.** This Directive is effective during peacetime and under war or emergency conditions, subject to the continued applicability of the Foreign Claims Act (10 U.S.C. 2734); Military Claims Act (10 U.S.C. 2733); and Act of August 31, 1954 (68 Stat. 1006; 31 U.S.C. 2241-2-2241-5).

**Assignment of responsibility.** A. Responsibility for the processing of all claims in favor of the United States, or against the United States and cognizable under the Foreign Claims Act (10 U.S.C. 2734); Military Claims Act (10 U.S.C. 2733); and Act of August 31, 1954 (68 Stat. 1006; 31 U.S.C. 2241-2-2241-5), which arise in the following countries is hereby assigned to the military departments designated below:

1. *Department of the Army.* Belgium, Ethiopia, France, The Federal Republic of Germany, Iran, Korea, Republic of Vietnam, and as the Receiving State Office in the United States under Act of August 31, 1954 (68 Stat. 1006; 31 U.S.C. 2241-2-2241-5), and NATO Status of Forces Agreement (4 UST 1796, TIAS 2846).

2. *Department of the Navy.* Australia, Iceland, Italy and Portugal.

3. *Department of the Air Force.* Canada, Denmark, Greece, Japan, Libya, Luxembourg, Netherlands, Norway, Pakistan, Saudi Arabia, Spain, Turkey, and the United Kingdom.

B. Notwithstanding the provisions of A., above, the Department of the Navy is hereby authorized to settle nonscope of duty claims under \$200 arising in foreign ports visited by U.S. forces afloat, and may, subject to the concurrence of the authorities of the receiving State concerned, process such claims without regard to Article VIII, paragraph 6, of NATO Status of Forces Agreement (4 UST 1792, TIAS 2846).

Delegation of authority published at 27 F.R. 5914, is superseded.

MAURICE W. ROCHE,  
Administrative Secretary.

[F.R. Doc. 63-6851; Filed, June 28, 1963; 8:45 a.m.]

## DEPARTMENT OF JUSTICE

### Office of Alien Property MELITTA LINDNER

#### Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses and also subject to the provisions of Treasury Circular No. 655, as amended, 31 CFR 211.3 and of Executive Order No. 8389, as amended, 5 F.R. 1400, 6 F.R. 2897.

#### Claimant, Claim No., Property, and Location

Mrs. Melitta Lindner, Strandweg 43, Ostseebad Boltenhagen, Mecklenburg, East Germany; Claim No. 44855, Vesting Orders Nos. 835 and 18154; \$28,019.97 in the Treasury of the United States.

Executed at Washington, D.C., on June 21, 1963.

For the Attorney General.

[SEAL] PAUL V. MYRON,  
Deputy Director,  
Office of Alien Property.

[F.R. Doc. 63-6849; Filed, June 28, 1963; 8:45 a.m.]

### MARGITA HRUSKO ET AL.

#### Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses, and also subject to the provisions of Treasury Circular No. 655, as amended, 31 C.F.R. 211.3, and of Executive Order No. 8389, as amended, 5 F.R. 1400, 6 F.R. 2897:

#### Claimant, Claim No., Property, and Location

Margita Hrusko, nee Greskovich, pp. Zborov, c.d. 83, Okr Bardejov, Czechoslovakia; Claim No. 36309, Custody Acct. 17-100449; \$250.00 in the Treasury of the United States. Pavol Mancak, Zborov, c.p. 255, Okr Bardejov, Czechoslovakia; Claim No. 36310, Custody Acct. 17-100450; \$250.00 in the Treasury of the United States.

Anna Kozak, Zborov, Cd. 310, Okr Bardejov, Czechoslovakia; Claim No. 36311, Custody Acct. 17-100451; \$1,185.49 in the Treasury of the United States.

Dated at Washington, D.C., June 24, 1963.

For the Attorney General.

[SEAL] PAUL V. MYRON,  
Deputy Director,  
Office of Alien Property.

[F.R. Doc. 63-6580; Filed, June 28, 1963; 8:45 a.m.]

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[Classification No. 606]

### CALIFORNIA

#### Small Tract Opening; Providing for Public Sale Followed by Continuing Sale of Unsold Tracts

1. Effective immediately, Classification Order No. 606, F.R. Doc. 60-11588, appearing on page 12847 of the issue for December 14, 1960, is opened to provide for public sale of the following described lands, followed by continuing sale of unsold tracts:

#### MOUNT DIABLO MERIDIAN

T. 45 N., R. 7 W.

Sec. 11: Lots 15-18, 20-31, 33-43, 45-53, 55, W $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ .

The above numbered lots are portions of areas formerly described as Lot 2; portion of Lot 3, exclusive of patented M.S. 6431, Lots 4 and 5, Lots 8 through 11.

The above described lands aggregate 173.91 acres and are subdivided into 48 tracts of which 27 are covered by applications from persons entitled to preference under 43 CFR 257.5.

2. The subject lands are flat to rolling with some rough topography. They are located in and near the old village of Hawkinsville, some two miles north of Yreka, California. Vegetation consists of grasses and low brush with a few scattered digger pine. A paved road traverses the village and the public lands. Water in the area is scarce.

3. The sale of these tracts will be by aliquot part description or by lot number. The minimum appraisal of each tract is indicated below. The tracts will be subject to all existing rights-of-way of record, and rights-of-way for roads and public utilities in accordance with 43 CFR 257.17(b), will be reserved as described below:



| Lot No.                                                             | Acreage | Right-of-way width and location                                                                        | Appraised value |
|---------------------------------------------------------------------|---------|--------------------------------------------------------------------------------------------------------|-----------------|
| 15                                                                  | 2.17    | 30 feet along west line                                                                                | \$150           |
| *16                                                                 | 4.60    | 30 feet along south line                                                                               | 300             |
| *17                                                                 | 5.27    | 30 feet along south line                                                                               | 375             |
| *18                                                                 | 5.27    | 30 feet along south line                                                                               | 375             |
| 20                                                                  | 5.23    | 30 feet along north line                                                                               | 225             |
| 21                                                                  | 1.68    | None                                                                                                   | 75              |
| *22                                                                 | 5.27    | 30 feet along north line                                                                               | 375             |
| *23                                                                 | 5.27    | 30 feet along north line                                                                               | 300             |
| 24                                                                  | 5.07    | 30 feet along south line                                                                               | 110             |
| 25                                                                  | 4.64    | 30 feet along south line                                                                               | 150             |
| *26                                                                 | 3.68    | 30 feet along south line                                                                               | 160             |
| 27                                                                  | 2.23    | 30 feet along west line                                                                                | 260             |
| *28                                                                 | 4.69    | 30 feet along west and southwest lines                                                                 | 450             |
| *29                                                                 | 5.24    | 30 feet along north and east lines                                                                     | 300             |
| *30                                                                 | 5.13    | None                                                                                                   | 410             |
| 31                                                                  | 4.69    | 30 feet along north line                                                                               | 110             |
| 33                                                                  | 6.39    | 30 feet along south line                                                                               | 185             |
| 34                                                                  | 3.42    | 30 feet along south and west lines                                                                     | 300             |
|                                                                     |         | 30 feet along north line common to SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ |                 |
| *35                                                                 | 3.86    | 30 feet along north line                                                                               | 525             |
| *36                                                                 | 5.66    | 30 feet along north line                                                                               | 185             |
| 37                                                                  | 4.33    | 30 feet along northwest and north lines                                                                | 225             |
| *38                                                                 | 4.22    | 30 feet along southeast line                                                                           | 185             |
| *39                                                                 | 2.51    | 30 feet along southeast line                                                                           | 485             |
| *40                                                                 | 0.28    | None                                                                                                   | 150             |
| *41                                                                 | 1.54    | None                                                                                                   | 485             |
| *42                                                                 | 1.04    | None                                                                                                   | 375             |
| *43                                                                 | 2.64    | 60 feet along north west line                                                                          | 750             |
| 45                                                                  | 0.90    | None                                                                                                   | 450             |
| 46                                                                  | 1.34    | None                                                                                                   | 525             |
| *47                                                                 | 2.13    | None                                                                                                   | 485             |
| *48                                                                 | 1.32    | None                                                                                                   | 410             |
| 49                                                                  | 1.44    | None                                                                                                   | 750             |
| *50                                                                 | 2.40    | None                                                                                                   | 750             |
| *51                                                                 | 0.95    | 12 feet along north west boundary common to Lot 52                                                     | 485             |
| *52                                                                 | 0.79    | 12 feet along southeast boundary                                                                       | 450             |
| *53                                                                 | 0.88    | None                                                                                                   | 300             |
| *55                                                                 | 0.74    | None                                                                                                   | 410             |
| *S $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ | 5.0     | 30 feet along north and east lines                                                                     | 375             |
| W $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$  | 5.0     | 30 feet along west and south lines                                                                     | 185             |
| *N $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ | 5.0     | 30 feet along north and west lines                                                                     | 185             |
| SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ | 5.0     | 30 feet along west and south lines                                                                     | 220             |
| NW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ |         |                                                                                                        |                 |
| N $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$  | 5.0     | 30 feet along east line                                                                                | 110             |
| S $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$  | 5.0     | 30 feet along east and south lines                                                                     | 110             |
| N $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$  | 5.0     | 30 feet along north and east lines                                                                     | 110             |
| S $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$  | 5.0     | 30 feet along east line                                                                                | 110             |
| N $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$  | 5.0     | 30 feet along east line                                                                                | 100             |
| S $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$  | 5.0     | 30 feet along south and east lines                                                                     | 100             |
| *E $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ | 5.0     | None                                                                                                   | 300             |

\*Covered by applications from persons entitled to preference under CFR 257.5.

4. The statutory preference applicants of tracts will be offered the designated tracts by direct sale at the appraised value. Tracts not covered by applications and those tracts which are not taken by statutory preference applicants, will be integrated into the weekly Small Tract Auction schedule by the Manager, Land Office, Sacramento, California, for offering at Public Sale.

5. Persons who have previously acquired a tract under the Small Tract Act are not qualified to secure a tract opened under this order unless they can make a showing satisfactory to the Bureau of Land Management that the acquisition of another tract is warranted in the circumstances.

6. All inquiries concerning these lands should be addressed to the Manager, Land Office, Bureau of Land Management, U.S. Courthouse and Federal Building, 650 Capitol Avenue, Sacramento 14, California.

JOHN G. TKACH,  
District Manager Redding District Office, Redding, California.

[F.R. Doc. 63-6820; Filed, June 28, 1963; 8:45 a.m.]

[Group 386]

## ARIZONA

### Notice of Filing of Plats of Survey

JUNE 25, 1963.

1. Plats of survey of the lands described below will be officially filed in the

Land Office, Phoenix, Arizona, effective at 10 a.m. July 31, 1963:

#### GILA AND SALT RIVER MERIDIAN

##### T. 5 N., R. 6 E.,

Sec. 1, Lots 1, 2, 3, 4, S  $\frac{1}{2}$  N  $\frac{1}{2}$ , S  $\frac{1}{2}$ ;

Sec. 2, Lots 1, 2, 3, 4, S  $\frac{1}{2}$  N  $\frac{1}{2}$ , S  $\frac{1}{2}$ ;

Sec. 3, Lots 1, 2, 3, 4, S  $\frac{1}{2}$  N  $\frac{1}{2}$ , S  $\frac{1}{2}$ ;

Sec. 4, Lots 1, 2, 3, 4, S  $\frac{1}{2}$  N  $\frac{1}{2}$ , S  $\frac{1}{2}$ ;

Sec. 5, Lots 1, 2, 3, 4, S  $\frac{1}{2}$  N  $\frac{1}{2}$ , S  $\frac{1}{2}$ ;

Sec. 8;

Sec. 9;

Sec. 10;

Sec. 11;

Sec. 12;

Sec. 13;

Sec. 14;

Sec. 15;

Sec. 16;

Sec. 17;

Sec. 20;

Sec. 21;

Sec. 22;

Sec. 23;

Sec. 24;

Sec. 25;

Sec. 26;

Sec. 27;

Sec. 28;

Sec. 29;

Sec. 36;

##### T. 10 S., R. 15 E.,

Sec. 1, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, E  $\frac{1}{2}$  NE  $\frac{1}{4}$ ,

SW  $\frac{1}{4}$  SW  $\frac{1}{2}$ , SE  $\frac{1}{4}$ ;

Sec. 2, Lot 1, NW  $\frac{1}{4}$  NE  $\frac{1}{4}$ , S  $\frac{1}{2}$  NE  $\frac{1}{4}$ , NW  $\frac{1}{4}$ ,

and S  $\frac{1}{2}$ .

The areas described aggregate 17,740.49 acres.

2. The lands described in T. 5 N., R. 6 E., are generally flat to gently rolling. The soil is sandy and gravelly clay loam. The topography of the lands described in T. 10 S., R. 15 E., are rolling to moun-

tainous with numerous washes, and the soil is rocky and gravelly.

3. All of the above described lands in T. 5 N., R. 6 E., are embraced in the Tonto National Forest by Proclamation 1672 of August 14, 1923. All of the above lands described in T. 10 S., R. 15 E., are embraced in the Coronado National Forest by Executive Order 908 of July 2, 1908.

In view of the above, the lands described will not be subject to disposition under the General Public Land Laws by reason of the official filing of the plats.

ROY T. HELMANDOLLAR,  
Manager.

[F.R. Doc. 63-6860; Filed, June 28, 1963; 8:47 a.m.]

## Office of the Secretary DIRECTOR OF GEOLOGICAL SURVEY Delegation of Authority Regarding Interstate and Foreign Commerce in Petroleum and Its Products

This delegation supersedes Secretary's Order 2828, February 14, 1958, and is effective as of 8 a.m., c.s.t., July 1, 1963.

The following material is a portion of the Departmental Manual and the numbering system is that of the Manual.

### PART 220—GEOLOGICAL SURVEY

#### CHAPTER 1—CONNALLY ACT ENFORCEMENT

220.1.1 *Delegation of authority.* The Director, Geological Survey, is empowered to exercise the authority conferred upon the Secretary by the President under Executive Order 10752 for the execution of all of the powers and functions vested in the President by the Act of February 22, 1935, 49 Stat. 30, entitled "An Act to regulate interstate and foreign commerce in petroleum and its products by prohibiting the shipment in such commerce of petroleum and its products in violation of State law, and for other purposes," as amended (15 U.S.C. 715 et seq.), except those vested in the President by section 4 of the Act (15 U.S.C. 715c)

STEWART L. UDALL,  
Secretary of the Interior.

JUNE 10, 1963.

[F.R. Doc. 63-6884; Filed, June 28, 1963; 8:54 a.m.]

## DEPARTMENT OF AGRICULTURE

### Commodity Credit Corporation

#### BLANKET INSURANCE POLICY COVERING OBLIGATIONS OF ALL WAREHOUSEMEN STORING GRAIN UNDER UNIFORM GRAIN STORAGE AGREEMENT

##### Notice of Purchase

Notice is hereby given that Commodity Credit Corporation has purchased from Farmers Elevator Mutual Insurance Company, Des Moines, Iowa, a blanket insurance policy covering obligations of all warehousemen storing grain under its Uniform Grain Storage Agreement. The



insurance policy is effective as of Noon, July 1, 1963, e.s.t., and will protect CCC against losses up to \$2 million at each warehouse facility, with a maximum aggregate liability to the insurance company of \$50 million. Warehousemen covered by the blanket policy will not be required to furnish individual bonds in favor of CCC covering obligations under the Uniform Grain Storage Agreement except bonds which are required to make up deficiencies in warehousemen's financial condition. The insurance policy does not affect bonds issued pursuant to the U.S. Warehouse Act or State statutes.

All warehousemen that have entered into a Uniform Grain Storage Agreement with CCC must execute an amendment to such Agreement in connection with the blanket insurance policy.

When the required amendment has been signed by a warehouseman, CCC will promptly send a notice to the surety on the bond (CCC Form 33) consenting to termination of the bond or a reduction in the amount of the bond, whichever the case may be, effective as of Noon, July 1, 1963, e.s.t. If the bond is terminated, the liability of the surety shall terminate as of the date of termination except as to claims arising under such bond, whether presented or not, before the termination date.

Effective date: July 1, 1963.

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

R. P. BEACH,  
Acting Executive Vice President,  
Commodity Credit Corporation.

[F.R. Doc. 63-6967; Filed, June 28, 1963;  
9:32 a.m.]

## ATOMIC ENERGY COMMISSION

[Docket No. 50-185]

### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

#### Notice of Proposed Issuance of Facility License

Notice is hereby given that unless within thirty days after publication of this notice in the FEDERAL REGISTER a request for a hearing is filed with the Atomic Energy Commission by applicant or a petition for leave to intervene is filed by any person whose interest may be affected as provided by the Commission's rules of practice (Title 10, CFR, Chapter I, Part 2), the Commission proposes to issue to National Aeronautics and Space Administration (NASA), Washington 25, D.C., a facility license, substantially as set forth below, authorizing operation of a low power, highly enriched fuel, water-cooled and -moderated, beryllium-water reflector nuclear reactor designated as the Mock-Up Reactor (MUR) at the Plum Brook Ordnance Works, Sandusky, Ohio. Petitions for leave to intervene shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland, or the AEC's Public Docu-

ment Room, 1717 H Street NW., Washington, D.C.

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

Prior to issuance of the license the facility will be inspected by representatives of the Commission to determine whether it has been constructed in accordance with the provisions of Construction Permit No. CPRR-62.

For further details see (1) a hazards analysis prepared by the Division of Licensing and Regulation and (2) the following documents:

- A. March 15, 1961—Letter application from NASA for license to construct and operate a Mock-Up Reactor, with preliminary hazards summary report.
- B. March 27, 1961—Letter from Division of Licensing and Regulation to NASA requesting further technical information.
- C. April 7, 1961—Letter from NASA submitting Amendment No. 1 to the Application, and Amendment No. 1.
- D. June 7, 1961—NASA letter transmitting Amendment No. 2 of Application, and attached Amendment No. 2.
- E. June 14, 1961—Notice of Proposed Issuance of Construction Permit for Mock-Up Reactor (published in FEDERAL REGISTER June 20, 1961, 26 F.R. 5475) and Hazards Analysis by Division of Licensing and Regulation.
- F. June 14, 1961—Letters to various State and local officials from Division of Licensing and Regulation informing them of proposed issuance of Construction Permit.
- G. August 1, 1961—Construction Permit for No. CPRR-62 MUR.
- H. August 1, 1961—Notice of Issuance of Construction Permit.
- I. August 1, 1961—Letters to State and local officials from Division of Licensing and Regulation on Issuance of Construction Permit for Mock-Up Reactor.
- J. April 19, 1962—Letter application from NASA requesting 18 months license to receive, possess and use neutron sources and flux measuring devices, with attachments.
- K. May 29, 1962—NASA letter requesting extension of time for completion of construction of the MUR to July 31, 1963.
- L. June 19, 1962—Order issued by Division of Licensing and Regulation extending latest completion date for the MUR to July 31, 1963, and Notice filed with Office of Federal Register.
- M. December 11, 1962—Letter application from NASA requesting issuance of operating license for MUR and transmitting Final Hazards Summary and proposed Technical Specifications.
- N. January 23, 1963—NASA letter transmitting Amendment No. 3 to Application for Construction Permit, and Amendment.

O. January 31, 1963—NASA letter confirming verbal request that initial fuel loading for MUR consist of fuel elements used during low power testing of PBR.

P. February 6, 1963—ACRS Report on NASA Mock-Up Reactor (MUR).

Q. May 16, 1963—NASA letter transmitting Amendment No. 4 to Application for Construction Permit, and Amendment.

R. June 7, 1963—NASA letter transmitting revision to the Technical Specifications for the Mock-Up Reactor, and Amendment.

All of these documents are on file at the AEC's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (1) above may be obtained at the AEC's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Bethesda, Md., this 28th day of June 1963.

For the Atomic Energy Commission.

SAUL LEVINE,  
Chief, Test and Power Reactor  
Safety Branch, Division of  
Licensing and Regulation.

#### PROPOSED FACILITY LICENSE

1. This license applies to the heterogeneous light water-cooled and moderated research reactor (known as the Mock-Up Reactor and hereinafter referred to as the "reactor") owned by the National Aeronautics and Space Administration (hereinafter referred to as "NASA"), an independent agency of the United States Government. The reactor is located in Canal H of the NASA Plum Brook Reactor Facility (hereinafter referred to as the "facility") near Sandusky, Ohio, on a site identified in the application.

2. Pursuant to the Atomic Energy Act of 1954, as amended (hereinafter referred to as "the Act") and having considered the record in this matter, the Atomic Energy Commission (hereinafter referred to as "the Commission") finds that:

- A. The reactor has been constructed in conformity with Construction Permit No. CPRR-62 and will operate in conformity with the application and in conformity with the Act and the rules and regulations of the Commission;
  - B. There is reasonable assurance that the reactor can be operated at the designated location without endangering the health and safety of the public;
  - C. NASA is technically and financially qualified to operate the reactor, to assume financial responsibility for payment of Commission charges for special nuclear material and to undertake and carry out the proposed activities in accordance with the Commission's regulations;
  - D. The possession and operation of the reactor and the receipt, possession and use of the special nuclear material in the manner proposed in the application will not be inimical to the common defense and security or to the health and safety of the public; and
  - E. NASA is a Federal Agency and need not furnish proof of financial protection as would otherwise be required by subsection 170a of the Act.
3. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses NASA:



- a. To possess and use the reactor as a utilization facility, pursuant to Section 104 (c) of the Atomic Energy Act of 1954, as amended, and Title 10, CFR, Chapter 1, Part 50, "Licensing of Production and Utilization Facilities."
- b. To receive, possess, use, and transfer up to 12.0 kilograms of contained Uranium 235 as fuel for the operation of the reactor, and up to 1.0 kilograms of Uranium 235 as flux measuring devices such as fission chambers, foils and wires and in fueled experiment mock-ups pursuant to the Act and Title 10, CFR, Chapter 1, Part 70, "Special Nuclear Material."
- c. To receive, possess and use up to 460 grams of Plutonium encapsulated in Plutonium-Beryllium neutron sources as a start-up and calibration sources pursuant to the Act and Title 10, CFR, Chapter 1, Part 20, "Special Nuclear Material."
- d. To possess, but not to separate, such by-product material as may be produced by the operation of the reactor, pursuant to the Act and Title 10, CFR, Chapter 1, Part 30, "Licensing of Byproduct Material."

4. This license shall be deemed to contain and be subject to the conditions specified in Sections 50.54, 50.59, 70.32 and 30.32 of Parts 50, 70 and 30 cited above, and is subject to all applicable provisions of the Act and rules, regulations and orders of the Commission now or hereinafter in effect, and is subject to the additional conditions specified below:

a. *Technical Specifications:* The Technical Specifications attached as Appendix "A" of this license are hereby incorporated in this license. NASA shall operate the facility in accordance with the Technical Specifications. No changes shall be made in the Technical Specifications unless authorized by the Commission pursuant to Section 50.59 of Part 50.

b. *Records:* In addition to those otherwise required under applicable regulations, NASA shall keep the following records:

(1) Reactor operating records, including records of power levels for all operations above 100 watts and periods of operation at each power level.

(2) Records showing the radioactivity released or discharged into the air or water beyond the effective control of NASA as measured at or prior to the point of such release or discharge.

(3) Records of emergency shutdowns and inadvertent scrams, including reasons therefor.

(4) Records of safety system components tests and measurements performed pursuant to the requirements of the Technical Specifications.

(5) Records of maintenance operations involving substitution or replacement of reactor equipment or components.

(6) Records of changes made in the systems listed in the Technical Specifications and the reasons therefor.

(7) Records of experiments installed in the reactor including description, location, exposure time, total irradiation and any unusual events involved in the handling or operation.

c. *Reports:* In addition to reports otherwise required under this license and applicable regulations.

(1) NASA shall make an immediate report in writing to the Commission of any indication or occurrence of a possible unsafe condition relating to the operation of the reactor, including, without implied limitation:

(a) Any substantial variance disclosed by operation of the reactor from the performance specification set forth in the technical specifications.

(b) Any accidental release of radioactivity, whether or not resulting in personal injury or exposure above permissible limits or property damage.

(c) Significant changes or new information regarding transient or accident analyses.

(2) NASA shall make a report in writing to the Commission within 60 days after completion of the ascent to full power of the results pertinent to safety of the tests and operations conducted, including a description of changes made in the facility design, performance characteristics and operating procedures.

5. As used in this license, the term "application" means the NASA application for license dated March 15, 1961, as amended and supplemented by filings dated April 7, 1961, June 7, 1961, April 19, 1962, December 11, 1962, January 23, 1963, January 31, 1963, May 16, 1963 and June 7, 1963, and such other amendment to the application as may be made or authorized pursuant to the provisions of this license.

6. This license, as amended, is effective as of the date of issuance and shall expire at midnight, June 30, 1972.

Date of issuance:

For the Atomic Energy Commission.

SAUL LEVINE,  
Chief, Test and Power Reactor  
Safety Branch, Division of Licensing  
and Regulation.

[F.R. Doc. 63-7003; Filed, June 28, 1963;  
11:55 a.m.]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration  
LEVER BROTHERS CO.

### Notice of Filing of Petition Regarding Food Additives Delta-Decalactone and Delta-Dodecalactone

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b) (5), 72 Stat. 1786; 21 U.S.C. 348 (b) (5)), notice is given that a petition (FAP 1147) has been filed by Lever Brothers Company, 390 Park Avenue, New York 22, New York, proposing the issuance of a regulation to provide for the safe use of delta-decalactone and delta-dodecalactone as artificial flavors in margarine.

Dated: June 25, 1963.

J. K. KIRK,  
Assistant Commissioner  
of Food and Drugs.

[F.R. Doc. 63-6871; Filed, June 28, 1963;  
8:50 a.m.]

### Office of Education

### FEDERAL FINANCIAL ASSISTANCE IN CONSTRUCTION OF NONCOMMERCIAL EDUCATIONAL TELEVISION BROADCAST FACILITIES

#### Applications Accepted for Filing

Notice is hereby given that effective with this publication the following described applications for Federal financial assistance in the construction of noncommercial educational television broadcast facilities are accepted for filing in accordance with 45 CFR § 60.7:

Chicago Educational Television Association, 1761 East Museum Drive, Chicago 37, Illinois, File No. 1, for the es-

tablishment of a new noncommercial educational television broadcasting station operating on channel 20, Chicago, Illinois.

Pennsylvania State University, University Park, Pennsylvania, File No. 2, for the establishment of a new noncommercial educational television broadcasting station operating on channel 69, State College, Pennsylvania.

New Jersey Educational Television Corporation, 60 South Fullerton, Montclair, New Jersey, File No. 3, for the establishment of a new noncommercial educational television broadcasting station operating on channel 77, Montclair, New Jersey.

The South Carolina Educational Television Commission, 2712 Millwood Avenue, Columbia 5, South Carolina, File No. 4, for the establishment of a new noncommercial educational broadcasting station operating on channel 7, Charleston, South Carolina.

The South Carolina Educational Television Commission, 2712 Millwood Avenue, Columbia 5, South Carolina, File No. 5, for the establishment of a new noncommercial educational broadcasting station operating on channel 29, Greenville, South Carolina.

Hampton Roads Educational Television Association, 402 East Charlotte Street, Norfolk 10, Virginia, File No. 6, to improve the operation of the noncommercial educational television broadcasting station WHRO-TV operating on channel 15, Hampton-Norfolk, Virginia.

Any interested person may, pursuant to 45 CFR § 60.8, within 30 calendar days from the date of this publication, file comments regarding the above application with the Director, Educational Television Facilities Program, U.S. Office of Education, Washington 25, D.C.

(76 Stat. 64, 47 U.S.C. 390)

CHARLES N. ZELLERS,  
Acting Director, Educational  
Television Facilities Program,  
U.S. Office of Education.

[F.R. Doc. 63-6886; Filed, June 28, 1963;  
8:54 a.m.]

## FEDERAL AVIATION AGENCY

[OE Docket No. 63-CE-7]

### FIRST COLONIAL CORPORATION OF AMERICA

#### Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal for aeronautical comment and has conducted a study (3-OE-2862) to determine its effect upon the safe and efficient utilization of navigable airspace.

The First Colonial Corporation of America proposes to construct an apartment building in Kansas City, Kansas, at latitude 39°06'58" N., longitude 94°-37'05" W., at an elevation of 1,040 feet above mean sea level (220 feet above ground).

The proposed structure would be located approximately 11,875 feet southwest of the Fairfax Municipal Airport ARP and approximately 7,900 feet west/southwest of the Kansas City Municipal



Airport ARP. At the proposed location and height, the structure would exceed the standards for determining hazards to air navigation as described in § 77.25 (a) of the Federal Aviation Regulations by 148 feet and 132 feet as applied to these airports.

The aeronautical study disclosed that the structure would be within the circling approach area for Kansas City Municipal Airport and the height of the structure would require the raising of the circling approach minima from 500 feet to 600 feet for aircraft with stall speeds of 65 knots or less. The procedures affected are AL-213-ADF-1 and AL-213-ILS. However, during the study it was disclosed that there were three existing structures within the circling approach area of such heights as to require a 600-foot circling minima. In accordance with the Agency policy to review deviation from instrument approach criteria, the Agency concluded the deviation was no longer advisable and accordingly raised the minima to 600 feet. This action resolved the question of the effect the proposed structure would have on instrument approach procedures to Kansas City Municipal Airport.

The aeronautical study disclosed that no other aeronautical operations, procedures or minimum flight altitudes would be adversely affected.

Therefore, pursuant to the authority delegated to me by the Administrator (§ 77.37 [New]), it is found that the proposed structure would have no substantial adverse effect upon the safe and efficient utilization of navigable airspace and it is hereby determined that the proposed structure would not be a hazard to air navigation provided that it is obstruction marked and lighted.

This determination is effective and becomes final 30 days after the date of issuance unless an appeal is filed under § 77.39 [New] (27 F.R. 10352). If the appeal is denied the determination will then become final as of the date of the denial or 30 days after the issuance of the determination, whichever is later. Unless otherwise revised or terminated, a final determination hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (§ 77.41 [New]).

Issued in Washington, D.C., on June 21, 1963.

GEORGE R. FORSARI,  
Chief,  
Obstruction Evaluation Branch.

[F.R. Doc. 63-6857; Filed, June 28, 1963;  
8:46 a.m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14650; FCC 63M-741]

### DOMESTIC TELEGRAPH SERVICE

#### Order Fixing Schedule for Opening Statements

The Telegraph and Telephone Committees of the Federal Communications Commission having under consideration:

(a) Their Order for Prehearing Conference and Fixing Certain Procedures, released May 9, 1963 (FCC 63M-542), wherein among other things, the Committees provided for the convening of public hearings to receive opening statements; and

(b) The transcript of the prehearing conference herein held on June 7, 1963, wherein the various participants advised the Committees regarding their estimates of the time they would require to make their respective presentations;

It appearing, that in the course of the conference questions were asked as to whether the opening statements should be made under oath and whether cross-examination of the persons making such statements would be permitted;

It further appearing, that since opening statements are designed primarily to acquaint the Committees with the general background of the matters under inquiry and to afford participants an opportunity to present to the Committees a broad outline of their respective views, and an indication of the matters regarding which they propose to submit detailed data and specific recommendations, it is not necessary that the persons making them be sworn, nor is it appropriate to provide for cross-examination, except that members of the Committees reserve the right to ask such questions and for such clarification as appear to them to be appropriate or necessary during the course of the respective presentations;

It is ordered, This 20th day of June 1963, that a public hearing shall be held beginning at 9:00 a.m., on July 9, 1963, at the offices of the Commission in Washington, D.C., before the full membership of the Committees to receive opening statements;

It is further ordered, That such opening statements shall be presented in the order set forth below and that each of the participants named shall be allowed the time specified:

| Name of participant:                     | Time<br>allowed<br>(hours) |
|------------------------------------------|----------------------------|
| The Western Union Telegraph Company      | 2½                         |
| American Telephone and Telegraph Company | 1½                         |
| American Communications Association      | 1                          |
| Commercial Telegraphers' Union           | 1                          |
| Administrator of General Services        | ½                          |
| Secretary of Defense                     | ½                          |

It is further ordered, That the opening statements need not be submitted or made under oath; that cross-examination will not be permitted by any of the participants, but that the members of the Committees may, from time-to-time, ask such questions in the course of the presentations as appear to be appropriate or necessary.

Released: June 25, 1963.

(By the Telegraph and Telephone Committees.)

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

[F.R. Doc. 63-6891; Filed, June 28, 1963;  
8:57 a.m.]

[Docket No. 14425; FCC 63M-644]

SAUL M. MILLER ET AL.

#### Order Scheduling Prehearing Conference

In re applications of Saul M. Miller, Kutztown, Pennsylvania, Docket No. 14425, File No. BP-13844; Radio Haddonfield, Inc., Haddonfield, New Jersey, Docket No. 14435, File No. BP-14821; Paul W. Stoneburner, tr/as Salem County Radio, Salem, New Jersey, Docket No. 14438, File No. BP-14887; Chandler W. Drummond, and E. Theodore Mallyck d/b as Bi-States Broadcasters, Annville-Cleona, Pennsylvania, Docket No. 14440, File No. BP-14890; for construction permits.

The Hearing Examiner having under consideration the "Joint Petition for Severance of Radio Haddonfield and Salem County Applications" filed on June 10, 1963, requesting that Radio Haddonfield, Inc. and Paul W. Stoneburner, tr/as Salem County Radio, be severed from the remaining two applicants and that a hearing conference for the purpose of determining future proceedings with respect to these two applications be held;

It appearing, that the two aforesaid applicants were among 18 applications designated for hearing by a Commission Order released December 20, 1961, and that at the suggestion of the Broadcast Bureau, nine of the applicants were included for convenience sake in Group I of four groups into which the various applicants were classified; and

It further appearing, that Group I was further subdivided into Groups IA and IB and that the two current applications are mutually exclusive and were consolidated for hearing in Group IA; and

It further appearing, that the presentation of evidence and testimony on the applications in Group IA was completed in November 1962 but that further action on such evidence and testimony has been prevented by the fact that Group IB has not completed presentation of its evidence and testimony due to the fact that the issues were enlarged against one such latter grouped applicant, and the further fact that several interlocutory pleadings are pending before the Review Board involving Group IB at the present time; and

It further appearing, that the time for filing objections or exceptions to the above-entitled joint petition has expired without any such objection or exception having been filed by any party in interest; and

It further appearing, that a grant of the requested motion would make possible an early decision in this matter, and, therefore, that good cause has been shown for a grant of said joint petition;

It is ordered, This 24th day of June 1963, that the "Joint Petition for Severance of Radio Haddonfield and Salem County Applications", be, and the same is, hereby granted; that the applications of Radio Haddonfield, Inc. and Paul W. Stoneburner, tr/as Salem County Radio, be, and the same are, hereby severed from the current proceeding; and that



a hearing conference with respect to the aforesaid applicants, be, and the same is, hereby scheduled for 10:00 a.m. on July 9, 1963, in the Offices of the Commission in Washington, D.C.

Released: June 25, 1963.

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

[F.R. Doc. 63-6892; Filed, June 28, 1963;  
8:57 a.m.]

[Docket Nos. 15069-15072; FCC 63M-739]

# TELEPROMPTER TRANSMISSION OF KANSAS, INC.

## Order Continuing Hearing

In re applications of Teleprompter Transmission of Kansas, Inc. For a construction permit to establish additional facilities at licensed station KLF92, a facility in the Domestic Public Point-to-Point Microwave Radio Service near Spearman, Texas, File No. 1375-C1-P-62; for a construction permit to establish additional facilities at licensed station KLF93, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Hogland, Texas, File No. 1376-C1-P-62; for a construction permit to establish a new radio station in the Domestic Public Point-to-Point Microwave Radio Service at Liberal, Kansas, File No. 4232-C1-P-62; for renewal of the license for station KLF92, a facility in the Domestic Public Point-to-Point Microwave Radio Service near Spearman, Texas, Docket No. 15069, File No. 265-C1-R-63; for renewal of the license for station KLF93, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Hogland, Texas, Docket No. 15070, File No. 266-C1-R-63; for a modification of construction permit to authorize the provision of a third channel of service to Liberal, Kansas, Docket No. 15071 File No. 1375-C1-MP-62; for a modification of construction permit to authorize the provision of a third channel of service to Liberal, Kansas, Docket No. 15072, File No. 1376-C1-MP-62.

Pursuant to agreements reached at a prehearing conference on June 21, 1963;

*It is ordered*, This 21st day of June 1963, that the following procedures shall govern the further conduct of this proceeding:

The parties hereto shall exchange their direct cases and exhibits on or before August 5, 1963; it being understood, however, that the parties have leave to supplement such written cases by oral testimony, provided that the identity of the witnesses who are to present such oral testimony is disclosed on that date together with a brief resume of the subject matter to be covered by each such witness; and a statement of qualifications shall be given in the event that any expert witnesses are to be called.

Notification as to the witnesses desired to be called for cross-examination shall be given in writing by August 23, 1963.

In the event that any depositions are to be taken, notification as to such depo-

sitions shall be afforded no later than August 9, 1963.

The hearing herein is postponed from July 15 to September 4, 1963.

Released: June 24, 1963.

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

[F.R. Doc. 63-6893; Filed, June 28, 1963;  
8:57 a.m.]

[Docket Nos. 14857-14862; FCC 63M-738]

# WELLERSBURG TV, INC., AND PEOPLE'S COMMUNITY TELEVISION ASSOCIATION, INC.

## Order Scheduling Hearing

In re applications of Wellersburg TV, Inc., Wellersburg, Pennsylvania, Docket No. 14857, File No. BPTTV-1174; Wellersburg TV, Inc., Wellersburg, Pennsylvania, Docket No. 14858, File No. BPTTV-1175; Wellersburg TV, Inc., Wellersburg, Pennsylvania, Docket No. 14859, File No. BPTTV-1176; People's Community Television Association, Inc., LaVale, Maryland; Docket No. 14860, File No. BPTTV-1177; People's Community Television Association, Inc., LaVale, Maryland; Docket No. 14861, File No. BPTTV-1178; People's Community Television Association, Inc., LaVale, Maryland, Docket No. 14862, File No. BPTTV-1179; for construction permits for VHF translator stations.

As a result of the prehearing conference held this 21st day of June 1963, it has been agreed by all parties that the hearing for the purpose of taking testimony on the issues in the above-entitled matter, be, and the same is, hereby scheduled, in accordance with the Commission's order released November 28, 1962, in the city of Cumberland, Maryland on September 4, 1963 at 10:00 a.m.

Released: June 24, 1963.

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

[F.R. Doc. 63-6894; Filed, June 28, 1963;  
8:57 a.m.]

# FEDERAL MARITIME COMMISSION JAPAN-ATLANTIC & GULF FREIGHT CONFERENCE

## Notice of Filing of Agreement for Approval

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

Agreement 3103-21, between the member lines of the Japan-Atlantic and Gulf Freight Conference (agreement 3103, as amended), modifies the basic conference agreement by insertion of a revised article 6 that prohibits the payment of

rebates, commissions or brokerage of any nature to any person, partnership, corporation, association or organization, in a direct or indirect manner. This is not meant to prohibit payment of customary total fees up to 5% to duly appointed members' shipping agents or sub-agents engaged in soliciting, booking, receipt and/or documentation of cargo.

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

Dated: June 26, 1963.

By order of the Federal Maritime Commission.

THOMAS LISI,  
Secretary.

[F.R. Doc. 63-6887; Filed, June 28, 1963;  
8:56 a.m.]

# LYKES BROS. STEAMSHIP CO., INC., ET AL.

## Notice of Filing of Agreement for Approval

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

Agreement 9210, between Lykes Bros. Steamship Company, Inc. and the members of The Association of Lines as follows: The Union-Castle Mail Steamship Co., Ltd.; Hall Line, Ltd.; Harrison Line; The Clan Line Steamers Ltd.; Indian African Line; Houston Line (London) Ltd.; Springbok Shipping Co., Ltd.; Prince Line, Ltd.; India-Natal Line; Farrell Lines, Inc.; British India Steam Navigation Co., Ltd.; Royal Inter-ocean Lines; Compagnie Des Messageries Maritimes; Scandinavian East African Line; Osaka Shosen Kaisha; Shaw Savill & Albion Company, Ltd.; Robin Line; Durban Lines (Pty.) Ltd.; Zim Israel Navigation Co. Ltd.; Nouvelle Cie Havraise Peninsulaire de Navigation, establishes a transshipment arrangement for movement of cargo in the trade from United States Gulf ports to Malagasy, Mauritius, and Reunion with transshipment at a Southern African port in the range Cape Town/Beira inclusive, in accordance with the terms and conditions set forth in the agreement.

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

Dated: June 26, 1963.

By order of the Federal Maritime Commission.

THOMAS LISI,  
Secretary.

[F.R. Doc. 63-6888; Filed, June 28, 1963;  
8:56 a.m.]

### TRANS-PACIFIC FREIGHT CONFERENCE OF JAPAN

#### Notice of Filing of Agreement for Approval

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

Agreement 150-26, between the member lines of the Trans-Pacific Freight Conference of Japan (Agreement 150, as amended), modifies the basic conference agreement by insertion of a revised article 6 that prohibits the payment of rebates, commissions or brokerage of any nature to any person, partnership, corporation, association or organization, in a direct or indirect manner. This provision is not meant to prohibit payment of customary total fees up to 5 percent to duly appointed members' shipping agents or sub-agents engaged in soliciting, booking, receipt and/or documentation of cargo.

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

Dated: June 25, 1963.

By order of the Federal Maritime Commission.

THOMAS LISI,  
Secretary.

[F.R. Doc. 63-6889; Filed, June 28, 1963;  
8:56 a.m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 24D-2573]

### ASSOCIATE UNDERWRITERS, INC.

#### Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

JUNE 24, 1963.

I. Associate Underwriters, Inc. (issuer) 827 Stuart Building, Lincoln, Nebraska, a Nebraska corporation, with offices at 827 Stuart Building, Lincoln, Nebraska, filed with the Commission on March 29, 1962, a notification on Form 1-A and an offering circular relating to a proposed offering, as amended, of 254,850 shares of common stock at \$1.00 per share for an aggregate of \$254,850 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with in that:

1. Offers of the securities of the issuer were made without giving to the offerees, concurrently or previously, an offering circular containing the information specified in Schedule I of Form 1-A as required by Rule 256(a)(1).

2. Securities of the issuer were sold without giving the offering circular specified in Rule 256(a)(1) to the persons to whom sold, with or prior to the confirmation of the sale or payment of all or part of the purchase price in violation of Rule 256(a)(2).

3. The issuer failed to amend its notification and offering circular to set forth certain changes in the terms of the offering prior to offering the securities on the revised terms.

4. The issuer, in violation of the prohibition contained in Rule 259, transmitted to investors a written communication in connection with the offering of its securities in which it was represented that the Commission had approved the securities being offered.

B. The notification and offering circular filed pursuant to Rules 255 and 256 of Regulation A contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to:

1. The failure to indicate the affiliation between the issuer and General Manufacturing Corp.

2. The failure to set forth correctly the proposed use of proceeds of the public offering.

3. The failure to disclose that the company was not licensed to sell any securities other than its own in Nebraska or any other state.

4. The inclusion of financial statements which were not in agreement with the issuer's records.

C. The 2-A report filed March 11, 1963, for the six-month period ended January 27, 1963 is false and misleading in that it:

1. Fails to indicate that advances had been made to General Manufacturing Corp. out of the proceeds of the public offering.

2. Fails to set forth correctly salaries paid to the officers and directors of the company out of the proceeds of the public offering.

3. Reports sales made prior to the period covered by the report as having been made during the period covered by the report.

D. The offering has been made in violation of Section 17 of the Securities Act of 1933.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be temporarily suspended.

It is ordered, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption of the issuer under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall become permanent on the thirtieth day after its entry and shall remain in effect unless it is modified or vacated by the Commission.

[SEAL]

ORVAL L. DuBois,  
Secretary.

[F.R. Doc. 63-6864; Filed, June 28, 1963;  
8:48 a.m.]

[File No. 1-3421]

### CONTINENTAL VENDING MACHINE CORP.

#### Order Summarily Suspending Trading

JUNE 25, 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 interstate 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 June 26, 1963, through July 5, 1963, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F.R. Doc. 63-6865; Filed, June 28, 1963;  
8:48 a.m.]

[File 7-2287]

#### ATLAS CHEMICALS INDUSTRIES, INC.

##### Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

JUNE 24, 1963.

In the matter of application of the Philadelphia - Baltimore - Washington Stock Exchange.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchanges: Atlas Chemicals Industries, Inc.; File 7-2287.

Upon receipt of a request, on or before July 9, 1963, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F.R. Doc. 63-6866; Filed, June 28, 1963;  
8:48 a.m.]

[File 7-2288]

#### HERCULES POWDER CO.

##### Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

JUNE 24, 1963.

In the matter of application of the Philadelphia - Baltimore - Washington Stock Exchange.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchanges: Hercules Powder Company; File 7-2288.

Upon receipt of a request, on or before July 9, 1963, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F.R. Doc. 63-6867; Filed, June 28, 1963;  
8:48 a.m.]

## FEDERAL POWER COMMISSION

[Docket Nos. RI63-456—RI63-478]

### LITTLE NICK OIL CO. ET AL.

#### Order Providing for Hearings on and Suspension of Proposed Changes in Rates<sup>1</sup>

JUNE 20, 1963.

Little Nick Oil Company, Docket No. RI63-456; Pan American Petroleum Corporation, Docket No. RI63-457; Sun Oil Company (Southwest Division), Docket No. RI63-458; Western Oil Fields, Inc., Docket No. RI63-459; Kerr-McGee Oil Industries, Inc., Docket No. RI63-460; Union Texas Petroleum, a Division of Allied Chemical Corporation, et al., Docket No. RI63-461; Standard Oil Company of Texas, a Division of California Oil Company, Docket No. RI63-462; Texaco Inc., Docket No. RI63-463; Twin Gas Company, Docket No. RI63-464; Twin Gas Company (Operator), Docket No. RI63-465; Samedan Oil Corporation, Docket No. RI63-466; The Gilmer Oil Company, Docket No. RI63-467; Texaco Inc. (Operator), et al., Docket No. RI63-468; Pan American Petroleum Corporation (Operator), et al., Docket No. RI63-469; N. Bruce Calder and Curtis E. Calder, Jr. d/b/a Horizon Oil & Gas Company (Operator), et al., Docket No. RI63-470; Humble Oil & Refining Company, Docket No. RI63-471; The Hefner Company (Operator), et al., Docket No. RI63-472; Tenneco Corporation (Operator), et al., Docket No. RI63-473; Tenneco Corporation, Docket No. RI63-474; John C. Robbins, Jr., Docket No. RI63-475; Robbins Petroleum Corporation (Operator), et al., Docket No. RI63-476; Maxwell D. Simmons (Operator), et al., Docket No. RI63-477; Roy M. Huffington, Inc., et al., Docket No. RI63-478.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. All of the sales are made at a pressure base of 14.65 psia with the exception of the sales made by Roy M. Huffington, Inc., et al., which are made at a pressure base of 15.025 psia. The proposed changes, which constitute increased rates and charges, are designated as follows:

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



| Docket No.  | Respondent                                                                                                                          | Rate schedule No. | Supplement No. | Purchaser and producing area                                                                                                                               | Amount of annual increase | Date filing tendered | Effective date unless suspended | Date suspended until | Cents per Mcf  |                         | Rate in effect subject to refund in docket Nos. |
|-------------|-------------------------------------------------------------------------------------------------------------------------------------|-------------------|----------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|----------------------|---------------------------------|----------------------|----------------|-------------------------|-------------------------------------------------|
|             |                                                                                                                                     |                   |                |                                                                                                                                                            |                           |                      |                                 |                      | Rate in effect | Proposed increased rate |                                                 |
| RI63-456... | Little Nick Oil Co., 515 Petroleum Bldg., Chickasha, Okla.                                                                          | 1                 | 4              | Arkansas Louisiana Gas Co. (East Cement and Chickasha Fields, Grady and Caddo Counties, Okla.) (Oklahoma "Other" Area).                                    | \$6,000                   | 5-21-63              | 1 6-21-63                       | 11-21-63             | 12.0           | 13.0                    |                                                 |
|             | Little Nick Oil Co.                                                                                                                 | 2                 | 4              | do.                                                                                                                                                        | 500                       | 5-21-63              | 1 6-21-63                       | 11-21-63             | 12.0           | 13.0                    |                                                 |
|             | do.                                                                                                                                 | 3                 | 3              | do.                                                                                                                                                        | 2,400                     | 5-21-63              | 1 6-21-63                       | 11-21-63             | 12.0           | 13.0                    |                                                 |
|             | do.                                                                                                                                 | 4                 | 3              | do.                                                                                                                                                        | 0                         | 5-21-63              | 1 6-21-63                       | 11-21-63             | 12.0           | 13.0                    |                                                 |
| RI63-457... | Pan American Petroleum Corp., Post Office Box 501, Tulsa 2, Okla.                                                                   | 221               | 5              | Panhandle Eastern Pipe Line Co. (Emms-Camrick Field, Texas County, Okla.) (Panhandle Area).                                                                | 761                       | 5-24-63              | 1 7- 1-63                       | 12- 1-63             | 16.8           | 17.0                    | RI62-500                                        |
|             | Pan American Petroleum Corp.                                                                                                        | 268               | 2              | Lone Star Gas Co. (Knox Field, Grady and Stephens Counties, Okla.) (Carter-Knox Area).                                                                     | 972                       | 5-31-63              | 1 7- 1-63                       | 12- 1-63             | 16.8           | 17.9                    |                                                 |
| RI63-458... | Sun Oil Co. (Southwest Division), Post Office Box 2880, Dallas 21, Tex.                                                             | 123               | 1              | Lone Star Gas Co. (North Oak Hill Field, Rusk County, Tex.) (R.R. District No. 6).                                                                         | 124                       | 5-21-63              | 1 7- 1-63                       | 12- 1-63             | 14.49          | 16.56                   |                                                 |
| RI63-459... | Western Oil Fields, Inc., 1827 Grant St., Denver 3, Colo.                                                                           | 1                 | 2              | El Paso Natural Gas Co. (Tubb and Blinberry Gas Pools, Lea County, N. Mex.) (Permian Basin Area).                                                          | 15,255                    | 5-27-63              | 1 7- 1-63                       | 12- 1-63             | 10.5           | 15.5                    |                                                 |
| RI60-460... | Kerr-McGee Oil Industries, Inc., Kerr-McGee Bldg., Oklahoma 2, Okla.                                                                | 17                | 5              | Lone Star Gas Co. (Various Fields, Garvin and McClain Counties, Okla.) (Oklahoma "Other" Area).                                                            | 22,785                    | 5-31-63              | 1 7- 1-63                       | 12- 1-63             | 16.8           | 17.9                    | G-20479                                         |
|             | Kerr-McGee Oil Industries, Inc.                                                                                                     | 47                | 5              | Cities Service Gas Co. (Various Fields, Garvin and McClain Counties, Okla.) (Oklahoma "Other" Area).                                                       | 4,048                     | 5-31-63              | 1 7- 1-63                       | 12- 1-63             | 16.8           | 17.9                    | (2)                                             |
| RI63-461... | Union Texas Petroleum, a Division of Allied Chemical Corp. et al., 811 Rusk Ave., Houston 2, Tex.                                   | 72                | 1              | Lone Star Gas Co. (East Durant Field, Bryan County, Okla.) (Oklahoma "Other" Area).                                                                        | 2,412                     | 5-31-63              | 1 7- 1-63                       | 12- 1-63             | 15.0           | 16.0                    |                                                 |
| RI63-462... | Standard Oil Co. of Texas, a Division of California Oil Co., Post Office Box 1249, Houston 1, Tex.                                  | 47                | 5              | Cimarron Transmission Co. (Southwest Enville Field, Love County, Okla.) (Oklahoma "Other" Area).                                                           | 1,643                     | 6- 3-63              | 1 7- 4-63                       | 12- 4-63             | 11 15.78       | 10 16.832               | (9)                                             |
| RI63-463... | Texaco, Inc., Post Office Box 2332, Houston 1, Tex.                                                                                 | 41                | 1              | Shamrock Oil & Gas Corp. (West Panhandle Field, Hutchinson County, Tex.) (R.R. District No. 10).                                                           | 4,301                     | 5-31-63              | 1 7- 1-63                       | 12- 1-63             | 16.0           | 11.5                    |                                                 |
|             | Texaco Inc.                                                                                                                         | 41                | 2              | Lone Star Gas Co. (Manziel Field, Wood County, Tex.) (R.R. District No. 6).                                                                                | 3,400                     | 5-27-63              | 1 7- 1-63                       | 12- 1-63             | 14.49          | 16.56                   |                                                 |
|             | do.                                                                                                                                 | 299               | 1              | Lone Star Gas Co. (West Chapel Hill Field, Smith County, Tex.) (R.R. District No. 6).                                                                      | 2,267                     | 5-31-63              | 1 7- 1-63                       | 12- 1-63             | 14.49          | 16.56                   |                                                 |
| RI63-464... | Twin Gas Co., 608 Little Bldg., Ardmore, Okla.                                                                                      | 1                 | 1              | Lone Star Gas Co. (Tatums Field, Carter County, Okla.) (Oklahoma "Other" Area).                                                                            | 7,300                     | 5-27-63              | 1 7- 1-63                       | 12- 1-63             | 15.0           | 16.0                    |                                                 |
| RI63-465... | Twin Gas Co. (Operator), 608 Little Bldg., Ardmore, Okla.                                                                           | 2                 | 1              | Lone Star Gas Co. (Carter County, Okla.) (Oklahoma "Other" Area).                                                                                          | 9,125                     | 5-27-63              | 1 7- 1-63                       | 12- 1-63             | 15.0           | 16.0                    |                                                 |
|             | Twin Gas Co. (Operator)                                                                                                             | 3                 | 1              | Lone Star Gas Co. (Stephens County, Okla.) (Oklahoma "Other" Area).                                                                                        | 27,375                    | 5-27-63              | 1 7- 1-63                       | 12- 1-63             | 15.0           | 16.0                    |                                                 |
|             | do.                                                                                                                                 | 4                 | 1              | Lone Star Gas Co. (Cotton County, Okla.) (Oklahoma "Other" Area).                                                                                          | 14,600                    | 5-27-63              | 1 7- 1-63                       | 12- 1-63             | 15.0           | 16.0                    |                                                 |
| RI63-466... | Samedan Oil Corp., Post Office Box 909, Ardmore, Okla.                                                                              | 12                | 1              | Lone Star Gas Co. (Stage Stand Field, Stephens County, Okla.) (Oklahoma "Other" Area).                                                                     | 18,960                    | 5-27-63              | 1 7- 1-63                       | 12- 1-63             | 15.0           | 16.0                    |                                                 |
| RI63-467... | The Gilmer Oil Co., Post Office Box 86, Ardmore, Okla.                                                                              | 2                 | 1              | Lone Star Gas Co. (Sholem Alechem Field, Carter County, Okla.) (Oklahoma "Other" Area).                                                                    | 1,532                     | 5-27-63              | 1 7- 1-63                       | 12- 1-63             | 15.0           | 16.0                    |                                                 |
| RI63-468... | Texaco, Inc. (Operator) et al., Post Office Box 2420, Tulsa 2, Okla.                                                                | 188               | 3              | Cimarron Transmission Co. (Southwest Enville Area, Love County, Okla.) (Oklahoma "Other" Area).                                                            | 32,112                    | 5-27-63              | 1 7- 1-63                       | 12- 1-63             | 11 15.75       | 10 16.80                | (14)                                            |
| RI63-469... | Pan American Petroleum Corp. (Operator) et al., Post Office Box 591, Tulsa Okla.                                                    | 223               | 5              | Panhandle Eastern Pipe Line Co. (Mocane Field, Beaver County, Okla.) (Oklahoma-Panhandle Area).                                                            | 6,598                     | 5-28-63              | 1 6- 28-63                      | 11-28-63             | 16.0           | 17.0                    |                                                 |
| RI63-470... | N. Bruce Calder and Curtis E. Calder, Jr., d.b.a. Horizon Oil & Gas Co. (Operator) et al., 1818 Republic Bank Bldg., Dallas 1, Tex. | 7                 | 1              | Northern Natural Gas Co. (Ellis Ranch and Dude Wilson Fields, Ochiltree County, Tex.) (R.R. District No. 10).                                              | 3,400                     | 5-28-63              | 1 7- 1-63                       | 12- 1-63             | 16.5           | 17.5                    |                                                 |
|             | N. Bruce Calder and Curtis E. Calder, Jr., d.b.a. Horizon Oil & Gas Co. (Operator) et al.                                           | 8                 | 10             | Northern Natural Gas Co. (Dude Wilson, Ellis Ranch, Hansford, Perryton, and Spooner Fields, Hansford and Ochiltree Counties, Tex.) (R.R. District No. 10). | 8,150                     | 5-28-63              | 1 7- 1-63                       | 12- 1-63             | 16.5           | 17.5                    |                                                 |
| RI63-471... | Humble Oil & Refining Co., Post Office Box 2180, Houston 1, Tex.                                                                    | 232               | 4              | Lone Star Gas Co. (Deep Knox Pool, Grady and Stephens Counties, Okla.) (Carter-Knox Area).                                                                 | 110                       | 5-28-63              | 1 7- 1-63                       | 12- 1-63             | 16.8           | 17.9                    |                                                 |
|             | Humble Oil & Refining Co.                                                                                                           | 328               | 1              | Lone Star Gas Co. (Sho-Vel-Tum Pool, Stephens County, Okla.) (Oklahoma "Other" Area).                                                                      | 360                       | 5-28-63              | 1 7- 1-63                       | 12- 1-63             | 15.0           | 16.0                    |                                                 |
| RI63-472... | The Hefner Co. (Operator) et al., 720 Northwest 50th St., Oklahoma City 18, Okla.                                                   | 2                 | 1              | Lone Star Gas Co. (Fox-Graham and Cruce Fields, Carter and Stephens Counties, Okla.) (Oklahoma "Other" Area).                                              | 17,250                    | 5-29-63              | 1 7- 1-63                       | 12- 1-63             | 15.0           | 16.0                    |                                                 |
| RI63-473... | Tenneco Corp. (Operator) et al., Post Office Box 2511, Houston, Tex.                                                                | 10                | 1              | Colorado Interstate Gas Co. (Mocane Field, Beaver County, Okla.) (Oklahoma-Panhandle Area).                                                                | 5,028                     | 5-27-63              | 1 6-27-63                       | 11-27-63             | 17 15.0        | 16 17.0                 |                                                 |
|             | Tenneco Corp. (Operator) et al.                                                                                                     | 12                | 1              | Cities Service Gas Co. (Northwest Sharron Field, Barber County, Kans.).                                                                                    | 2,353                     | 5-27-63              | 1 6-27-63                       | 11-27-63             | 12.0           | 13.0                    |                                                 |

See footnotes at end of table.



## NOTICES

| Docket No. | Respondent                                                                          | Rate schedule No. | Supplement No. | Purchaser and producing area                                                                  | Amount of annual increase | Date filing tendered | Effective date unless suspended | Date suspended until | Cents per Mcf  |                         | Rate in effect subject to refund in docket Nos. |
|------------|-------------------------------------------------------------------------------------|-------------------|----------------|-----------------------------------------------------------------------------------------------|---------------------------|----------------------|---------------------------------|----------------------|----------------|-------------------------|-------------------------------------------------|
|            |                                                                                     |                   |                |                                                                                               |                           |                      |                                 |                      | Rate in effect | Proposed increased rate |                                                 |
| RI63-474   | Tenneco Corp.                                                                       | 13                | 1              | Cities Service Gas Co. (Hardtner Field, Barber County, Kans.)                                 | \$315                     | 5-27-63              | 7-6-27-63                       | 11-27-63             | \$ 12.0        | \$ 13.0                 |                                                 |
|            | do                                                                                  | 19                | 1              | Lone Star Gas Co. (Katie Field, Garvin County, Okla.) (Oklahoma "Other" Area)                 | 1,394                     | 5-27-63              | 7-6-27-63                       | 11-27-63             | 7.0            | \$ 12.35                |                                                 |
|            | do                                                                                  | 23                | 1              | Northern Natural Gas Co. (East Hugoton Field, Finney County, Kans.)                           | 756                       | 5-27-63              | 7-6-27-63                       | 11-27-63             | \$ 12.0        | \$ 13.0                 |                                                 |
|            | do                                                                                  | 93                | 1              | Cities Service Gas Co. (northeast Waynoka Field, Woods County, Okla.) (Oklahoma "Other" Area) | 1,285                     | 5-27-63              | 7-6-27-63                       | 11-27-63             | \$ 12.0        | \$ 13.0                 |                                                 |
| RI63-475   | John C. Robbins, Jr., Post Office Box No. 128, Longview, Tex.                       | 4                 | 1              | Lone Star Gas Co. (Danville Field, Gregg and Rusk Counties, Tex.) (R.R. District No. 6)       | 7,576                     | 6-3-63               | 7-7-4-63                        | 12-4-63              | 14.49          | \$ 16.56                |                                                 |
| RI63-476   | Robbins Petroleum Corp. (Operator) et al., Post Office Box No. 2347, Longview, Tex. | 1                 | 1              | do                                                                                            | 22,729                    | 6-3-63               | 7-7-4-63                        | 12-4-63              | 14.49          | \$ 16.56                |                                                 |
|            | Robbins Petroleum Corp. (Operator) et al.                                           | 2                 | 1              | Lone Star Gas Co. (Henderson (Pettit) Field, Rusk County, Tex.) (R.R. District No. 6)         | 15,910                    | 6-3-63               | 7-7-4-63                        | 12-4-63              | 14.49          | \$ 16.56                |                                                 |
|            | do                                                                                  | 3                 | 1              | Lone Star Gas Co. (Peatowen Field, Gregg County, Tex.) (R.R. District No. 6)                  | 11,364                    | 6-3-63               | 7-7-4-63                        | 12-4-63              | 14.49          | \$ 16.56                |                                                 |
|            | do                                                                                  | 4                 | 1              | Lone Star Gas Co. (Danville Field, Gregg County, Tex.) (R.R. District No. 6)                  | 15,152                    | 6-3-63               | 7-7-4-63                        | 12-4-63              | 14.49          | \$ 16.56                |                                                 |
|            | do                                                                                  | 5                 | 1              | Lone Star Gas Co. (Peatowen Field, Gregg and Rusk Counties, Tex.) (R.R. District No. 6)       | 11,364                    | 6-3-63               | 7-7-4-63                        | 12-4-63              | 14.49          | \$ 16.56                |                                                 |
|            | do                                                                                  | 6                 | 1              | Lone Star Gas Co. (Henderson (Pettit) Field, Rusk County, Tex.) (R.R. District No. 6)         | 15,152                    | 6-3-63               | 7-7-4-63                        | 12-4-63              | 14.49          | \$ 16.56                |                                                 |
| RI63-477   | Maxwell D. Simmons (Operator) et al., Post Office Box No. 1013, Longview, Tex.      | 1                 | 1              | Lone Star Gas Co. (Danville Field, Gregg and Rusk Counties, Tex.) (R.R. District No. 6)       | 7,576                     | 6-4-63               | 7-7-5-63                        | 12-5-63              | 14.49          | \$ 16.56                |                                                 |
|            | Maxwell D. Simmons (Operator) et al.                                                | 2                 | 1              | do                                                                                            | 7,576                     | 6-4-63               | 7-7-5-63                        | 12-5-63              | 14.49          | \$ 16.56                |                                                 |
| RI63-478   | Roy M. Huffington, Inc., et al., 2119 Bank of the Southwest Bldg., Houston 2, Tex.  | 2                 | 2              | United Gas Pipe Line Co. (Hayes Field, Calcasieu Parish, La.)                                 | 30,000                    | 6-3-63               | 7-7-4-63                        | 12-4-63              | \$ 18.8        | \$ 22.8                 |                                                 |

<sup>1</sup> The stated effective date is the effective date requested by respondent.

<sup>2</sup> Periodic rate increase.

<sup>3</sup> Subject to a downward B.t.u. adjustment.

<sup>4</sup> Initial rate.

<sup>5</sup> Amendment agreement filed May 31, 1963.

<sup>6</sup> Renegotiated rate increase.

<sup>7</sup> The stated effective date is the 1st day after expiration of the required statutory notice.

<sup>8</sup> 15.0-cent base rate plus average upward B.t.u. adjustment.

<sup>9</sup> Amount attributable to B.t.u. adjustment is subject to refund in docket No. C162-592.

<sup>10</sup> 16.0-cent base rate plus upward B.t.u. adjustment.

<sup>11</sup> Subject to downward and upward B.t.u. adjustment.

<sup>12</sup> Subject to a deduction of 1 percent of total rate for every 1 percent by volume of inert content in excess of 16 percent of total volume.

<sup>13</sup> Includes base rate of 15.0 cents per M c.f. plus upward B.t.u. adjustment.

<sup>14</sup> Amount attributable to B.t.u. adjustment is in effect subject to refund in certificate docket No. G-17015.

<sup>15</sup> Subject to a deduction of 1.0 cent per M c.f. if buyer must reduce line pressure to 500 p.s.i.g.

<sup>16</sup> Redetermined rate increase.

<sup>17</sup> Subject to an upward and downward B.t.u. adjustment.

<sup>18</sup> Favored-nation rate increase.

<sup>19</sup> Includes 2.3 cents per M c.f. tax reimbursement.

<sup>20</sup> Rate in effect subject to refund by order issued October 12, 1960, entitled Kerr-McGee Oil Industries, Inc.

Texaco Inc. requests waiver of notice to make its proposed contract amendment, designated as Supplement No. 1 to its FPC Gas Rate Schedule No. 41, effective as of May 31, 1963, and its proposed notice of change in rate, designated as Supplement No. 2 to its aforementioned FPC Gas Rate Schedule No. 41, effective as of February 1, 1963. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for Texaco Inc.'s proposed rate filings and such request is denied.

Tenneco Corporation and Tenneco Corporation (Operator), et al. request an effective date of June 24, 1963, for their rate increases; John C. Robbins, Jr., Robbins Petroleum Corporation (Operator), et al., Maxwell D. Simmons (Operator), et al., Standard Oil Company of Texas, a Division of California Oil Company, and Roy M. Huffington, Inc., et al., all request an effective date of July 1, 1963, for their proposed rate increases. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier commencing dates for the producers'

rate filings and such requests are denied.

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

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

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as herein-after ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased

rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date suspended until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene 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 and 1.37(f)) on or before August 7, 1963.

By the Commission.

JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 63-6774; Filed, June 28, 1963; 8:45 a.m.]



[Docket No. G-3894 etc.]

## ATLANTIC REFINING CO. ET AL.

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

JUNE 26, 1963.

The Atlantic Refining Company, Docket No. G-3894; Panhandle Producing Company, et al. (formerly Henderson Trusts), Docket No. G-8007; J. R. Butler & Company (formerly J. R. Butler), Docket No. G-9429; Humble Oil & Refining Company, Docket No. G-15714; Pan American Petroleum Corporation, Docket No. G-16529; Phillips Petroleum Company, Docket No. G-17447; Yucca Petroleum Co. (formerly Baker & Taylor Drilling Co.), Docket No. G-18995; Coastal States Gas Producing Company, Docket No. CI60-491; La Plata Gathering System, Inc., Docket No. CI61-812; Harry L. Bigbee and Harl D. Byrd (formerly Sam Y. Dorfman, Jr., et al.), Docket No. CI61-1445; James Drilling Corporation, et al., Docket No. CI61-1768; Coastal States Gas Producing Company, Docket No. CI62-1461; Sunac Petroleum Corporation, et al. (formerly Stekol Petroleum Corporation), Docket No. CI63-258; The Atlantic Refining Company, Docket No. CI63-576; S. L. Florsheim, Co-owner, et al., Docket No. CI63-1541; Humble Oil & Refining Company, Docket No. CI63-1542; Sun Oil Company (Southwest Division), Docket No. CI63-1543; Livingston Oil Company, Docket No. CI63-1544; Anadarko Production Company, Docket No. CI63-1545; Otis Russell, et al., Docket No. CI63-1546; Pioneer Production Corporation, Docket No. CI63-1547; Bobby M. Burns, Docket No. CI63-1548; W. C. Feazel, et al., Docket No. CI63-1549; Sohio Petroleum Company, Docket No. CI63-1550; Getty Oil Company, Docket No. CI63-1551; Harkins & Company (Operator), et al., Docket No. CI63-1552; Wilcox Oil Company, Docket No. CI63-1553; Alva McCullough, et al., Docket No. CI63-1555; J. M. Huber Corporation, Docket No. CI63-1557; H. C. Heldenfels, Trustee, Docket No. CI63-1558; D. W. Pickett, Jr., Docket No. CI63-1559; Associated Oil & Gas Co., Docket No. CI63-1560; Valley Gas Production, Inc., Docket No. CI63-1561; Patrick A. Doheny, et al., Docket No. CI63-1562; C. G. Jenkins, et al. (formerly Tommy Ward Drilling Company), Docket No. CI63-1563; George Parker, et al., Docket No. CI63-1564.

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

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

No. 127—9

| Docket No. and date filed      | Purchaser                                                                                     | Field and location                                                                                         | Price per Mcf | Pressure base    |
|--------------------------------|-----------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------|---------------|------------------|
| G-3894<br>6-17-63<br>B 6-18-63 | Kansas-Nebraska Natural Gas Co., Inc. and Northern Utilities, Inc.<br>El Paso Natural Gas Co. | Riverton Dome Area, Fremont County, Wyo.<br>Langley-Mattix Field, Lea County, N. Mex.                      | 12.0<br>12.0  | 15.025<br>15.025 |
| G-8007<br>E 6-19-63            | Ashland Oil and Refining Co.                                                                  | West Panhandle Field, Hutchinson County, Tex.                                                              | 15.0          | 14.65            |
| G-9429<br>E 6-18-63            | United Gas Pipe Line Co.                                                                      | Sibley Field, Webster Parish, La.                                                                          | 12.5252       | 16.7             |
| G-15714<br>C 6-17-63           | Transwestern Pipeline Co.                                                                     | Acreage in Ochiltree County, Tex.                                                                          | (3)           |                  |
| G-16529<br>B 6-21-63           | Colorado Interstate Gas Co.                                                                   | Mocane Field, Beaver County, Okla.                                                                         | 16.0          | 14.65            |
| G-17447<br>B 6-18-63           | Transcontinental Gas Pipe Line Corp.                                                          | Ship Shoal Area, Terrebonne Parish, La.                                                                    | 20.625        | 15.025           |
| G-18995<br>D 6-14-63           | Transwestern Pipeline Co.                                                                     | W. H. Martin No. 1 Well, Roberts County, Tex.                                                              | (4)           |                  |
| CI60-491<br>D 6-19-63          | Coastal States Gas Producing Co. and Southern Coast Corporation (joint venture).              | South 76 Field Area, Duval County, Tex.                                                                    | (4)           |                  |
| CI61-812<br>B 6-19-63          | El Paso Natural Gas Co.                                                                       | Acreage in Rio Arriba County, N. Mex.                                                                      | 12.0          | 15.025           |
| CI61-1445<br>E 6-17-63         | do.                                                                                           | San Juan and Rio Arriba Counties, N. Mex.                                                                  | 11.0          | 15.025           |
| CI61-1768<br>B 6-19-63         | Hope Natural Gas Co.                                                                          | Washington District, Calhoun County, W. Va.                                                                | 25.0          | 15.325           |
| CI62-1461<br>D 6-20-63         | The Altex Corp.                                                                               | O. L. Gerdes Well, Tsemmelis Field, Jim Wells County, Tex.                                                 | (4)           |                  |
| CI63-258<br>C 6-17-63          | Panhandle Eastern Pipe Line Co.                                                               | Acreage in Beaver County, Okla.                                                                            | (2)           |                  |
| CI63-576<br>A 6-17-63          | Montana-Dakota Utilities Co.                                                                  | Riverton Dome Area, Fremont County, Wyo.                                                                   | 17.0          | 15.025           |
| CI63-1541<br>A 6-13-63         | Rio Sabine, Inc.                                                                              | North Garthage Field, Panola and Harrison Counties, Tex.                                                   | 4.0           | 14.65            |
| CI63-1542<br>A 6-14-63         | Mountain Fuel Supply Co.                                                                      | Vermilion Creek Field, Sweetwater County, Wyo.                                                             | 12.0          | 15.025           |
| CI63-1543<br>A 6-14-63         | Northern Natural Gas Co.                                                                      | SE. Share Field, Ochiltree County, Tex.                                                                    | 16.0          | 14.65            |
| CI63-1544<br>A 6-17-63         | Cities Service Gas Co.                                                                        | Northeast Enid Field, Garfield County, Okla.                                                               | 15.0          | 14.65            |
| CI63-1545<br>A 6-17-63         | do.                                                                                           | North Quinlan Field, Woodward County, Okla.                                                                | 15.0          | 14.65            |
| CI63-1546<br>A 6-17-63         | Valley Gas Transmission, Inc.                                                                 | Lissie Field, Wharton County, Tex.                                                                         | 14.0          | 14.65            |
| CI63-1547<br>A 6-17-63         | Panhandle Eastern Pipe Line Co.                                                               | Glenwood Field, Beaver County, Okla.                                                                       | 17.0          | 14.65            |
| CI63-1548<br>A 6-17-63         | Kansas-Nebraska Natural Gas Co., Inc.                                                         | Bijou-South Field, Morgan County, Colo.                                                                    | 12.0          | 15.025           |
| CI63-1549<br>D 6-17-63         | United Gas Pipe Line Co.                                                                      | Chiles Unit, Greenwood-Waskom Field, Caddo Parish, La.                                                     | (4)           |                  |
| CI63-1550<br>D 6-17-63         | Tennessee Gas Transmission Co.                                                                | Timbalier Bay Field, Lafourche Parish, La.                                                                 | (4)           |                  |
| CI63-1551<br>D 6-17-63         | Natural Gas Pipeline Co. of America                                                           | Freeborn Field, Jim Wells and Live Oak Counties, Tex.                                                      | (4)           |                  |
| CI63-1552<br>A 6-17-63         | Texas Eastern Transmission Corp.                                                              | City of Alice, Jim Wells County, Tex.                                                                      | 10.0          | 14.65            |
| CI63-1553<br>A 6-17-63         | Panhandle Eastern Pipe Line Co.                                                               | North West Avarad Field, Woods County, Okla.                                                               | 17.0          | 14.65            |
| CI63-1555<br>D 6-18-63         | Hope Natural Gas Co.                                                                          | Troy District, Gilmer County, W. Va.                                                                       | (4)           |                  |
| CI63-1557<br>A 6-19-63         | Panhandle Eastern Pipe Line Co.                                                               | Acreage in Beaver County, Okla.                                                                            | 17.0          | 14.65            |
| CI63-1558<br>A 6-19-63         | Banquette Gas Co. a division of Crestmont Consolidated Corp.                                  | Acreage in San Patricio County, Tex.                                                                       | 9.0           | 14.65            |
| CI63-1559<br>D 6-19-63         | Texas Eastern Transmission Corp.                                                              | D. W. Pickett No. 1 Herbert E. Neuhaus Well, Chicolet Creek Field, Lavaca County, Tex.                     | (4)           |                  |
| CI63-1560<br>A 6-20-63         | Valley Gas Transmission, Inc.                                                                 | Koopman and San Diego East Fields, Jim Wells and Duval Counties, Tex.                                      | 14.0000       | 14.65            |
| CI63-1561<br>A 6-20-63         | do.                                                                                           | South Coletto Creek Field, Victoria County, Tex.                                                           | 14.0          | 14.65            |
| CI63-1562<br>A 6-19-63         | Colorado Interstate Gas Co.                                                                   | Poison Creek Unit Area, West Fremont County, Wyoming and Thompson Ranch Unit, Wind River Basin Field, Wyo. | 15.0          | 14.65            |
| CI63-1563<br>A 6-20-63         | Northern Natural Gas Co.                                                                      | Como Area, Beaver County, Okla.                                                                            | 17.0          | 14.65            |
| CI63-1564<br>A 6-20-63         | Texas Eastern Transmission Corp.                                                              | Henzeville Field, Goliad County, Tex.                                                                      | 12.0          | 14.65            |

Filing code: A—Initial service.  
B—Amendment to add acreage.  
C—Amendment to delete acreage.  
D—Abandonment.  
E—Change in name.

<sup>1</sup> Increase in contract limitation.

<sup>2</sup> To delete acreage erroneously stated in certificate application.

<sup>3</sup> Assigned.

<sup>4</sup> Depleted.

Protests or petitions to intervene 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 July 15, 1963.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the

Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held without further notice before said Commission on all applications in which no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is time-



ly filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given in the **FEDERAL REGISTER**.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

JOSEPH H. GUTRIE,  
*Secretary.*

[F.R. Doc. 63-6868; Filed June 28, 1963;  
8:47 a.m.]

## INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

### CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS UNDER LONG-TERM ARRANGE- MENT REGARDING INTERNA- TIONAL TRADE

#### Announcement of Restraint Levels

JUNE 19, 1963.

The purpose of this notice is to announce certain action taken by the United States Government in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles, done at Geneva on February 9, 1962.

Agreement has been reached with the Government of the United Arab Republic for restraint by that government in Categories 9 and 26 of exports to the United States of cotton textiles and cotton textile products for the twelve-month period commencing July 1, 1963, at the levels indicated:

| Category: <sup>1</sup> | Restraint level          |
|------------------------|--------------------------|
| 9-----                 | 11,600,000 square yards. |
| 26-----                | 10,600,000 square yards. |

<sup>1</sup> The description of all categories was included in the Announcement of Restraint Levels published on December 28, 1962, in the **FEDERAL REGISTER** (27 F.R. 12849).

In addition, attention is invited to the directives of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs with regard to levels of restraint on the imports into the United States of cotton textiles and cotton textile products from Greece in Category 1 published in the **FEDERAL REGISTER** on June 4, 1963 (28 F.R. 5482); from Greece in Categories 2 and 4 published in the **FEDERAL REGISTER** on June 11, 1963 (28 F.R. 5684); from Pakistan in Category 9 published in the **FEDERAL REGISTER** on June 11, 1963 (28 F.R. 5685); and from the Philippines in Category 51 published in the **FEDERAL REGISTER** on June 5, 1963 (28 F.R. 5534).

JAMES S. LOVE, Jr.,  
*Deputy to the Secretary of  
Commerce for Textile Programs.*

[F.R. Doc. 63-6858; Filed, June 28, 1963;  
8:47 a.m.]

## INTERSTATE COMMERCE COMMISSION

[Notice No. 825]

### MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 26, 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 65817. By order of June 17, 1963, the Transfer Board approved the transfer to Nason's Express, Inc., 40 Woolson Street, Mattapan, Mass., of the "Grandfather" operating rights claimed in No. MC 98697 (Sub No. 1) by Regal Truck Lines, Inc., 419 Boylston Street, Boston, Mass., covering the transportation of: general commodities within the state of Massachusetts.

No. MC-FC 65838. By order of June 19, 1963, the Transfer Board approved the transfer to William K. Blaess, doing business as Blaess Elevator Company, Chelsea, Mich., of Permit in No. MC 124356 (Sub No. 1), issued February 18, 1963 to Julius E. Blaess and William K. Blaess, doing business as Blaess Elevator Company, Chelsea, Mich., authorizing the transportation of: Animal and poultry feed, from the site of Blaess Elevator Company, three miles east of Chelsea, Mich., to points in Indiana and points in Ohio as specified, and ingredients, other than chemicals or drug additives, used or useful in the manufacture of animal and poultry feed, from points in Indiana and points in Ohio as specified, to the site of the Blaess Elevator Company, Wilhelmina Boersma, 2850 Penobscot Building, Detroit 26, Mich., attorney for applicants.

No. MC-FC 65842. By order of June 20, 1963, the Transfer Board approved the transfer to Alton Miller, doing business as Miller Transfer Company, Bowling Green, Ky., of the operating rights set forth in Certificate in No. MC 117208, issued by the Commission, October 24, 1958, to James Aubrey Breedlove, doing business as Breedlove Trucking Service, Bowling Green, Ky., authorizing the transportation, over a regular route, of building brick, from Nashville, Tenn., to Bowling Green, Ky. Leland H. Logan, 418 East 10th Street, Bowling Green, Ky., applicant's attorney.

No. MC-FC 65867. By order of June 20, 1963, the Transfer Board approved the transfer to Mercer Marine Transport Corp., doing business as Mercer Marine Transit, Smyrna, Ga., of Certificates in Nos. MC 119234 and MC 119234 (Sub No. 1), issued August 20, 1962 and March 8, 1960, respectively, to Boat Transport, Inc., Atlanta, Ga., authorizing the transportation of: Boats, between Atlanta, Ga., and points within 50 miles thereof, on the one hand, and, on the other, points in Alabama, Arkansas, Colorado, Delaware, Florida, Georgia, Illinois, Indiana, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, and Wisconsin; and used boats, between points in Georgia, on the one hand, and, on the other, points in Alabama, Florida, Tennessee, and South Carolina. Paul M. Daniell, 214 Grant Building, Atlanta 3, Ga., attorney for applicants.

No. MC-FC 65879. By order of June 20, 1963, the Transfer Board approved the transfer to Wm. N. Footer, Inc., Reeds Ferry, N.H., of Certificates in Nos. MC 63503 and MC 63503 (Sub No. 4), MC 63503 (Sub No. 5), MC 63503 (Sub No. 6), and MC 63503 (Sub No. 7), issued April 25, 1949, December 7, 1949, January 18, 1951, May 29, 1951, and July 22, 1959, respectively, to Wm. N. Footer, Reeds Ferry, N.H., authorizing the transportation of: Forest products, telephone poles, and piling, between points in New Hampshire, on the one hand, and, on the other, points in Maine, Massachusetts, Rhode Island, and Vermont; poles, piling, and lumber, treated and untreated, between points in New Hampshire; poles and piling, treated and untreated, from Nashua, N.H., to points in Connecticut; rough or dressed lumber, from points in Massachusetts within 40 miles of Nashua, N.H., to Nashua; and from Nashua, N.H., to points in Massachusetts and Connecticut; lumber, from points in York County, Maine, to Jaffrey, N.H.; and logs, posts, poles, piling, ties, planking, crossarms, and timbers from Merrimack and Nashua, N.H., to points in Albany, Clinton, Essex, Franklin, Fulton, Hamilton, Montgomery, Rensselaer, Saratoga, Schenectady, Warren, and Washington Counties, N.Y. Andre J. Barbeau, 795 Elm Street, Manchester, N.H., attorney for applicants.

No. MC-FC 65960. By order of June 17, 1963, the Transfer Board approved the transfer to Kenneth W. Huryta, doing business as Ken's Transfer, Ravenna, Nebr., of the "grandfather" operating rights covering the transportation of general commodities, except those requiring special equipment, between Ravenna and Grand Island, Nebr., and between Ravenna and Pleasanton, Nebr.; claimed in Docket No. MC 120241, by Harvey H. Shrader, Ravenna, Nebr. Moller R. Johnson, Ravenna, Nebr., attorney for applicants.



No. MC-FC 66002. By order of June 19, 1963, the Transfer Board approved the transfer to Strang Transportation, Inc., Elmer, N.J., of Certificates Nos. MC 16634 and MC 16634 (Sub No. 5), issued December 9, 1960 and January 30, 1963, respectively, to L. Stanley Strang and Donald E. Strang, a partnership, doing business as Strang Transportation, Elmer, N.J., authorizing the transportation of: Agricultural commodities, baker's supplies, and similar commodities, from and to specified points in Maryland, New Jersey, New York, Pennsylvania, and the District of Columbia. And further provides for the substitution of the above-named corporation to acquire the authority approved to the partnership in the proceeding No. MC-F 8206, L. Stanley Strang and Donald E. Strang—Purchase—Ben Mozenter (Harris Y. Cotton, Trustee), when that transaction is consummated. Charles H. Trayford, 220 East 42d Street, New York, N.Y., representative for applicants.

[SEAL]

HAROLD D. McCoy,  
Secretary.

[F.R. Doc. 63-6879; Filed, June 28, 1963;  
8:53 a.m.]

#### FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 26, 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. 38396: *Ethylene glycol to and from Brevard, N.C.* Filed by Southwestern Freight Bureau, Agent (No. B-8411), for interested rail carriers. Rates on ethylene glycol, and ethylene glycol, used or recovered, suitable only for further refining, in tank-car loads, from points in Louisiana and Texas to Brevard, N.C., and from Brevard, N.C., to points in Louisiana and Texas.

Grounds for relief: Market competition.

Tariff: Supplement 277 to Southwestern Freight Bureau, Agent, tariff I.C.C. 4064.

FSA No. 38397: *Sulphur from Edgewood, Tex.* Filed by Southwestern Freight Bureau, Agent (No. B-8407), for interested rail carriers. Rates on crude and refined sulphur, as described in the application, in carloads, from Edgewood, Tex., to points in southern and official territories.

Grounds for relief: Market competition.

Tariff: Supplement 227 to Southwestern Freight Bureau, Agent, tariff I.C.C. 4177.

FSA No. 38398: *Crude petroleum oil to Escanaba and Rapid River, Mich.* Filed by Trans-Continental Freight Bureau, Agent (No. 411), for interested rail carriers. Rates on crude petroleum oil, as described in the application, in tank-car loads, from Baker, Billings, Bridger,

Columbus, East Billings, Great Falls, Laurel, Macon, Red Lodge, Roundup and Queens Point, Mont., to Escanaba and Rapid River, Mich.

Grounds for relief: Market competition.

Tariff: Supplement 103 to Trans-Continental Freight Bureau, Agent, tariff I.C.C. 1644.

FSA No. 38399: *Sugar to Milwaukee, Wis.* Filed by Western Trunk Line Committee, Agent (No. A-2307), for interested rail carriers. Rates on sugar, beet or cane, dry, in bulk in covered hopper cars, as described in the application, in carloads, from points in trans-continental and western trunkline territories, also Montana, to Milwaukee, Wis.

Grounds for relief: Market competition.

Tariffs: Supplement 7 to Western Trunk Line Committee, Agent, tariff I.C.C. A-4481, and 3 other schedules named in the application.

FSA No. 38400: *Salt from Morton, Ohio.* Filed by Traffic Executive Association-Eastern Railroads, Agent (E.R. No. 2677), for interested rail carriers. Rates on common salt (sodium chloride), in carloads, from Morton, Ohio, to points in central territory.

Grounds for relief: Market competition.

By the Commission.

[SEAL]

HAROLD D. McCoy,  
Secretary.

[F.R. Doc. 63-6880; Filed, June 28, 1963;  
8:53 a.m.]

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| 3.....          | 5475                   | 234.....                | 6077       | <b>50 CFR</b>           |                        |
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| 203.....        | 6074, 6214, 6678       | 254.....                | 5577, 6078 | 32.....                 | 6511                   |
|                 |                        |                         |            | 33.....                 | 5580, 6016             |