Pages 8189–8233

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Contents

(*Continued on next page*)

Codification Guide

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

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

5 CFR

201 ---- 8191
202 ---- 8191
204 ---- 8191

7 CFR

26 ---- 8191
958 ---- 8192
1063 ---- 8193
1446 ---- 8195

PROPOSED RULES:
1030 ---- 8212

14 CFR

71 [New] (4 documents) ---- 8204, 8205
75 [New] ---- 8205

PROPOSED RULES:
40 ---- 8214
41 ---- 8214
42 ---- 8214
71 [New] (3 documents) ---- 8215–8217
73 [New] ---- 8217
514 ---- 8218

16 CFR

13 (6 documents) ---- 8205–8208

17 CFR

230 ---- 8208

25 CFR

PROPOSED RULES:
221 (3 documents) ---- 8212

26 CFR

PROPOSED RULES:
1 ---- 8212

41 CFR

50–204 ---- 8208

48 CFR

211 ---- 8211

49 CFR

1 ---- 8211

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Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter II—Employment and Compensation in the Canal Zone

PART 201—GENERAL

PART 202—FILLING POSITIONS

PART 204—COMPENSATION AND ALLOWANCES

Miscellaneous Amendments

Effective upon publication in the FEDERAL REGISTER, § 201.100(b), § 202.1 and § 204.15 are amended as follows:

§ 201.100 **Exclusions.**

* * * * *

(b) * * *

(7) Positions designated by the Board as properly a fee-rate position within the Special Category defined in § 204.7 of the regulations in this chapter.

(8) Any position the duties of which are part-time or intermittent in which the appointee will receive compensation during his service year that aggregates not more than 40 percent of the annual salary rate for the first step of NM–3.

* * * * *

§ 202.1 **Methods of filling vacancies.**

In his discretion an appointing officer may fill any position either by competitive appointment from a Canal Zone Merit System register, by appointment or position change of a present or former Federal employee through noncompetitive action in accordance with the regulations in this part, or, when authorized under § 202.13, by temporary appointment. He shall exercise his discretion in all personnel actions solely on the basis of merit and fitness. In determining merit and fitness of any person, there shall be no discrimination on the basis of religious or political affiliations, marital status, physical handicap, race, color, sex, national origin, or of nationality as between citizens of the United States and citizens or residents of the Republic of Panama or of the Canal Zone as required by § 202.2.

§ 204.15 **Increases, within-grade or pay level.**

(a) *Nonmanual and service categories.* Employees in positions in these categories shall be advanced to higher rates within the grade of their positions in accordance with Subpart B and Subpart H, Part 25 of this title.

(b) *Manual category.* Employees in positions in this category shall be advanced successively to the next higher schedule step in their pay level in accordance with regulations issued by the Canal Zone Civilian Personnel Policy Coordinating Board.

CYRUS R. VANCE,
Secretary of the Army.

[F.R. Doc. 63-8494; Filed Aug. 8, 1963; 8:45 a.m.]

Title 7—AGRICULTURE

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

SUBCHAPTER A—COMMODITY STANDARDS AND STANDARD CONTAINER REGULATIONS

PART 26—GRAIN STANDARDS

Miscellaneous Amendments

Under authority contained in the United States Grain Standards Act, as amended (7 U.S.C. 84), the United States Department of Agriculture hereby amends the regulations governing the issuance of certificates of grade (7 CFR Part 26), as stated below:

Statement of considerations. On June 1, 1963, there was published in the FEDERAL REGISTER (28 F.R. 5430) a notice of a proposal to amend the regulations (7 CFR Part 26) governing certificates of grade issued under the United States Grain Standards Act (7 U.S.C. 71 et seq.). Interested persons were given 30 days after publication of the notice to submit written data, views, or arguments.

Several of the comments received recommended that the proposed amendments be further amended to require licensed inspectors to show on certificates of grade for export cargo shipments of wheat the percentage of "shrunken and broken kernels." The percentage of "shrunken and broken kernels" does not ordinarily determine the grade of wheat; however, to importers and millers the information is essential in determining the amount of "clean-out" or non-millable material in wheat. It does not appear that further public participation would make additional information available to the Department regarding this additional amendment. Therefore, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that further public rule making procedure on the additional amendment is unnecessary.

Several of the comments received recommended that the proposed amendments be further amended to require licensed inspectors to show the proposed factor information on all certificates of grade. The Department is giving further consideration to this recommended additional amendment.

Some of the comments received recommended that certificates of grade for Sample Grade grain should not be included in the proposed amendments because factor information is not needed or is not desired on Sample Grade grain; and that factors such as sour and musty should not be included because such factors are considered condition factors and, if shown, would result in a prima facie default of contract. The Department considers factor information of particular importance in the certification of Sample Grain grain, but recognizes that the showing of certain "condition" factor information could result in default of existing contracts. The effective date of the amendments is being set accordingly.

Several comments received expressed concern that the proposed amendments would result in a substantial increase in the time required to inspect and load export grain, and in a substantial increase in the cost of exporting U.S. grain. Factor information is now voluntarily shown on certificates of grade for export cargo shipments in several U.S. ports. The required showing of factor information in such ports will result in no increase, and in other ports only a slight increase, in the time required to inspect and certificate export cargo grain. The required showing of factor information will ordinarily not increase the time required to load or increase the cost of exporting U.S. grain.

After consideration of all relevant material presented, the amendments hereinafter set forth are promulgated. The amendments are essentially the same as those proposed except as noted above. Wording has been added to paragraph (m)(3) for clarification purposes. The amendments eliminate certain exceptions which heretofore were applicable to certificates of grade for export shipments; they require the showing of certain factor information on certificates of grade for export cargo shipments; and they provide for certain changes in showing factor information on certificates of grade for other than export cargo shipments.

The amendments are as follows:

1. Sections 26.29 (n) and (o) are deleted.

2. Section 26.29(m) is amended to read:

(m) The following factor information:

(1) The factor information for the test weight per bushel, whether or not such factor determines the grade of the grain. The test weight per bushel shall be stated in terms of whole pounds and tenths of a pound for wheat and rye; in terms of whole pounds and half pounds for corn, barley (other than Western barley), oats, grain sorghum, flaxseed, soybeans, and mixed grain; and in terms of whole pounds for Western barley. When the test weight per bushel is stated in terms of whole pounds and half pounds, a fraction of a pound when equal to or greater than one-half shall be stated as one-half, and when less than one-half shall be disregarded. When the test weight per bushel is stated in terms

of whole pounds, a fraction of a pound shall be disregarded.

(2) The factor information for the moisture content of the grain whenever the grain is graded "Tough" or whenever the moisture factor determines the grade of the grain: *Provided,* That each certificate of grade issued for an export cargo shipment shall contain the factor information for the moisture content regardless of the grade of the grain. The moisture content shall be stated in terms of whole percent and tenths of a percent.

(3) In case of a certificate of grade for an export cargo shipment of grain, the factor information for each of the following factors in the official grain standards of the United States for the grain, in addition to the factor information required by subparagraphs (1) and (2) of this paragraph.

WHEAT (HARD RED SPRING, HARD RED WINTER, SOFT RED WINTER, WHITE)

Damaged kernels
Heat-damaged kernels
Foreign material
Wheats of other classes
Durum and/or Red Durum
Shrunken and broken kernels

WHEAT (DURUM AND RED DURUM)

Damaged kernels
Heat-damaged kernels
Foreign material
Wheats of other classes
Soft Red Winter, White, and/or Red Durum
Shrunken and broken kernels

WHEAT (MIXED)

Damaged kernels
Heat-damaged kernels
Foreign material
Shrunken and broken kernels

CORN

Broken corn and foreign material
Damaged kernels
Heat-damaged kernels

BARLEY (OTHER THAN MALTING, BLUE MALTING, AND WESTERN)

Sound barley
Damaged kernels
Heat-damaged kernels
Foreign material
Broken kernels
Thin barley
Black barley

BARLEY (MALTING AND BLUE MALTING)

Sound barley
Damaged kernels
Foreign material
Skinned and broken kernels
Thin barley
Black barley
Other grains

BARLEY (WESTERN)

Sound barley
Heat-damaged kernels
Wild oats
Foreign material
Broken kernels
Black barley

OATS

Sound cultivated oats
Heat-damaged kernels
Foreign material
Wild oats

RYE

Damaged kernels
Heat-damaged kernels
Foreign material
Foreign matter other than wheat

GRAIN SORGHUM

Damaged kernels
Heat-damaged kernels
Broken kernels, foreign material, and other grains

FLAXSEED

Damaged flaxseed

SOYBEANS

Splits
Damaged kernels
Heat-damaged kernels
Foreign material
Brown, black, and/or bicolored soybeans in yellow or green soybeans

MIXED GRAIN

Foreign material
Damaged kernels
Heat-damaged kernels

The above factor information shall be stated in accordance with the official grain standards of the United States and in accordance with instructions issued by the Director of the Grain Division, Agricultural Marketing Service.

(4) In case the grain in an export cargo shipment is graded a grade other than No. 1, and the grade is determined by a factor or factors other than those listed in subparagraphs (1), (2), and (3) of this paragraph, the factor information for the factor or factors which determined the grade.

(5) In case of a certificate of grade for other than an export cargo shipment of grain, the factor information for one or more of the factors which determined the grade, if the grain is graded other than No. 1, and the factor information for the musty or sour factor, if the grain is musty or sour. (See also subparagraphs (1) and (2) of this paragraph.)

(6) All factor information requested by the applicant, in addition to that otherwise required by this paragraph (m). (A certificate may contain any or all other factor information at the option of the inspector.)

For the purposes of this paragraph (m), each factor which is defined in the official grain standards of the United States, such as test weight per bushel, moisture, and damaged kernels, and each other factor such as musty, heating, and stained shall be considered a separate and distinct factor.

Done at Washington, D.C. this 5th day of August 1963, to become effective 30 days after publication in the FEDERAL REGISTER: *Provided,* That with respect to inspection of grain for delivery in fulfillment of contracts, orders, or commitments for Sample Grade export cargo grain made on or before said effective date, the requirements set forth in paragraph (m)(4) with respect to showing the factors "musty," "sour," and "commercially objectionable foreign odor" shall not be effective upon a satisfactory showing by one or more interested parties that the terms of the contracts, orders, or commitments specify Sample Grade grain.

G. R. GRANGE,
Deputy Administrator,
Agricultural Marketing Service.

[F.R. Doc. 63-8532; Filed, Aug. 8, 1963; 8:52 a.m.]

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

[958.308]

PART 958—ONIONS GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

Limitation of Shipments

Findings. (a) Pursuant to Marketing Agreement No. 130 and Order No. 958 (7 CFR Part 958), regulating the handling of onions grown in the production area defined therein, effective under 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 Idaho-Eastern Oregon Onion Committee, established pursuant to the said marketing agreement and order, and other available information, it is hereby found that the limitation of shipments hereinafter set forth, will tend to maintain orderly marketing conditions and increase returns to producers.

(b) It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, and engage in public rule making procedure, and 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) shipments of 1963 crop onions grown in the production area will begin on or about the effective date specified herein, (2) to maximize benefits to producers, this regulation should apply to all such shipments during the effective period, (3) producers and handlers have operated under this marketing order program since 1957, so special preparation on the part of handlers is not required, and (4) information regarding the committee's recommendation has been made available to producers and handlers in the production area.

§ 958.308 Limitation of shipments.

During the period from August 12, 1963, through June 30, 1964, no person shall handle any lot of yellow or white varieties of onions grown in the production area unless such onions meet the requirements of paragraph (a) of this section, or unless such onions are handled in accordance with paragraphs (b) or (c) of this section.

(a) *Minimum grade and size requirements*—(1) *Yellow varieties.* U.S. No. 2 grade, 2 inches minimum diameter.

(2) *White varieties.* U.S. No. 2 grade, 1½ inches minimum diameter, or 1 inch minimum to 2 inches maximum diameter if packed separately.

(b) *Special purpose shipments.* The minimum grade and size requirements set forth in paragraph (a) of this section and the inspection and assessment requirements of this part shall not be applicable to shipments of onions for any of the following purposes:

(1) Planting;
(2) Livestock feed; and
(3) Charity.

(c) *Minimum quantity exception.* Each handler may ship up to, but not to exceed, one ton of onions 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 one ton of onions.

(d) *Definitions.* The term "U.S. No. 2" shall have the same meaning as when used in the United States Standards for Grades of Onions (§§ 51.2830—51.2850 of this title). Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 130 and this part.

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

Dated August 6, 1963, to become effective August 12, 1963.

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

[F.R. Doc. 63-8555; Filed, Aug. 8, 1963; 8:56 a.m.]

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

[Milk Order No. 63]

PART 1063—MILK IN QUAD CITIES-DUBUQUE MARKETING AREA

Order Amending Order

§ 1063.0 Findings and determinations.

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

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

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

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

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

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

(2) The provisions of the said order are known to handlers. The recommended decision of the Assistant Secretary of Agriculture was issued June 21, 1963, and the decision of the Assistant Secretary containing all amendment provisions of this order, was issued July 11, 1963. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective September 1, 1963, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Section 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011.)

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

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

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

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

1. New §§ 1063.18 and 1063.19 are added and read as follows:

§ 1063.18 Base milk.

"Base milk" means the quantity of producer milk received by a handler during each of the months of March through June which is not in excess of such producer's daily base computed pursuant to § 1063.64 multiplied by the number of days such milk was produced.

§ 1063.19 Excess milk.

"Excess milk" means the quantity of producer milk received by a handler during each of the months of March through June which is in excess of the base milk received from such producer.

2. In § 1063.22 subparagraph (j)(2) is revised, a new subparagraph (j)(3) is added and a new paragraph (l) is added to read as follows:

§ 1063.22 Duties.

* * * * *

(j) * * *

(l) * * *

(2) The 10th day after the end of each month the uniform price pursuant to § 1063.72 and the producer butterfat differential pursuant to § 1063.81 for the preceding month; and

(3) The 10th day after the end of each month of March through June the uniform prices for base milk and excess milk pursuant to § 1063.73 and the producer butterfat differential pursuant to § 1063.81 for the preceding months.

* * * * *

(l) On or before March 1 of each year, notify each producer and the handler receiving milk from such producer of the base established by such producer.

3. Section 1063.30(a) is revised to read as follows:

§ 1063.30 Reports of receipts and utilization.

* * * * *

(a) The quantities of skim milk and butterfat contained in receipts of producer milk including for each month of March through June the aggregate quantities of base milk and excess milk, respectively;

4. Section 1063.60 is revised to read as follows:

§ 1063.60 Producer-handler.

Sections 1063.70 through 1063.73 and 1063.80 through 1063.88 shall not apply to a producer-handler.

5. New §§ 1063.64 and 1063.65 are added and read as follows:

§ 1063.64 Daily base.

The daily base for each producer for each of the months of March through June shall be determined by the market administrator as follows:

(a) Divide the total pounds of milk received from such producer by a handler during the months of September through November immediately preceding by the number of days such milk was produced, but not less than 60 days;

(b) Any producer for whom a base has been computed may, upon written notice to the market administrator postmarked not later than March 15, relinquish his base and be allotted a base computed pursuant to paragraph (c) of this section;

(c) Any producer who has not earned a base by deliveries during the previous September, October and November, and any producer who elects to relinquish his base pursuant to subparagraph (b) of this paragraph, shall be allotted a base for each of the delivery periods of March through June equal to the following percentages of his average daily deliveries:

Month:	Percentage
March	50
April	50
May	40
June	40

Provided, That for March, April, May and June 1964, the percentages used shall be, respectively, 55, 55, 45 and 45; and

(d) For the purpose of computing the base of a producer pursuant to this section, the deliveries of any dairy farmer during the preceding September through November to a nonpool plant that is a pool plant in any of the months of March through June shall be considered producer milk received by a handler.

§ 1063.65 Base rules.

Any base computed pursuant to § 1063.64(a) shall be subject to the following rules:

(a) A base shall be held in the name of the producer and may be transferred only at his option.

(b) The milk to which the transferred base shall apply must be produced on the same farm from which such base was earned, and the transferor must notify the market administrator in writing on or before the last day of the month that such base is to be transferred indicating the name of the transferee and the effective date of the transfer; and in the event of a producer's death his base may be so transferred upon written notice to the market administrator from any member of the producer's immediate family.

(c) Where two or more producers deliver milk from the same farm, the market administrator shall compute one base for each such farm, which base shall be held jointly in the names of the producers, and during March, April, May and June, each producer having an interest in a jointly held base shall share the base during each month in the same proportion as he shares in the milk deliveries during such month: *Provided,* That if the producers have earned bases separately, one or more of which was earned on another farm, each producer may retain his individual base if application is made in writing to the market administrator postmarked not later than the last day of the first month during which the base is to apply.

(d) When two or more producers holding a joint base cease delivering milk from the same farm, the base may be divided among the producers having an interest in such base by notification in writing to the market administrator postmarked not later than the last day of the month during which the division is to be effective, such notification to specify the terms of division of base and bearing the signatures of all interested producers: *Provided,* That in the event producers do not notify the market administrator of their agreed terms of division of base by letter postmarked not later than the last day of the month during which the division is effective, the market administrator shall divide the base among the producers in the same ratio as they shared in the milk deliveries during the base-making period, or if the base is held in the name of a partnership, it shall be divided equally among the interested producers.

(e) Subject to the provisions set forth in paragraphs (a) and (b) of this section, a producer who discontinues shipping milk to a pool plant during September, October or November may transfer to another producer credit for milk deliveries for base-making purposes.

6. Section 1063.71 is revised and new §§ 1063.72 and 1063.73 are added to read as follows:

§ 1063.71 Computation of aggregate value used to determine uniform price.

For each month the market administrator shall compute an aggregate value from which to determine the uniform price per hundredweight for producer milk of 3.5 percent butterfat content f.o.b. Rock Island, Illinois, as follows:

(a) Combine into one total the values computed pursuant to § 1063.70 for all handlers who made the reports prescribed in § 1063.30 for such month, except those in default of payments required pursuant to § 1063.84 for the preceding month;

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

(c) Add an amount equal to the sum of the location differential deductions to be made pursuant to § 1063.82; and

(d) Add an amount equal to one-half of the unobligated cash balance in the producer-settlement fund.

§ 1063.72 Computation of uniform price.

For each month, the market administrator shall compute a uniform price for producer milk of 3.5 percent butterfat content f.o.b. Rock Island, Illinois, as follows:

(a) Divide the aggregate value computed pursuant to § 1063.71 by the total hundredweight of producer milk included in such computations; and

(b) Subtract not less than 4 cents nor more than 5 cents from the price computed pursuant to paragraph (a) of this section. The resulting figure shall be the uniform price for producer milk.

§ 1063.73 Computation of uniform price for base milk and excess milk.

For each of the months of March through June, the market administrator shall compute the uniform prices per hundredweight for base milk and for excess milk, each of 3.5 percent butterfat content f.o.b. Rock Island, Illinois, as follows:

(a) From the reports submitted by handlers pursuant to § 1063.30 determine the aggregate classification of producer milk included in the computation of value pursuant to § 1063.71 and the total hundredweight of such milk that is base milk and that is excess milk;

(b) Determine the value of such excess milk on a 3.5 percent butterfat basis by multiplying the total hundredweight of such milk not in excess of the total Class II milk pursuant to paragraph (a) of this section by the Class II milk price and adding thereto the value of any remaining excess milk at the Class I milk price;

(c) Divide the value of excess milk obtained in paragraph (b) of this section by the total hundredweight of such milk. The resulting figure, rounded to the nearest cent, shall be the uniform price for excess milk;

(d) Subtract the value of excess milk pursuant to paragraph (c) of this section from the aggregate value of all milk obtained in § 1063.71; and

(e) Divide the amount obtained in paragraph (d) of this section by the total hundredweight of base milk obtained in paragraph (a) of this section, and subtract not less than 4 cents nor more than 5 cents from the price thus computed. The resulting figure shall be the uniform price for base milk.

7. Section 1063.80(a) is revised to read as follows:

§ 1063.80 Time and method of payment for producer milk.

* * * * *

(a) On or before the 17th day after the end of each month during which the milk was received, to each producer for milk received from him and for which payment is not made pursuant to paragraph (b) of this section, at not less than the uniform price pursuant to § 1063.72 for milk received each of the months of July through February and at not less than the applicable base and excess prices pursuant to § 1063.73, for milk received each of the months of March through June, subject to the butterfat differential computed pursuant to § 1063.81 and less location differential deductions pursuant to § 1063.82.

8. Section 1063.82 is revised to read as follows:

§ 1063.82 Location differentials to producers.

In making payment pursuant to § 1063.80 the uniform prices pursuant to §§ 1063.72 and 1063.73 for milk which is received from producers at pool plants in Dubuque and Jackson Counties, Iowa, and East Dubuque, Illinois, shall be reduced 10 cents and for milk which is received from producers at pool plants outside the marketing area and 70 miles or more from the City Hall, Rock Island, Illinois, by the shortest hard-surfaced highway distance as determined by the market administrator shall be reduced at the rate set forth in the following schedule according to the location of the pool plant where such milk is received from producers:

Distance from the Rock Island City Hall (miles)	Rate per hundredweight (cents)
70 but less than 80	10.0
For each additional 10 miles or fraction thereof an additional	1.5

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

Effective date: September 1, 1963.

Signed at Washington, D.C., on August 6, 1963.

CHARLES S. MURPHY,
Acting Secretary.

[F.R. Doc. 63-8554; Filed, Aug. 8, 1963; 8:56 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1446—PEANUTS

Subpart—1963 Crop Peanut Price Support Program Regulations

This subpart contains regulations applicable to the 1963 Crop Peanut Price Support Program, under which the Secretary of Agriculture makes price support available through the Commodity Credit Corporation and the Agricultural Stabilization and Conservation Service (hereinafter referred to as CCC and ASCS respectively).

LOANS AND PURCHASE AGREEMENTS

GENERAL

PRODUCER LOANS (FARM STORAGE LOANS)

ASSOCIATION LOANS (WAREHOUSE STORAGE LOANS)

PURCHASE AGREEMENTS

SUPPORT PRICES

No. 2 SHELLED PEANUTS

AUTHORITY: §§ 1446.1500 to 1446.1551 issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054, sec. 201, 68 Stat 899; 15 U.S.C. 714c, 7 U.S.C. 1441, 1421.

LOANS AND PURCHASE AGREEMENTS

GENERAL

§ 1446.1500 Administration.

(a) *Responsibility.* Under the general direction and supervision of the Executive Vice President, CCC, the program will be administered as follows:

(1) The Farmer Programs Division, ASCS, will administer the provisions of this subpart dealing with farm storage loans and purchase agreements. In the field, such provisions will be carried out by ASCS State and county committees (referred to in this subpart as State and county committees, respectively).

(2) The Producer Associations Division will administer the provisions of this subpart dealing with loans to Associations and the No. 2 shelled peanut purchase program. In the field, the No. 2 shelled peanut purchase program will be carried out by the following peanut grower cooperative marketing associations (referred to in this subpart as association(s) operating under Association Loan and Handling Agreements with CCC (referred to in this subpart as agreements with CCC) in the areas specified: Southeastern Area, G F A Peanut Association, Camilla, Georgia; Southwestern Area, Southwestern Peanut Growers Association, Gorman, Texas; Virginia-Carolina Area, Peanut Growers Cooperative Marketing Association, Franklin, Virginia.

(b) *Limitation of authority.* State and county committees and Associations do not have authority to modify or waive any of the provisions of this subpart or any amendments or supplements thereto.

(c) *Supervisory authority.* No delegation herein to a State or county committee or Association shall preclude the Executive Vice President, CCC, or his designee, from determining any questions arising under the program or from reversing or modifying any determination made by a State or county committee or Association.

§ 1446.1501 Availability.

(a) *Areas.* The program will be available in the following areas:

(1) The Southeastern area consisting of the States of Alabama, Georgia, Mississippi, Florida, and that part of South Carolina south and west of the Santee-Congaree-Broad Rivers.

(2) The Southwestern area consisting of the States of Arizona, Arkansas, California, Louisiana, New Mexico, Oklahoma, and Texas.

(3) The Virginia-Carolina area consisting of the States of Missouri, North Carolina, Tennessee, Virginia, and that part of South Carolina north and east of the Santee-Congaree-Broad Rivers.

(b) *Time.* Loans will be made through January 31, 1964 and will mature on May 31, 1964, or such earlier date as may be specified by CCC: *Provided, however,* That CCC may extend the maturity date beyond May 31, 1964. All farm storage loan documents must be dated and delivered to the county office on or before January 31, 1964. Warehouse receipts for peanuts delivered to an Association operating under an Agreement with CCC shall show that the peanuts were received in the warehouse not later than January 31, 1964, and, unless otherwise approved by CCC, shall have been issued within two business days (excluding Saturdays) after the peanuts were received in the warehouse. Purchase agreements will be available at the county office through January 31, 1964. An eligible producer who desires to sell peanuts to CCC is required to file a Purchase Agreement, Form CP-1, with the county office on or before such date.

§ 1446.1502 Methods of price support.

CCC will support the price of eligible 1963 crop peanuts through farm storage loans to eligible producers, warehouse storage loans to Associations operating under agreements with CCC, and through purchase agreements with eligible producers.

§ 1446.1503 Definitions.

As used herein and in instructions and documents in connection herewith, the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

(a) *Association.* A group of producers organized in accordance with the provisions of the Capper-Volstead Act for the purpose of handling agricultural products for and on behalf of its producer members, which qualifies as a cooperative in the State(s) in which it functions, is approved by CCC, and meets the following requirements:

(1) The major portion of the peanuts handled by the Association is delivered to the Association by producer members;

(2) The members and non-members who deliver peanuts to the Association and who authorize the Association to handle and market their peanuts and to obtain price support on such peanuts have a right to share pro rata in the profits made from handling peanuts;

(3) The Association has the legal right to pledge or mortgage the peanuts tendered as security for a loan; and

(4) Unless otherwise approved by CCC, no officer or director of the Association shall be engaged in the business of buying, selling, storing, or dealing in peanuts, other than in his capacity as an officer or director of the Association or as a producer.

(b) *County Office.* The office of the ASCS county committee where records for the farm are kept.

(c) *Farm.* A farm as defined in the Farm Reconstitution and Allotment Regulations as amended (27 F.R. 6482, 7382, 11919, 28 F.R. 1415, 1711, 2227), which in general define a farm as all adjoining or nearby farmland which is operated by one person.

(d) *Effective farm allotment.* The effective farm allotment for 1963 crop peanuts as defined in the marketing quota regulations.

(e) *Farmers stock peanuts.* Picked or threshed peanuts produced in the continental United States, which have not been shelled, crushed, cleaned or otherwise changed (except for removal of foreign material, loose shelled kernels and excess moisture) from the state in which picked or threshed peanuts are customarily marketed by producers.

(f) *Farm peanut acreage.* The 1963 farm peanut acreage determined in accordance with the marketing quota regulations which, in general, define such acreage as the total acreage of peanuts on the farm which is picked or threshed.

(g) *Lot.* That quantity of peanuts for which one inspection memorandum is issued.

(h) *Marketing quota regulations.* The Allotment and Marketing Quota Regulations for peanuts of the 1963 and Subsequent Crops issued by the Administrator, ASCS, 27 F.R. 11920.

(i) *Net weight (farmers stock peanuts).* That weight of farmers stock peanuts obtained by multiplying the gross scale weight by a percentage equal to 100 percent minus the sum of the percentages of (1) foreign material and (2) moisture in excess of 7 percent in the Southwestern and Southeastern areas or 8 percent in the Virginia-Carolina area.

(j) *Producer.* A person who, as landowner, landlord, tenant or sharecropper, is entitled to share in the peanuts produced on the farm.

(k) *Quota peanuts.* Peanuts which are within the amount of the farm marketing quota determined pursuant to the marketing quota regulations.

(l) *Type.* The generally known types of peanuts (i.e. Runner, Spanish, Valencia, and Virginia) as defined in the marketing quota regulations.

(m) *Sound mature kernels.* Kernels which are free from damage and minor defects as defined in the U.S. Standards for shelled (1) Spanish type peanuts effective August 31, 1959, in the case of Spanish and Valencia peanuts, (2) Runner type peanuts, effective July 31, 1956, or (3) Virginia type peanuts, effective August 31, 1959; and which will not pass through a screen having:

(i) $^{15}/_{64}$ x $^{3}/_{4}$ inch perforation in the case of Spanish and Valencia peanuts.

(ii) $^{15}/_{64}$ x 1 inch perforations in the case of Virginia peanuts.

(iii) $^{16}/_{64}$ x $^{3}/_{4}$ inch perforations in the case of Runner peanuts.

(n) *Extra large kernels.* Shelled Virginia type peanuts which will not pass through a screen having 21.5/64 x 1 inch openings and which are "whole" and free from "minor defects" and "damage" as such terms are defined in the U.S. Standards for Shelled Virginia Type Peanuts effective August 31, 1959.

(o) *Valencia type peanuts suitable for cleaning and roasting.* Valencia peanuts containing less than 25 percent discoloration and damage caused by cracked and broken shells.

(p) *Within quota card.* Form MQ–76 (Peanuts) 1963, 1963 peanut within quota marketing card, issued pursuant to the marketing quota regulations.

§ 1446.1504 Eligible peanuts.

(a) *Eligibility requirements.* (1) Peanuts eligible for price support are 1963 crop farmers stock peanuts, other than those produced in violation of a restrictive lease on federally owned land, which:

(i) Contain, except as provided in subparagraph (3) of this paragraph, not more than 10 percent foreign material and not more than 7 percent damaged kernels;

(ii) Contain, except as provided in subparagraph (3) of this paragraph, not more than 10 percent moisture but any such peanuts which have been mechanically dried shall contain at least 6 percent moisture;

(iii) Are produced by an eligible producer on a farm on which the 1963 farm peanut acreage does not exceed the effective farm allotment determined in accordance with the marketing quota regulations; on which the farm peanut acreage exceeds the effective farm allotment if the producer establishes to the satisfaction of CCC, as provided in paragraph (c) of this section, that he did not knowingly exceed such farm allotment, or for which a within quota marketing card is issued upon the execution of a Form MQ–92—Peanuts (2–27–59), agreement by operator of overplanted peanut farm: *Provided, however,* That the county committee may decline to execute such agreement in any case where it finds reasonable grounds to believe that it will be used as a device to evade the requirements of the price support program or the collection of marketing penalty; and

(iv) Are free and clear of all liens and encumbrances, including landlord's liens, or if liens or encumbrances exist on the peanuts, acceptable waivers are obtained.

(2) In the Southwest area, if peanuts are bagged, the bags shall be new or thoroughly cleaned used bags which are made of material, other than mesh or net, weighing not less than 7½ ounces nor more than 10 ounces per square yard and containing no sisal fibers, are free from holes and are finished at the top with either the selvage edge of the material, binding or a hem. Such bags shall be of uniform size with approximately 2-bushel capacity.

(3) In the case of bulk stored peanuts in the Virginia-Carolina area, CCC may determine that, for purposes of a loan to an Association the eligibility requirements with respect to foreign material, damaged kernels, and moisture have been met, if on the basis of preliminary grade determined by a Federal-State inspector from a preliminary sample drawn under his supervision, the percentage of foreign material does not exceed 10 percent, the percentage of damaged kernels does not exceed 7 percent, and the percentage of moisture does not exceed 10 percent. However, the official grade determined by the Federal-State inspector subsequent to the preliminary grade determination shall be used in determining the price support value and the net weight.

(b) *Agreement by operator of overplanted peanut farm.* By execution of Form MQ–92 Peanuts (2–27–59), Agreement by Operator of Over-planted Peanut Farm, the operator agrees that the farm peanut acreage will not exceed the effective farm allotment and that if such undertaking is breached, he will pay liquidated damages to CCC in accordance with the terms of such agreement, and pay any marketing penalties due the Secretary of Agriculture. In a case where the farm peanut acreage exceed the effective farm allotment by not more than the larger of one-tenth acre or two percent of such allotment, payment of the liquidated damages will not be required if the State Executive Director, or in his absence the acting executive director, determines that the breach of such agreement was unintentional and occurred despite a bona fide effort by the operator and other producers on the farm to comply with such agreement. In a case where the farm peanut acreage exceed the effective farm allotment by more than the larger of one-tenth acre or two percent of such allotment, payment of the liquidated damages will not be required if the State Committee makes the determination specified above and also determines that the amount by which the farm peanut acreage exceeded the effective farm allotment was so small in relation to such allotment that it did not materially impair CCC's price support operations.

(c) *Determination that producer unknowingly exceeded the effective farm allotment.* A producer on a farm on which the farm peanut acreage exceeds the effective farm allotment shall be deemed not to have knowingly exceeded such allotment if (1) the excess acreage is determined, in accordance with the marketing quota regulations, to be zero, (2) payment of the liquidated damages provided for as the result of a breach of the terms of Form MQ–92–Peanuts is not required under the provisions of paragraph (b) of this section, (3) an erroneous notice of measured acreage was issued to the producer and the farm peanut acreage is deemed to be equal to the effective farm allotment under the provisions of the peanut marketing quota program, or (4) the producer exceeded the effective farm allotment under circumstances which are not provided for under subparagraphs (1), (2), and (3) of this paragraph and CCC determines that the producer unknowingly exceeded such allotment.

§ 1446.1505 Eligible producer.

(a) *Producer.* A producer will be eligible for price support with respect to all eligible peanuts in which the beneficial interest is in him and has always been in him, or in him and a former producer whom he succeeded before the peanuts were harvested. To meet the requirements of succession to a former producer, the rights, responsibilities and interest of the former producer with respect to the

farming unit on which the peanuts are produced shall have been substantially assumed by the producer claiming succession. Mere purchase of the crop prior to harvest, without acquisition of any additional interest in the farming unit, shall not constitute succession. Any producer who is in doubt as to whether his interest in the peanuts complies with the requirements of this section should make all pertinent information available to the county office. The county committee shall determine whether the requirements have been met. Executors, administrators, guardian, trustees, or receivers who represent eligible producers or their estates may qualify for price support if the loan or purchase agreement documents executed by them are legally valid.

(b) *Eligibility of Minors.* A minor shall be eligible for price support only if he meets one of the following requirements: (1) The right of majority has been conferred on him by court proceedings, (2) a guardian has been appointed to manage his property and the applicable price support documents are signed by the guardian; (3) any note signed by the minor is cosigned by a financially responsible person; or (4) a bond is furnished under which a surety guarantees to protect CCC from any loss incurred for which the minor would be liable had he been an adult.

(c) *Joint loans.* Two or more eligible producers may obtain a joint farm storage loan on eligible peanuts produced by them if stored in the same farm storage facility. In the case of joint loans, each person signing the note shall be held jointly and severally responsible for the obligations imposed by the loan.

(d) *Ineligibility for farm-storage loan.* Where the county office has experienced difficulty in settling a farm storage loan with a producer, the county committee may determine that he is not eligible for a 1963 crop farm storage loan. If such determination is made, the producer shall be able to obtain a 1963 crop loan through the Association by delivering eligible peanuts to a warehouse under contract to receive peanuts for such Association or he shall be permitted to sign a purchase agreement.

§ 1446.1506 Determination of type and grade of farmers stock peanuts.

(a) A Federal or Federal-State inspector, authorized or licensed by the Secretary of Agriculture, U.S. Department of Agriculture, shall determine the type and grade of each lot of farmers stock peanuts:

(1) To be mortgaged as security for a farm storage loan, such type and grade to be determined on the basis of a sample taken by the county committee before the loan is made;

(2) When delivered in settlement of a farm storage loan;

(3) When delivered to CCC under a purchase agreement;

(4) When received in a warehouse under contract Form CCC–1028 (1963) or Form CCC–1028A (1963);

(5) Upon request by CCC or the Association, when delivered from a warehouse under contract Form CCC–1028 (1963) or Form CCC–1028A (1963).

(b) The grade shall be expressed in terms of the percentages of sound mature kernels, sound splits, damaged kernels, loose shelled kernels, other kernels, foreign material, and moisture in all types of peanuts and the percentages of fancy size and extra large kernels in Virginia type peanuts.

§ 1446.1507 Service charges and fees.

(a) *Loans.* Producers shall pay an initial service charge on the quantity of peanuts placed under a farm-storage loan at the rate of 40 cents per ton, except that the minimum charge shall be $3. The initial service charge shall be deducted from the proceeds of the loan at the time the loan is disbursed, except that the State committees are authorized to require prepayment of the minimum service charges at the time the producer applies for a loan. An additional service charge shall be paid for any quantity of peanuts acquired by CCC under a farm-storage loan on which a service charge was not paid at the time of disbursement of the loan.

(b) *Purchase agreements.* Producers shall pay a service charge on the quantity of peanuts specified in a purchase agreement at the rate of 20 cents per ton, except that the minimum charge shall be $1.50. Such charge shall be collected at the time the agreement is filed.

(c) *Refunds.* No refund of service charges will be made except where the amount collected exceeds the correct amount.

(d) *Grading fees.* CCC will pay the fee for inspecting (1) peanuts placed under a farm-storage loan, (2) peanuts delivered to CCC pursuant to a purchase agreement, and (3) loan collateral peanuts acquired by CCC. Funds needed to pay inspection fees for peanuts pledged to CCC by an Association will be advanced as part of the loan to the Association.

(e) *Warehouse charges.* Warehouse charges payable prior to maturity on peanuts pledged to CCC by an Association will be advanced as part of the loan to the Association.

(f) *Charges and fees based on net weight.* The service charges and fees specified in this section will be computed on net weights.

§ 1446.1508 Interest rate.

Loans shall bear interest from the date of disbursement of the loan at the rate announced in a separate notice published in the FEDERAL REGISTER.

§ 1446.1509 Applicable forms and requirements.

(a) *Farm storage loans.* Applicable forms are the producer's note and supplemental loan agreement, commodity chattel mortgage, delivery instructions issued by the county office, loan settlement, and such other forms and documents as may be required by CCC.

(b) *Purchase agreements.* Applicable forms are the purchase agreement, purchase agreement settlement, the dilivery instructions issued by the county office, and such other forms and documents as may be required by CCC.

(c) *Other requirements.* Producer's note and supplemental loan agreements, and commodity chattel mortgages must have state and documentary revenue stamps affixed thereto where required by law. Loan and purchase agreement documents executed by an administrator, executor, guardian or trustee will be acceptable only where legally valid.

§ 1446.1510 Personal liability of the borrower.

(a) The making of any fraudulent representation in obtaining a loan or the conversion or unlawful disposition of any portion of the peanuts under loan by the producer or the Association may render such producer or Association subject to criminal prosecution under Federal law.

(b) The farm storage loan with respect to which the fraudulent representation, conversion, or unlawful disposition was made, shall become payable upon demand, and the producer shall be personally liable for the amount of such loan and any resulting expense incurred by CCC or the holder of the note, plus interest. For the purpose of establishing any deficiency remaining due with respect to such farm storage loan the value of the peanuts delivered to or removed by the holder of the note shall be the market value on the date of delivery or removal as determined by such holder: *Provided, however,* That, if the conversion of loan collateral is determined by CCC not to have been willful, the value of the peanuts delivered to or removed by the holder of the note shall be the settlement value determined pursuant to § 1446.1524(g).

(c)(1) In the event the Association makes any fraudulent representation with respect to, or converts or unlawfully disposes of any peanuts received for storage in a warehouse, the loan on all such peanuts shall become payable upon demand, and the Association shall be liable for the amount of such loan and any resulting expenses incurred by CCC, plus interest. In the event of fraudulent representation by a producer who delivers peanuts to an Association to be pledged to CCC as collateral for a loan, the producer and the Association shall be liable for the amount of the loan on all such peanuts and any resulting expenses incurred by CCC, plus interest.

(2) For the purpose of establishing any deficiency remaining due with respect to a loan to an Association in the event the producer has made any fraudulent representation, the value of any peanuts acquired by CCC whether by delivery or otherwise, in satisfaction of the warehouse receipts for the peanuts for which such fraudulent representation was made shall be the market value, as determined by CCC, of such peanuts as of the date of such acquisition. For purposes of establishing any deficiency remaining due with respect to a loan to an Association in the event of fraudulent representation, conversion or unlawful dispositions by the Association of any portion of the peanuts stored in a warehouse, the value of all peanuts acquired by CCC in satisfaction of warehouse receipts issued for peanuts received for storage in such warehouse, shall be the market value, as determined by CCC, as of the date of acquisition by CCC, whether by delivery or otherwise: *Pro-*

vided, however, That notwithstanding anything contained in this section, if the conversion is determined by CCC not to have been wilful, the value of the peanuts acquired by CCC shall be the amount of the loan made with respect to such peanuts.

(d) In the event the amount disbursed under a loan or purchase agreement exceeds the amount authorized in this subpart, the producer or Association, as the case may be, shall be liable for repayment of the amount of such excess.

§ 1446.1511 Payments and collections; amounts not exceeding $3.

To avoid administrative costs of making small payments and handling small accounts, amounts of $3 or less due a producer will be paid only upon request; and a deficiency of $3 or less, including interest, may be disregarded unless demand for payment is made by CCC.

§ 1446.1512 Setoffs.

(a) *Facility and drying equipment loans.* If any installment or installments on any loan made available by CCC on farm storage facilities or mobile drying equipment are payable, under the provisions of the note evidencing such loan, out of any amount due the producer under the program provided for in this subpart, the producer must designate CCC as payee of such amount to the extent of such installments, but not to exceed that portion of the amount remaining after deduction of service charges and amounts due prior lienholders.

(b) *Producers listed on county debt record.* If the producer is indebted to CCC, or if the producer is indebted to any other agency of the United States, and such indebtedness is listed on the county debt, record, amounts due the producer under the program provided for in this subpart, after deduction of amounts payable on farm storage facilities or mobile drying equipment and other amounts provided in paragraph (a) of this section, shall be applied, as provided in the Secretary's setoff regulations, 7 CFR Part 13 (23 F.R. 3757), to such indebtedness.

(c) *Deductions by Associations.* Associations shall deduct from their advance payments to producers, and remit in accordance with procedure approved by ASCS, the amount of indebtedness as shown on the marketing cards presented at the time the peanuts are received, plus interest.

(d) *Producer's rights.* Compliance with the provisions of this section shall not deprive the producer of any right he might otherwise have to contest the justness of the indebtedness involved in the setoff action either by administrative appeal or by legal action.

§ 1446.1513 Foreclosure.

(a) *Farm storage loans.* (1) If a loan (including charges and interest) is not satisfied upon maturity by payment, or by delivery of the peanuts from farm storage, the holder of the note is authorized to remove the peanuts from storage and also to sell, assign, transfer, and deliver the peanuts or documents evidencing title thereto at such time, in such manner, and upon such terms as the holder of the note may determine, at public or private sale, and the holder of the note may become the purchaser of the whole or any part of the peanuts. Any such disposition may similarly be effected without removing the peanuts from storage.

(b) If, upon maturity and nonpayment of the producer's note, CCC is the holder of the note, then at CCC's election, title to the unredeemed collateral securing the note shall, without a sale thereof, immediately vest in CCC. Whenever CCC acquires title to the unredeemed collateral, CCC shall have no obligation to pay for any market value which such collateral may have in excess of the loan indebtedness, i.e., the unpaid amount of the note plus charges and interest. Nothing herein shall preclude the making of the following payments to the producer or his personal representative only, without right of assignment to or substitution of any other party:

(1) Any amount by which the settlement value of the mortgaged peanuts may exceed the principal amount of the loan; or

(2) The amount by which the proceeds of sale may exceed the loan indebtedness if the loan collateral is sold to third parties rather than CCC acquiring full title to such loan collateral.

§ 1446.1514 Financial institutions.

As used in this subpart a financial institution is a commercial bank which accepts demand deposits, or an association organized pursuant to State laws and supervised by State banking authorities or a production credit association.

§ 1446.1515 Approved lending agency.

An approved lending agency shall be a commercial bank with which CCC has entered into a lending agency agreement, Form CCC 1050, authorizing the lending agency to make a loan to an Association on farmers stock peanuts pledged to CCC. Approved lending agencies will have the election of obtaining immediate reimbursement from CCC for all or part of the funds advanced under the Association loan, or of investing in the CCC pool of price support loans by requesting issuance of a certificate of interest for all or part of the funds advanced under the Association loan.

§ 1446.1516 Compensation for hauling.

If the producer is directed by the county office to deliver, to a location other than his customary delivery point, peanuts under a farm storage loan or a purchase agreement, the producer shall be allowed compensation (as determined by CCC, but not to exceed the common carrier truck rate or the rate available from local truckers) for the additional cost of hauling the peanuts any distance greater than the distance from the point where the peanuts are stored by the producer to the customary delivery point.

PRODUCER LOANS (FARM STORAGE LOANS)

§ 1446.1517 Approved farm storage.

Approved farm storage shall consist of storage structures located on or off the farm (excluding public warehouses) which are determined by the county office to be so located and of such substantial and permanent construction as to afford safe storage for peanuts. Such structures shall be dry and well ventilated.

§ 1446.1518 Farm-storage loan requirements.

(a) *Quantity.* Farm-storage loans may be made on all or part of the peanuts stored in a building or bin; unless, in order to assure more effective administration of the price support program, the State committee determines on a Statewide basis that partial loans shall not be made. In any event, the mortgage shall cover all of the peanuts stored in the building or bin.

(b) *Safety margin.* A safety factor of not less than five percent shall be established by the State committee and shall be deducted from the gross weight as determined by actual weight or measurement when the peanuts are offered for a farm-storage loan.

(c) *Weight of peanuts delivered to CCC.* The net weight of peanuts delivered to CCC upon maturity of a loan shall be calculated from the gross weight determined by actual weight at the time of delivery.

(d) *Deliveries under farm-storage loans.* Only the peanuts covered by the loan documents are eligible for delivery under farm-storage loans.

§ 1446.1519 Disbursement.

Disbursement of farm storage loans will be made to producers by financial institutions, pursuant to the Provisions for Participation of Financial Institutions in Pools of CCC Price Support Loans on Certain Commodities (28 F.R. 2489), or by sight drafts drawn on CCC by the county office. Disbursements shall not be made after February 15, 1964, unless authorized by the Executive Vice President, CCC. Payment in cash, credit to the producer's account or the drawing of a check or draft shall constitute disbursement. The date of such drafts, check, credit, or cash payment shall be considered as the date of disbursement of the funds. The producer shall not present the loan documents for disbursements unless the peanuts are in existence and in good condition. If the peanuts are not in existence and not in good condition at the time of disbursement, the total amount disbursed under the loan shall be promptly refunded by the producer.

§ 1446.1520 Insurance.

CCC will not require the borrower to insure the peanuts placed under a farm storage loan. However, if a borrower does insure such peanuts and an insurance indemnity is paid thereon, the insurance proceeds shall be paid to CCC to the extent of its interest after first satisfying the borrower's equity in the peanuts involved in the loss.

§ 1446.1521 Safeguarding the peanuts.

The producer who obtains a farm storage loan is obligated to maintain the storage structure in good repair and to keep the peanuts in storage and in good condition until the loan is liquidated.

§ 1446.1522 Loss or damage to the peanuts under farm storage loan.

(a) The producer is responsible for any loss in grade and for any loss in weight, except as provided in § 1446.1524. Notwithstanding the foregoing, physical loss or damage occurring after disbursement of the loan funds will be assumed by CCC to the extent of the settlement value at the time of destruction of the quantity of peanuts destroyed, or in an amount equivalent to the extent of the damage as determined by CCC, less any insurance proceeds to which CCC may be entitled and the salvage value of the peanuts, if the producer establishes to the satisfaction of CCC each of the following conditions:

(1) The physical loss or damage occurred without fault, negligence, or conversion on the part of the producer or any other person having control of the storage structure;

(2) The physical loss or damage resulted solely from an external cause (other than insect infestation, rodents or vermin), such as the theft, fire, lightning, inherent explosion, windstorm, cyclone, tornado, flood;

(3) The producer has given the county office immediate notice confirmed in writing of such loss or damage;

(4) The producer has made no fraudulent representation in the loan documents or in obtaining the loan.

(b) No physical loss or damage occurring prior to disbursement of the loan funds will be assumed by CCC.

§ 1446.1523 Release of the peanuts under farm-storage loan.

(a) *Obtaining release.* A producer may at any time prior to the date on which peanuts under farm-storage loan are delivered to or removed by CCC obtain release of such peanuts by paying to CCC the principal amount of the note, plus charges and accrued interest.

(b) *Release of chattel mortgage.* After repayment of a farm-storage loan, the county office manager shall execute such release or otherwise make such arrangements as the law may require for the release of the chattel mortgage.

(c) *Partial release—farm-storage loans.* Unless, in order to assure more effective administration, the State committee determines on a Statewide basis that partial redemption shall not be made, the producer may arrange with the county office for partial release of the peanuts prior to maturity after making payment of the amount of the loan made with respect to the quantity of peanuts released, plus charges and accrued interest. However, if the quantity of the peanuts contained in the building or bin and covered by chattel mortgage is greater than the quantity with respect to which the amount of the loan was computed, all or part of such excess may be removed without payment on the loan but only upon prior approval in writing by the County Office.

§ 1446.1524 Liquidation of farm-storage loans.

(a) *General.* The producer is required to pay off his loan or to deliver the peanuts in accordance with written instructions issued by the county office on a form prescribed by CCC which shall set forth the time and place of delivery.

(b) *Notice to county offices.* If the producer desires to deliver the peanuts to CCC, he shall, prior to maturity, give the county office notice in writing of his intention to do so.

(c) *Failure to repay or deliver.* If the producer does not repay his loan or deliver the peanuts as provided above, CCC shall have the right to sell or acquire title to the peanuts in accordance with the provisions of the Producer's Note and Supplemental Loan Agreement, and the producer shall be responsible for all costs of removal incurred by CCC.

(d) *Peanuts going out of condition.* If, either before or after maturity, the peanuts are going out of condition or are in danger of going out of condition, the producer shall so notify the county office and confirm such notice in writing. If the county committee determines that the peanuts are going out of condition, or are in danger of going out of condition, and that the peanuts cannot be satisfactorily conditioned by the producer, and delivery cannot be accepted within a reasonable length of time, the county committee shall arrange for an inspection to determine the grade and quality. When delivery is completed, settlement shall be made subject to the provisions of paragraph (g) of this section on the basis of such grade and quality determination or on the basis of the grade and quality determination made at the time of delivery, whichever is higher, for the quantity actually delivered.

(e) *Delivery before maturity date.* If the farm is sold, there is a change of tenancy, the producer dies, or the peanuts are threatened with damage by flood, the peanuts may be delivered before the maturity date of the loan upon prior aproval by the county committee. The peanuts may be delivered before the maturity date of the loan for other reasons upon authorization of the Executive Vice President, CCC. Settlement will be made on the basis of the grade, quality, and quantity delivered by the producer, as determined by the county committee.

(f) *Quantity eligible for delivery.* Delivery of peanuts in bulk will be accepted only from the bin(s) in which the peanuts under loan are stored. The maximum quantity eligible for delivery in cases where a loan has been made on part of the peanuts in the building or bin shall be the quantity on which the loan was made. In the case of peanuts stored in bags, only the quantity contained in the bags included in the lot placed under loan may be delivered.

(g) *Settlement value.* The settlement value of the peanuts delivered to and accepted by CCC shall be the amount, computed on the basis of the quantity and the support price for the type and grade (except as provided above for peanuts going out of condition) of such peanuts, plus an allowance for shrinkage during the storage period of four-tenths of a cent ($0.004) per net weight pound delivered and an allowance at the rate specified in § 1446.1533(d)(1)(iii) for the actual loss during the storage period in the percentage of extra large kernels in Virgina type peanuts: *Provided, however,* That the settlement value for the peanuts delivered to CCC which do not meet the requirements with respect to moisture, damage or foreign material in § 1446.1504 shall be computed at a rate equal to the support price for the type and grade placed under loan, less any difference, at the time of delivery, between the market price for the type and grade placed under loan and the market price of the peanuts delivered, as determined by CCC: *Provided, further,* That if the value of the peanuts delivered (including the shrinkage allowance and allowance for loss in extra large kernels in Virginia type peanuts) is less than the amount of the loan with respect to such peanuts, and CCC determines that the deficiency resulted from abnormal climatic conditions which prevailed throughout the area or locality in which the peanuts were produced and which caused the development of progressive damage in the peanuts during storage, that such damage would not normally be detected or appraised accurately by a reasonably prudent person in control of the storage structure, and that the producer has complied with the other provisions of the Producer's Note and Supplemental Loan Agreement and the Commodity Chattel Mortgage, (1) if the net weight of all peanuts delivered, plus the net weight of the peanuts redeemed prior to such delivery, equals or exceeds 97 percent of the net weight of the peanuts on which the loan was made, CCC may relieve the producer from liability for the deficiency, or (2) if the net weight of the peanuts delivered, plus the net weight of peanuts redeemed prior to such delivery, is less than 97 percent of the net weight of the peanuts on which the loan was made, CCC may relieve the producer from liability for that part of the deficiency which exceeds an amount equal to the loan value per pound of the peanuts under loan multiplied by the number of pounds by which the net weight of the peanuts delivered, plus the net weight of the peanuts redeemed prior to such delivery, is less than 97 percent of the net weight of the peanuts on which the loan was made.

(h) *Payment of amount due producer.* If the settlement value of the peanuts delivered exceeds the amount due on the loan (excluding interest) such excess amount will be paid to the producer. Any payment due the producer will be made by sight draft drawn on CCC by the county office.

(i) *Payment of deficiency by producer.* If the settlement value of the peanuts delivered to and accepted by CCC is less than the amount due on the loan (excluding interest) the amount of the deficiency plus interest thereon shall, except as provided in § 1446.1522, be paid to CCC or may be set off against any payment which would otherwise be due the producer under any agriculture program administered by the Secretary of Agriculture or any other payments which are due or may become due the producer from CCC or any other agency of the

United States. Notwithstanding the foregoing, if CCC removes peanuts from farm storage pursuant to § 1446.1513 and sells such peanuts for an amount less than the amount due on the loan (excluding interest) and the grade or quantity on the peanuts removed is lower than the grade or quantity of which the loan was made, the producer shall pay to CCC the difference between the amount due on the loan and the higher of the sales proceeds or the settlement value of the peanuts removed by CCC, plus interest. Such payment shall be in addition to that specified in paragraph (c) of this section. The settlement value of peanuts removed by CCC shall be determined in the manner specified in paragraph (g) of this section.

ASSOCIATION LOANS (WAREHOUSE STORAGE LOANS)

§ 1446.1525 Association loan requirements.

(a) *General.* Loans on eligible peanuts represented by warehouse receipts in a form prescribed by CCC will be available to Associations designated in § 1446.1500 which meet the requirements specified in § 1446.1503(a). Such loans will be made pursuant to the provisions of this subpart and the terms of the Association Loan and Handling Agreement, Form CCC–1027 (1963), between the Association and CCC.

(b) *Association to handle peanuts.* The Association acting for and on behalf of eligible producers shall arrange for storing and handling eligible farmers stock peanuts and shall use such peanuts as collateral for a loan made available by CCC. Peanuts for which a warehouse receipt is not issued within two business days (excluding Saturdays) after receipt in the warehouse shall not be used as collateral for a loan unless otherwise authorized by CCC. The Association may receive eligible peanuts from eligible producers who are not members of the Association and use such peanuts as loan collateral.

(c) *Contract for warehouses.* The Association shall enter into a Peanut Receiving and Warehouse Contract, in a form approved by CCC, for the storage and handling of loan collateral peanuts. Warehouses under such contracts shall meet the criteria specified by CCC. The Association shall not, without prior approval of CCC, make any supplemental agreement or determination with regard to such storage and handling operations which may affect CCC's interest in such peanuts.

(d) *Authority to pledge peanuts.* The Association shall obtain from each producer from whom it receives peanuts (1) written authority to pledge such peanuts to CCC as collateral for a loan, and (2) written agreement to relinquish any right to redeem or obtain possession of eligible peanuts delivered to the Association.

(e) *Advance to producer.* For each lot of eligible peanuts received, the Association shall make an advance payment to the producer in an amount equal to the price support value thereof, determined on the basis of the weight, grade, and type of such peanuts, and the price support schedule provided by CCC.

§ 1446.1526 Loan liquidation.

(a) *Withdrawal or redemption by Association.* The Association may, at any time, prior to the maturity of the loan, withdraw loan collateral peanuts for the purpose of delivery pursuant to a sale or may redeem all of the peanuts which remain collateral for the loan. All such peanuts shall be marketed in accordance with policies approved by CCC.

(b) *CCC's acquisition of peanuts prior to maturity.* Prior to maturity of the loan, by mutual agreement between CCC and the Association, loan collateral peanuts may be delivered to CCC in satisfaction of the loan on such peanuts. CCC may also call the loan on collateral peanuts.

(c) *CCC's acquisition of peanuts at maturity.* Upon maturity and nonpayment of the loan, title to the unredeemed collateral peanuts shall, without a sale thereof, immediately vest in CCC; CCC shall have no obligation to pay for any market value which such peanuts may have in excess of the loan indebtedness, including charges and interest; and except as provided in § 1446.1510, and in the Loan and Handling Agreement. The Association shall have no obligation to repay any of the loan indebtedness (including interest and accrued charges) resulting from advances made under the Association Loan and Handling Agreement.

(d) *Distribution of profits.* Unless otherwise authorized by CCC, the Association shall distribute to the producers from whom it receives peanuts profits obtained from the sale of redeemed peanuts or any amount returned to the Association by CCC pursuant to the terms of the Association Loan and Handling Agreement, Form CCC 1027 (1963).

PURCHASE AGREEMENTS

§ 1446.1527 Purchase agreement provisions.

Purchase agreements will be available to eligible producers on eligible peanuts stored on the farm or stored off the farm on an identity preserved basis. Any peanuts stored off the farm on other than an identity preserved basis shall not be eligible for sale to CCC. The producer who signs a purchase agreement will not be obligated to sell any quantity of the peanuts to CCC. However, he may sell to CCC any quantity of eligible peanuts not in excess of the quantity stated in the purchase agreement. The producer may not assign his interest in a purchase agreement.

§ 1446.1528 Delivery of peanuts under a purchase agreement.

If the producer who signs a purchase agreement wishes to sell the peanuts to CCC, he will have a 30-day period ending on May 31, 1964 during which he must notify the county committee in writing of his intention to sell. The producer shall deliver the peanuts in accordance with delivery instructions issued by the county office and shall complete delivery within a 15-day period immediately following the date of such instructions unless the county office determines that more time is needed for delivery. The producer may be required to retain the peanuts represented by a purchase agreement for a period of 60 days after May 31, 1963 without any cost to CCC.

§ 1446.1529 Quality and quantity of peanuts delivered to CCC.

Peanuts delivered to CCC pursuant to a purchase agreement shall be of the type specified in the purchase agreement, and shall meet the grade requirements of § 1446.1504. The grade shall be determined by a Federal or Federal State inspector on the basis of a sample taken at the time of delivery. The quantity of peanuts shall be determined by actual weight at the time of delivery. CCC will not assume any loss in quantity or quality of the peanuts covered by a purchase agreement occurring prior to delivery to CCC.

§ 1446.1530 Purchase agreement settlement.

Settlement for eligible peanuts delivered to CCC under a purchase agreement shall be made at the applicable support price for the type, grade and net weight quantity (calculated from actual gross weight), delivered and accepted by the county committee. When delivery is completed, payment will be made by sight draft drawn on CCC by the county office. The producer shall direct on the Purchase Agreement Settlement, Form CP–4, to whom payment of proceeds shall be made.

SUPPORT PRICES

§ 1446.1533 Support prices.

(a) *Applicability.* The support prices specified in this section apply to 1963 crop farmers stock peanuts in bulk or in bags, net weight basis, eligible for loan or purchase agreement under the peanut price support program.

(b) *National average price.* The national average support price is $224.00 per ton: *Provided,* That this price will be adjusted upward if a combination of the parity price and the supply percentage as of the beginning of the marketing year (August 1, 1963) indicates a higher price.

(c) *Average support prices by type.* The support prices by type per average grade ton of 1963 crop peanuts are:

Type:	Dollars per ton
Virginia	$236.86
Runner	211.24
Southeast Spanish	228.98
Southwest Spanish	219.70
Valencia, suitable for cleaning and roasting	236.86

(d) *Calculation of support prices.* The support price per ton for peanuts of a particular type and grade shall be calculated on the basis of the following rates, premiums and discounts. No value shall be assigned to damaged kernels.

(1) *Kernel value per net ton excluding loose shelled kernels.*

(i) Price for each percent of sound mature and sound split kernels shall be:

Virginia type	$3.164
Runner type	3.105
Southeastern Spanish type	3.222
Southwestern Spanish type	3.161

Valencia type:	
Southwestern area suitable for cleaning and roasting	$3.435
Southwestern area not suitable for cleaning and roasting	3.161
Areas other than Southwest	3.222

(ii) Price for each percent of other kernels:

All types	$1.40

(iii) Premium for each one percent extra large kernels in Virginia type .45

(2) *Value of loose shelled kernels per pound.*

All types	0.07

(3) *Damaged kernel discount.* For all types of peanuts the discount per ton for damaged kernels shall be as follows:

Peanuts containing damaged kernels of:	Discount
1 percent	None
2 percent	$3.40
3 percent	7.00
4 percent	11.00
5 percent	17.00
6 percent	23.00
7 percent	32.00
8 percent and over	(1)

[1] Not eligible for price support.

(4) *Sound split kernel discount.* For all types of peanuts the discount shall be 40 cents for each one percent above 5 percent.

(5) *Foreign material discount.* The discount for each full one percent foreign material in excess of 4 percent and not over 10 percent shall be $1.00 per ton. Peanuts with more than 10 percent foreign material shall not be eligible for price support.

(e) *Virginia type peanuts.* Virginia type peanuts to receive peanut price support as Virginia type, must contain 30 percent or more "fancy" size, i.e. peanuts riding a 34/64 x 3 inch slotted screen. Virginia type peanuts containing less than 30 percent fancy size will be supported as though they were Runner type.

(f) *Florispan peanuts.* Florispan peanuts will be supported at a price equivalent to 65 percent of the support price for Runner type peanuts of the same grade.

(g) *Variety X peanuts.* The support price of an unnamed and undesirable variety of peanuts grown in Virginia from seed stock commercially developed in Windsor, Isle of Wight County, Virginia, and known as Variety X will be discounted 50 percent of the rate for Virginia type peanuts of the same grade, with no premium for extra large kernels.

No. 2 Shelled Peanuts

§ 1446.1536 Purchase of No. 2 shelled peanuts.

Subject to the terms and conditions of §§ 1446.1536 to 1446.1551; CCC will purchase from eligible commercial peanut shellers No. 2 shelled peanuts, as defined in § 1446.1537, which meet the eligibility requirements stated in § 1446.1538. No. 2 shelled peanuts which meet such requirements are referred to in this subpart as "No. 2 peanuts." Each of the following Associations is designated to accept No. 2 peanuts on behalf of CCC in the area specified, and shellers located in any such area may offer No. 2 peanuts to the appropriate Association:

Southeastern area—GFA Peanut Association, Camilla, Georgia
Southwestern area—Southwestern Peanut Growers' Association, Gorman, Texas
Virginia-Carolina area—Peanut Growers Cooperative Marketing Association, Franklin, Virginia

§ 1446.1537 No. 2 shelled peanuts.

No. 2 shelled peanuts are shelled Runner, Spanish or Virginia-type peanuts (excluding straight shelled peanuts) having similar varietal characteristics by type, and consisting of splits, large whole kernels, small whole kernels, or fall-through, defined as follows:

(a) "Splits"—separated halves of peanut kernels which will not pass through a screen having:

(1) 17/64-inch round openings in the case of Runner and Virginia peanuts, or

(2) 16/64-inch round openings in the case of Spanish peanuts.

(b) "Large whole kernels"—whole kernels which will not pass through screens having:

(1) 17/64-inch round openings and 15/64- x 3/4-inch openings in the case of Runner peanuts;

(2) 17/64-inch round openings and 15/64- x 1-inch openings in the case of Virginia peanuts; or

(3) 16/64-inch round openings and 14/64- x 3/4-inch openings in the case of Spanish peanuts.

(c) "Small whole kernels"—whole kernels which, in the case of:

(1) Runner peanuts, will not pass through screens having 17/64-inch round openings, and 13/64- x 3/4-inch openings, but will pass through a screen having 15/64- x 3/4-inch openings;

(2) Virginia peanuts, will not pass through screens having 17/64-inch round openings and 13/64- x 1-inch openings, but will pass through a screen having 15/64- x 1-inch openings; or

(3) Spanish peanuts, will not pass through screens having 16/64-inch round openings and 12/64- x 3/4-inch openings, but will pass through a screen having 14/64- x 3/4-inch openings.

(d) "Fall-through"—in the case of:

(1) Runner peanuts; (i) whole kernels and portions of kernels which will pass through a screen having 17/64-inch round openings, and (ii) whole kernels which will not pass through a screen having 17/64-inch round openings, but will pass through a screen having 13/64- x 3/4-inch openings;

(2) Virginia peanuts; (i) whole kernels and portions of kernels which will pass through a screen having 17/64-inch round openings, and (ii) whole kernels which will not pass through a screen having 17/64-inch round openings, but will pass through a screen having 13/64- x 1-inch opening; or

(3) Spanish peanuts; (i) whole kernels and portions of kernels which will pass through a screen having 16/64-inch round openings, and (ii) whole kernels which will not pass through a screen having 16/64-inch round openings, but will pass through a screen having 12/64- x 3/4-inch openings.

§ 1446.1538 Eligibility requirements for No. 2 shelled peanuts.

No. 2 peanuts of any type delivered to CCC by shellers shall:

(a) Contain not less than 25 percent splits.

(b) (1) Contain not more than (i) 2 percent peanuts of other types, (ii) 6 percent damaged or unshelled peanuts, (iii) 2 percent minor defects, except that any unused part of the tolerance for damaged or unshelled peanuts shall be allowed for minor defects, (iv) 2 percent foreign material, (v) 7 percent fall-through, (vi) 10 percent moisture, and (vii) 25 percent small whole kernels.

(2) Peanuts containing any fractional percentage in excess of the whole number specified in this paragraph (b) for any grade factor are not eligible for sale to CCC. For example, peanuts containing 6.01 percent damaged or unshelled peanuts are ineligible. For the purpose of determining whether the total percentage of damaged or unshelled peanuts and minor defects is within the 8 percent maximum, the percentages recorded for both factors on the inspection certificate shall be added without rounding.

(3) The terms used in this section, which are not otherwise defined in this subpart, shall, for each type of peanuts, have the meanings assigned in the current United States Standards for shelled peanuts of such type, issued by the U.S. Department of Agriculture, Agricultural Marketing Service. The percentages specified in this section shall be determined on a weight basis.

(4) The requirements of this section shall apply to each lot of peanuts included in any one offer and a composite sample, which is representative of the quantity of peanuts in a lot, shall be used to determine whether the peanuts in that lot meet such requirements: *Provided, however,* That such requirements may be applied to any bag of peanuts included in a lot, in which event a sample drawn from such bag shall be used to determine whether the peanuts therein meet the requirements of this paragraph (b): *Provided further,* That no straight shelled peanuts shall be eligible for sale to CCC. Nothing contained in this subpart shall be construed as a waiver of any right of CCC under paragraph (c) of § 1446.1545 or under any other provisions in this subpart.

(c) Be 1963 crop peanuts which, prior to the date of the offer, an eligible sheller has milled in his own plant unless milling at another location is authorized by CCC.

(d) Not exceed 275 pounds per ton, net weight, of eligible 1963 crop farmers stock peanuts of the same type which prior to offering, the sheller (1) purchased from producers, on the basis of grades determined by Federal or Federal-State inspectors, at a price not less than the price support value thereof, calculated on the basis of the grade shown on the inspection certificate, or (2) purchased from an Association which redeemed or withdrew such farmers stock peanuts from the price support loan.

(e) Be free and clear of all liens and encumbrances.

(f) Not have been obtained from a custom seed shelling operation.

§ 1446.1539 Eligible sheller.

A sheller shall be eligible to sell No. 2 peanuts to CCC, if, by fulfilling all the requirements of this section, he cooperates in making price support available to all peanut producers who desire to pledge their peanuts to CCC. The sheller shall:

(a) Inform each producer, upon request, of the price support value of his peanuts;

(b) Pay a price not less than the price support value for each lot of 1963 crop farmers stock peanuts purchased from a producer during the period that price support loans are available if such peanuts are eligible for a price support loan;

(c) Make warehouse space available for the storage of loan collateral peanuts under a warehouse contract in the area and to the extent requested and not later than the date specified by the Association, unless he establishes to the satisfaction of the Association and CCC that all storage space over which he has control is needed in his normal milling operation and that no other storage space is available to him at reasonable cost in the area which he serves; and

(d) Purchase from producers during the period that loans are available only those peanuts for which inspection certificates have been issued by inspectors of the Federal or Federal-State Inspection Service: *Provided, however,* That the sheller may, without affecting his eligibility to sell No. 2 peanuts to CCC, purchase a quantity not to exceed 200 tons of farmers' stock peanuts for which such inspection certificates have not been issued if the Federal or Federal-State Inspection Service determines that inspection service cannot practically be made available with respect to such peanuts: *Provided further,* That peanuts for which such inspection certificates have not been issued shall not be used in calculating the quantity of No. 2 peanuts that may be delivered to CCC.

§ 1446.1540 Period for offering.

(a) Written offers of No. 2 peanuts may be filed with the Association through June 30, 1964, unless a later date is approved in writing by CCC: *Provided, however,* That upon notification to the shellers, CCC may (1) at any time suspend its offer to purchase for a specified period of time, or (2) prior to June 30, 1964, or such later date as is approved by CCC, terminate its obligation to accept any offers of No. 2 peanuts. Notification shall be given by posting a letter or filing a telegram with the telegraph company.

(b) The date the offer is received by the Association shall be deemed to be the date of the offer. If No. 2 peanuts are inspected before they are offered to CCC, the offer shall be received by the Association within nine days after the date of the inspection certificate: *Provided,* That when the ninth day following the date of the inspection certificate is a Saturday, Sunday, or holiday, receipt of the offer by the Association on the next following regular working day will be considered timely.

(c) The sheller, within seven days after the date of the Association's written request therefor, shall mail to the Association a statement showing the quantity of No. 2 peanuts in his inventory which are eligible for sale to CCC. If the sheller fails to mail such information within the seven-day period, CCC shall not be obligated thereafter to purchase any No. 2 peanuts from him.

§ 1446.1541 Contract.

The offer, all the provisions of §§ 1446.1536 through 1446.1551, and the written acceptance by the Association shall constitute the contract between the sheller and CCC. Any such contract which exceeds $100,000 shall also include the nondiscrimination provisions of section 301 of Executive Order 10925.

§ 1446.1542 Quantity.

(a) The Producer Associations Division shall establish the quantity of No. 2 peanuts to be included in any one lot; i.e., the quantity for which one inspection certificate is issued. An offer may include one or more lots. All No. 2 peanuts offered at one time for delivery at one location shall be included in one offer. The quantity established by the Producer Associations Division shall be effective upon written notice thereof to the sheller by the Association or the Producer Associations Division. The sheller shall be deemed to have received such notice as of the third day after the notice is deposited in the mail or filed with the telegraph office for transmittal to such sheller.

(b) Each offer shall be made in the form prescribed by CCC.

§ 1446.1543 Inspecting, grading, and sealing No. 2 peanuts.

(a) The type and grade of the No. 2 peanuts delivered to CCC pursuant to each contract shall be determined by Federal or Federal-State inspectors authorized or licensed by the Secretary of Agriculture, U.S. Department of Agriculture. The sheller shall pay the cost of inspection and grading. No. 2 peanuts which are not inspected before they are offered to CCC shall be inspected at the time the peanuts are delivered to CCC. If No. 2 peanuts are inspected before they are offered to CCC, the sheller may at his expense obtain a certificate by a Federal or Federal-State inspector showing the percentage of moisture in the No. 2 peanuts at the time of delivery, and such percentage of moisture shall be used in determining the net weight of the No. 2 peanuts delivered to CCC.

(b) The inspection data shall be used to determine (1) whether the peanuts meet the eligibility requirements with respect to grade and quantity specified in § 1446.1538, (2) the net weight, and (3) the price which CCC will pay for No. 2 peanuts. Any determination of grade shall be subject to appeal in accordance with the Inspection Service procedure.

(c) Each bag of No. 2 peanuts purchased by CCC shall be identified with a seal furnished by CCC and affixed in accordance with instructions issued by the Federal or Federal-State Inspection Service.

(d) The peanuts purchased by CCC may be reinspected at the request of CCC, and at its expense, within five days after receipt at destination.

§ 1446.1544 Net weight of No. 2 peanuts.

No. 2 peanuts shall be purchased on a net weight basis. The net weight of a lot of No. 2 peanuts shall be that weight obtained by multiplying the gross weight, including bags, by a percentage equal to 100 percent, minus the sum of the percentages of (a) foreign material, and (b) moisture in excess of seven percent in the Southeast and Southwest areas or eight percent in the Virginia-Carolina area. The gross weight shall be determined by actual weight, as prescribed by CCC.

§ 1446.1545 Delivery, rejection, and liquidated damages.

(a) *Delivery requirements.* The sheller shall deliver, in accordance with instructions issued by the association, a quantity of No. 2 peanuts which is not less than 95 percent nor more than 102 percent of the quantity specified in the sheller's offer and accepted by the association. Such delivery instructions, except as provided in § 1446.1546, shall be issued within 25 days after the date of the Association's written acceptance of the offer. Unless otherwise approved by CCC, all peanuts delivered on or after April 1, 1964, and at CCC's request peanuts delivered before April 1, 1964, shall be fumigated at the time of delivery at the sheller's expense, and in accordance with instructions issued by CCC.

(b) *Bags.* The sheller shall deliver all peanuts in bags of uniform size which are packed in accordance with instructions issued by CCC. Such bags shall be made of new burlap of not less than 10-ounce weight material. Plain unprinted bags stenciled in accordance with instructions issued by the Association or CCC may be required. Bags which have been used for any purpose are not acceptable.

(c) *CCC's right to reject.* CCC may, upon notice to the sheller, reject all or any part of the quantity offered in one offer if any bag of peanuts included in such offer does not meet the eligibility requirements in § 1446.1538 at the time of the original inspection or reinspection, or if the peanuts have not been fumigated as required in paragraph (a) of this section. However, CCC may at its discretion and in lieu of rejection, require that eligible peanuts be fumigated at the sheller's expense at destination or other location specified by CCC, if the sheller did not fumigate such peanuts as required in paragraph (a) of this section.

(d) *No. 2 peanuts subject to condemnation.* If, as of the date peanuts are moved out of the sheller's plant, such peanuts are subject to condemnation or disqualification for use as human food by the Food and Drug Administration, U.S. Department of Health, Education, and Welfare, or if CCC determines that such peanuts would be subject to con-

demnation or disqualification if moved in interstate commerce, such peanuts shall not be delivered to CCC, and any amount paid to the sheller with respect to such peanuts shall be refunded to CCC. The sheller shall also pay any costs incurred by CCC with respect to such peanuts, as determined by CCC. Nothing contained in this subparagraph shall relieve the sheller of any obligation to deliver to CCC the quality of eligible No. 2 peanuts specified in the sheller's offer.

(e) *Underdeliveries or overdeliveries.* If the sheller fails to deliver a quantity of No. 2 peanuts equal to 95 percent, or if he delivers in excess of 102 percent of the quantity offered by him and accepted by the Association, or if peanuts delivered to CCC are rejected, the sheller shall pay to CCC, as compensation for the costs incurred by CCC in connection with such peanuts, liquidated damages in an amount equal to two cents per pound for the quantity by which the quantity of No. 2 peanuts delivered is less than 95 percent or more than 102 percent of that offered by the sheller and accepted by the Association or for the quantity of peanuts delivered to CCC and rejected. The sheller shall also refund to CCC any amount paid to him with respect to No. 2 peanuts which are rejected. The farmers stock peanut equivalent of No. 2 peanuts rejected by CCC at the ratio of one ton of farmers stock to 275 pounds of such No. 2 peanuts shall not be used by the sheller for the purpose of supporting further offers of No. 2 peanuts to CCC.

(f) *Ineligible peanuts and liquidated damages.* If peanuts included in any offer are determined by CCC to be ineligible after CCC has contracted to sell such peanuts, the sheller shall make delivery of not less than 95 percent of the quantity offered by him and accepted by the Association. The price which CCC will pay to the seller for such ineligible peanuts shall be the amount received by CCC upon the sale of such ineligible peanuts, as determined by CCC. The sheller shall pay to CCC as compensation for the costs incured by CCC, in connection with such ineligible peanuts, liquidated damages in an amount equal to two cents per pound (1) for the quantity by which the quantity of peanuts delivered is less than 95 percent of that offered by the sheller and accepted by the Association, and (2) for the quantity of such peanuts delivered to CCC.

(g) Nothing contained in paragraphs (e) and (f) of this section shall require the payment of liquidated damages by the sheller under both of such paragraphs with regard to the same lot of peanuts. The sheller shall pay to CCC, upon demand, any amount determined by CCC to be due from the sheller under this section or shall refund to CCC, upon demand, any amount paid to him which is in excess of any amount to which he may be entitled under this section as determined by CCC.

(h) Because of the difficulty in ascertaining the exact damages which CCC would sustain in the situations outlined in paragraphs (e) and (f) of this section, CCC and the sheller agree that the liquidated damages provided for in such paragraphs constitute a reasonable estimate of CCC's probable actual damages. Nothing contained in this section shall be construed as waiving any right of CCC or of the United States in the event of any fraudulent act on the part of the sheller.

§ 1446.1546 Passage of title.

Title and risk of loss and damage to the peanuts shall pass to CCC upon delivery from the sheller's plant, f.o.b. railroad cars or trucks at CCC's option or upon delivery by the sheller at another destination designated by CCC, if CCC approves transportation arrangement to such destination. *Provided,* That if the Association does not issue delivery instructions within 25 days after the date of its written acceptance of the offer, title shall pass to CCC on the 30th day after the date of such written acceptance if the sheller on or before such 30th day place the peanuts in identity preserved storage in a facility approved by CCC and delivers to CCC a storage certificate, in form acceptable to CCC, which properly identifies the peanuts, and an inspection certificate issued by a Federal-State inspector if such peanuts were not inspected before they were offered. The gross weight of the peanuts for which the storage certificate is issued shall be determined after the expiration of the 25-day period within which the association was to have issued shipping instructions by a weighmaster and on scales approved by CCC. Subject to the provisions of paragraph (d) of § 1446.1545, the sheller shall not be responsible for deterioration or for uninsured loss or damage to the No. 2 peanuts prior to delivery, but after passage of title to CCC, unless such deterioration or such uninsured loss or damage is due to this fault, negligence, or failure to exercise such case in storing or handling such peanuts as a reasonably prudent owner thereof would exercise, or unless the peanuts are determined by CCC to be ineligible. If the peanuts are insured, such insurance shall inure to the benefit of CCC. Any insurance proceeds received by CCC with regard to ineligible peanuts shall be applied against any amount due CCC from the sheller under § 1446.1545, as determined by CCC. Any amount by which such proceeds exceed any amount due CCC shall be paid to the sheller, and any amount by which such proceeds are exceeded by the amount due CCC shall be paid by the sheller to CCC promptly upon demand. If the sheller fails to issue the storage certificate to CCC on or before the 30th day after the date of the association's written acceptance of the sheller's offer, title shall not pass until the peanuts are delivered in accordance with instructions issued by the association, and CCC shall not pay any storage or handling charges with respect to such peanuts. Title to ineligible peanuts, and risk of loss and damage if such peanuts have been delivered pursuant to instructions issued by the Association, shall, in the event CCC rejects such peanuts, revert to the sheller as of the date of CCC's notice of rejection to the sheller. CCC shall not pay storage charges with respect to peanuts which are rejected.

§ 1446.1547 Payment for No. 2 peanuts.

(a) (1) CCC will purchase eligible No. 2 peanuts at the price in effect on the date the offer is accepted by the Association. When two or more lots are included in one offer, the sum of the prices determined individually for all lots will be the purchase price of all peanuts delivered pursuant to such offer. For purposes of calculating the price of No. 2 peanuts, the percentage of each grade factor shall be rounded to the nearest tenth of a percent. Fractions of five-hundredths or more shall be rounded upward, and fractions of four-hundredths or less shall be dropped.

(2) No. 2 peanut prices shall be established by the Executive Vice President, CCC, who may revise such prices upward or downward at this discretion. Associations designated in § 1446.1489 will furnish current No. 2 peanut prices to shellers who have informed the Association of their interest in selling No. 2 peanuts to CCC. A sheller shall have the right to withdraw his offer if the price is reduced before the offer is accepted by the Association.

(b) Warehouse charges for peanuts stored by the sheller and for which title has passed to CCC pursuant to § 1446.1546 shall be the sum of:

(1) $0.50 per net weight ton for handling-in charges;

(2) $0.50 per net weight ton for handling-out charges (delivery f.o.b. railroad cars or trucks at CCC's option), and

(3) $1.00 per net weight ton or fraction thereof per storage month. Each calendar month or fraction thereof, following the calendar month in which title passed to CCC, and during which the peanuts remain in the sheller's facility, shall be a storage month: *Provided,* That if the peanuts are delivered in accordance with instructions issued by the Association during the calendar month in which title passed to CCC, the sheller shall be paid storage for one month.

(c) (1) Payment for the peanuts and for any warehouse charges shall be made at the time specified below, upon presentation to the Association of a proper invoice and supporting documents prescribed by CCC.

(2) Payment for peanuts for which title passes to CCC upon delivery by the sheller shall be made, after delivery, for the net weight determined from the gross weight obtained at the time the peanuts were loaded out.

(3) Payment for peanuts for which title passed to CCC while the peanuts remained in the sheller's storage facilities, as provided in § 1446.1546, shall be made after title has passed to CCC, but payment of the warehouse charges specified in paragraph (b) of this section shall be made after the peanuts are loaded out of the sheller's facilities. The net weight on which payment for both the peanuts and the warehouse charges is determined shall be the net weight of the peanuts for which the storage certificate was issued.

§ 1446.1548 Records and reports.

The records of the sheller shall at all times show: (a) With respect to farmers stock peanuts purchased direct from producers, the dates and places received, the

names and addresses of the producers, the types and grades as determined by Federal or Federal-State inspectors, the pounds of each such grade purchased from, and the price paid to, each producer; (b) the types, grades, and quantities of farmers stock peanuts purchased from an Association; (c) the types, grades and quantities of farmers stock peanuts purchased from persons other than producers or Associations; and (d) the types, grades, and quantities of No. 2 peanuts produced. The sheller shall keep such accounts and other records and shall furnish such information and reports relating to the No. 2 peanuts and the farmers stock peanuts from which No. 2 peanuts were produced, as may be prescribed or requested by CCC. The Association or CCC may examine and audit the accounts and records of the sheller and may require the sheller to make all of his records available at the main office at any time an audit is made. All books, accounts, and records shall be retained for a period of three years after the last No. 2 peanuts are delivered to CCC.

§ 1446.1549 Assignment.

No contract, claim, or payment pursuant to any of the provisions of this subpart relating to No. 2 peanuts shall be assigned in whole or in part by the sheller without the prior written approval of CCC, and any such assignment shall be in such form as may be approved or prescribed by CCC.

§ 1446.1550 Officials not to benefit.

No Member of or Delegate to the Congress of the United States shall be admitted to any share or part of any agreement or contract between the sheller and CCC pursuant to any of the provisions of this subpart relating to No. 2 peanuts, or to any benefit to arise therefrom, but this provision shall not be construed to extend to benefits arising from such agreement or contract if accruing to a corporation or a producer in his capacity of producer.

§ 1446.1551 Contingent fees.

The sheller shall not employ any person to solicit or secure any contract pursuant to any of the provisions of this subpart relating to No. 2 peanuts upon any stipulation for a commission, percentage, brokerage, or contingent fee. Breach of this provision shall give CCC the right to annul the contract, or in its discretion, to deduct from any amount due the sheller the amount of such commission, percentage, brokerage, or contingent fee.

(The reporting and recordkeeping requirements contained in this subpart have been approved by, and subsequent reporting requirements will be subject to approval of, the Bureau of the Budget in accordance with the Federal Reports Act of 1942.)

Effective date: August 1, 1963.

Signed at Washington, D.C. on August 5, 1963.

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

[F.R. Doc. 63-8534; Filed, Aug. 8, 1963; 8:52 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 63-CE-13]

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

Alteration of Control Zone and Designation of Transition Area; Revocation of Control Area Extension

On April 3, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 3208) stating that the Federal Aviation Agency (FAA) proposed to alter the Joplin, Mo., control zone, designate the Joplin transition area, and revoke the Joplin control area extension.

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 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 Joplin, Mo., control zone is amended to read:

Joplin, Mo.

Within a 5-mile radius of the Joplin Municipal Airport (latitude 37°09'00" N., longitude 94°29'50" W.) and within 2 miles each side of the Joplin ILS localizer SE course, extending from the 5-mile radius zone to 7 miles SE of the airport.

2. Section 71.181 (27 F.R. 220-139, November 10, 1962) is amended by adding the following:

Joplin, Mo.

That airspace extending upward from 700 feet above the surface within 2 miles each side of the Joplin ILS localizer NW course, extending from the arc of a 5-mile radius circle centered at the Joplin Municipal Airport (latitude 37°09'00" N., longitude 94°29'50" W.) to 8 miles NW of the OM, and the airspace extending upward from 1,200 feet above the surface within 8 miles NE and 6 miles SW of the Joplin ILS localizer NW and SE courses, extending from 12 miles NW to 31 miles SE of the OM.

3. In § 71.165 (27 F.R. 220-59, November 10, 1962), the Joplin control area extension is revoked.

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

These amendments shall become effective 0001 e.s.t., October 17, 1963.

Issued in Washington, D.C., on August 5, 1963.

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

[F.R. Doc. 63-8499; Filed, Aug. 8, 1963; 8:46 a.m.]

[Airspace Docket No. 62-AL-22]

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

Alteration of Control Zone, Revocation of Control Area Extension and Designation of Transition Area

On April 17, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 3731) stating that the Federal Aviation Agency proposed to alter the Juneau, Alaska, control zone, revoke the Juneau control area extension and designate the Juneau transition area.

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 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 Juneau, Alaska, control zone is amended to read:

Juneau, Alaska.

Within a 5-mile radius of Juneau Municipal Airport (latitude 58°21'30" N., longitude 134°35'00" W.), and within 2 miles each side of the Juneau localizer W course, extending from the 5-mile radius zone to 2 miles W of the Coghlan Island, Alaska, RBN.

2. In § 71.165 (27 F.R. 220-59, November 10, 1962), the following control area extension is revoked: Juneau, Alaska.

3. Section 71.181 (27 F.R. 220-139, November 10, 1962) is amended by adding the following:

Juneau, Alaska.

That airspace extending upward from 1,200 feet above the surface within a 20-mile radius of the Coghlan Island, Alaska, RBN; that airspace NW of Juneau bounded on the E by B-79, on the NW by B-38, and on the SW by a line 19 miles NE of and parallel to the 145° and 325° bearings from the Gustavus, Alaska, RR, and that airspace S of Juneau, extending from the 20-mile radius area, bounded on the NE by B-79, and on the SW by B-38, excluding the portion within the Gustavus, Alaska, transition area.

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

These amendments shall become effective 0001 e.s.t., September 19, 1963.

Issued in Washington, D.C., on August 5, 1963.

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

[F.R. Doc. 63-8500; Filed, Aug. 8, 1963; 8:46 a.m.]

[Airspace Docket No. 63-CE-11]

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

Alteration of Federal Airway and Associated Control Areas

On March 19, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 2687) stating that the Federal Aviation Agency was con-

sidering the extension of VOR Federal airway No. 255 and its control areas from Janesville, Wis., to Stevens Point, Wis.

The Air Transport Association of America concurred with the proposed action. The Department of the Air Force submitted the following comments on the proposal:

1. The segment of the proposed airway extension from Janesville to the Morey, Wis., Intersection would be in conflict with the jet penetration area and the Air Force Interceptor Operations recovery procedures at Truax Field, Wis.

2. The airway segment of the proposed airway extension from Dells, Wis., to Stevens Point would conflict with the jet penetration procedures at Volk Field, Wis. While it is recognized that the control zone and control area extension at Volk Field are seasonal designations, this segment of the airway would be objectionable unless the FAA could assure that the Volk Field operations would not be curtailed by traffic along this portion of the airway.

3. The action proposed in the subject docket should be held in abeyance pending the establishment of a suitable radar air traffic control environment in the Truax and Volk Field areas.

In respect to Item 1 of the Department of the Air Force comments, the Federal Aviation Agency had proposed the designation of the Janesville/Morey Intersection segment of the proposed airway extension on the basis of the establishment of the radar environment as referred to in Item 3 of the Air Force comments. The implementation of this service has been delayed and this segment of the airway will not be designated at this time. Concerning Item 2 of the Air Force comments, the conflict between the proposed airway extension and the VOR and TACAN jet penetration procedures at Volk Field can be eliminated by the modification of these procedures. Only those aircraft executing an ADF approach to the field would be affected by operations along the proposed airway. Considering the limited operations in this area, i.e.; seasonal activation of Volk Field and the small volume of traffic along the proposed airway, there will be few delays to either Air Force or airway traffic.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, and for the reasons stated herein, and in the notice, the following action is taken:

In § 71.123 (27 F.R. 220–6, November 10, 1962) V–255 "From INT Janesville 333° and Dells, Wis., 156° radials via Dells, to Stevens Point, Wis." is added.

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

This amendment shall become effective 0001 e.s.t., October 17, 1963.

Issued in Washington, D.C., on August 5, 1963.

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

[F.R. Doc. 63–8501; Filed, Aug. 8, 1963; 8:46 a.m.]

No. 155——3

[Airspace Docket No. 63–EA–43]

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

Alteration of Federal Airway and Associated Control Areas

The purpose of this amendment to Part 71 [New] of the Federal Aviation Regulations is to revoke a segment of VOR Federal airway No. 72 and its associated control areas.

A segment of Victor 72 extends from Concord, N.H., to the intersection of the Concord 011° and the Kennebunk, Maine, 281° True radials. This portion of Victor 72 coincides with the Concord segment of the east alternate of VOR Federal airway No. 141 between Concord and Lebanon, N.H. This dual designation is not required and action is taken herein to revoke this segment of Victor 72.

Since this amendment is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publicaiton.

In consideration of the foregoing, the following action is taken:

In § 71.123 (27 F.R. 220–6, November 10, 1962) V–72 "From Concord, N.H., to INT of Concord 011° and Kennebunk, Maine, 281° radials." is deleted.

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

This amendment shall become effective 0001 e.s.t., October 17, 1963.

Issued in Washington, D.C., on August 2, 1963.

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

[F.R. Doc. 63–8502; Filed, Aug. 8, 1963; 8:46 a.m.]

[Airspace Docket No. 62–CE–50]

PART 75—ESTABLISHMENT OF JET ROUTES [NEW]

Alteration of Jet Routes

On June 15, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 6192) stating that the Federal Aviation Agency (FAA) proposed the alteration of Jet Routes Nos. 16, 82, 84, 90 and 94.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

The substance of the proposed amendments having been published, therefore, and for the reasons stated in the notice, in § 75.100 (28 F.R. 19–50, January 26, 1963; 28 F.R. 1421) the following changes are made:

1. In the text of Jet Route No. 16 "INT of the Mason City 109° and the Northbrook, Ill., 276° radials; Northbrook; Pullman, Mich.; Peck, Mich.;" is deleted and "Milwaukee, Wis.; INT of the Milwaukee 088° and the Peck, Mich., 269° radials; Peck;" is substituted therefor.

Jet Route No. 82 is amended to read:

Jet Route No. 82 (Sioux Falls, S. Dak., to Boston, Mass.). From Sioux Falls, S. Dak., via Fort Dodge, Iowa; INT of the Fort Dodge 096° and the Northbrook, Ill., 274° radials; INT of the Northbrook 274° and the Joliet, Ill., 316° radials; Joliet; Cleveland, Ohio; Erie, Pa.; Albany, N.Y.; INT of the Albany 084° and the Boston, Mass., 325° radials; to Boston.

3. In the text of Jet Route No. 84 "INT of the Des Moines 067° and the Northbrook, Ill., 276° radials," is deleted and "INT of the Des Moines 066° and the Northbrook, Ill., 274° radials," is substituted therefor.

4. In the text of Jet Route No. 90 "INT of the Mason City 109° and the Northbrook, Ill., 276° radials;" is deleted and "INT of the Mason City 095° and the Northbrook, Ill., 293° radials;" is substituted therefor.

5. In the text of Jet Route No. 94 "Mason City, Iowa; Milwaukee, Wis.; INT of the Milwaukee 088° and the Peck, Mich., 269° radials; Peck," is deleted and "Fort Dodge, Iowa; INT of the Fort Dodge 096° and the Northbrook, Ill., 274° radials; Northbrook; Pullman, Mich.; Peck, Mich.," is substituted therefor.

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

These amendments shall become effective 0001 e.s.t., September 19, 1963.

Issued in Washington, D.C., on August 2, 1963.

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

[F.R. Doc. 63–8503; Filed, Aug. 8, 1963; 8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket C–523]

PART 13—PROHIBITED TRADE PRACTICES

Anne Jacobs and Standard Food Service

Subpart—Advertising falsely or misleadingly: §13.15 *Business status, advantages, or connections;* §13.15–235 *Producer status of dealer or seller;* § 13.15–235(m) *Manufacturer;* §13.50–250 *Qualifications and abilities;* §13.15–265 *Service;* § 13.155 *Prices;* §13.155–80 *Retail as cost, wholesale, discounted, etc.;* § 13.180 *Quantity;* § 13.180–35 *Offered;* § 13.260 *Terms and conditions.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Anne Jacobs trading as Standard Food Service, Silver Spring, Md., Docket C–523, July 16, 1963]

In the Matter of Anne Jacobs, an Individual, Trading as Standard Food Service

Consent order requiring a Silver Spring, Md., seller of freezers and food

by means of a so-called freezer food plan, to cease representing falsely in advertising and by statements of sales representatives that purchasers under the plan would have the assistance of home economists in planning their food orders, would pay wholesale prices for food and receive a four month's supply, would pay no more for freezer and food than they had previously paid for food alone, and make a single monthly payment for freezer and food; and that the food sold was processed at respondent's own plant.

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

It is ordered, That respondent Anne Jacobs, an individual trading as Standard Food Service, or under any other name or names, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of freezers, food or freezer food plans in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication that:

a. Home economists, food consultants or other formally trained individuals will assist purchasers of the freezer food plan in planning their food orders;

b. Purchasers of the freezer food plan can buy their food from respondent at wholesale prices;

c. Purchasers of a freezer food plan receive the same amount of food and a freezer for the same or less money than they previously paid for food alone;

d. Food is processed at respondent's processing plant, or that respondent owns or operates a food processing plant;

e. Purchasers who finance the purchase of the freezer food plan make but one monthly payment covering both food and freezers.

2. Representing that any food order will be sufficient to last any stated or specified period of time.

3. Misrepresenting in any manner the savings realized by purchasers of a freezer food plan.

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

Issued: July 16, 1963.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 63-8512; Filed, Aug. 8, 1963; 8:48 a.m.]

[Docket C-524]

PART 13—PROHIBITED TRADE PRACTICES

Business & Professional, Inc., et al.

Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1490 *Nature.* Subpart—Securing information by subterfuge: § 13.2168 *Securing information by subterfuge.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Business & Professional, Inc., et al. Roselle, N.J., Docket C-524, July 16, 1963]

In the Matter of Business & Professional, Inc., a Corporation, and Thomas Campagna, Sallianne Campagna, Richard N. Heale, Individually and as Officers of Said Corporation

Consent order requiring Roselle, N.J., collectors of debts on a commission basis in which connection they used a variety of forms to obtain information regarding delinquent debtors, to cease using on post cards such misleading terms as "Regional Registry Board" signed "_____ Director", printing at the end of demand letters the titles "Legal Department", "Claims Department", and "Credit Manager", and mailing to delinquents printed forms resembling legal summons headed "Final Notice Prior to Suit".

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

It is ordered, That the respondent Business & Professional, Inc., a corporation, and its officers and respondents Thomas Campagna, Sallianne Campagna and Richard N. Heale, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the collection of, or the attempt to collect, alleged delinquent accounts in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using, or placing in the hands of others for use, any forms, letters or any other materials, printed or written, which do not clearly and conspicuously reveal thereon that the purpose thereof is to obtain information regarding alleged delinquent debtors.

2. Using post cards, forms, letters or other material which represent, directly or by implication, that respondents' business is other than that of collecting alleged delinquent debts for themselves or others.

3. Using as a designation to any form, letter or other material the words "Legal Department", "Claims Department" or "Credit Manager" or any similar designation of any department, branch or division unless the respondents have such department, branch or division actually in operation as a part of their organization, or otherwise representing that respondents' business is other than that of an agency for the collection of debts from alleged delinquent debtors.

4. Using, or placing in the hands of others for use, respondents' present form designated "Final Notice Prior to Suit"; or any other form or material which simulates legal process.

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

Issued: July 16, 1963.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 63-8510; Filed, Aug. 8, 1963; 8:47 a.m.]

[Docket C-525]

PART 13—PROHIBITED TRADE PRACTICES

Leeds Watch Case Corp. et al.

Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1900 *Source or origin;* § 13.1900-30 *Foreign in general.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Leeds Watch Case Corporation et al., Jamaica, N.Y., Docket C-525, July 16, 1963]

In the Matter of Leeds Watch Case Corporation, a Corporation, and Harvey S. Dinstman, Joseph Dinstman, and Hyman Dinstman, Individually and as Officers of Said Corporation

Consent order requiring Jamaica, N.Y., distributors of watch bands, some consisting in whole or in substantial part of components imported from Hong Kong, to cease selling the watch bands—to manufacturers and distributors of watches as well as to wholesalers for resale to the public—with no disclosure of their foreign origin.

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

It is ordered, That the respondent Leeds Watch Case Corporation, a corporation, and its officers, and Harvey S. Dinstman, Joseph Dinstman and Hyman Dinstman, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of watch bands or any other products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Offering for sale, selling or distributing watch bands or similar products which are substantially, or which contain a substantial part or parts, of foreign origin or fabrication without affirmatively disclosing the country or place of foreign origin or fabrication thereof on the products themselves, by marking or stamping on an exposed surface, or on a label or tag affixed thereto, of such degree of permanency as to remain thereon until consummation of consumer sale of the products, and of such conspicuousness as to be likely observed and read by purchasers and prospective purchasers making casual inspection of the products.

2. Offering for sale, selling or distributing any such watch bands or similar products packaged, or mounted in a container, or on a display card, without disclosing the country or place of foreign origin of the product, or substantial part

or parts thereof, on the front or face of such packaging, container, or display card, so positioned as to clearly have application to the product so packaged or mounted, and of such degree of permanency as to remain thereon until consummation of consumer sale of the product, and of such conspicuousness as to be likely observed and read by purchasers and prospective purchasers making casual inspection of the product as so packaged or mounted.

3. Placing in the hands of manufacturers, distributors, retailers, and others, means and instrumentalities by and through which they may deceive and mislead the purchasing public concerning the merchandise in the respects set out above.

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

By the Commission.

Issued: July 16, 1963.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 63-8513; Filed, Aug. 8, 1963; 8:48 a.m.]

[Docket C-526]

PART 13—PROHIBITED TRADE PRACTICES

George N. Zoros et al.

Subpart—Misbranding or mislabeling: § 13.1212 *Formal regulatory and statutory requirements;* § 13.1212-30 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition;* § 13.1845-30 *Fur Products Labeling Act;* § 13.1852 *Formal regulatory and statutory requirements;* § 13.1852-35 *Fur Products Labeling Act;* § 13.1865 *Manufacture or preparation;* § 13.1865-30 *Fur Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, George N. Zoros et al. trading as George N. Zoros, Chicago, Ill., Docket C-526, July 16, 1963]

In the Matter of George N. Zoros, and Theodore Zoros, Individually and as Co-partners Trading as George N. Zoros

Consent order requiring Chicago manufacturing furriers to cease violating the Fur Products Labeling Act by failing, on labels on fur products, to show the true animal name of the fur and to disclose when the fur was artificially colored, and failing in other respects to comply with labeling requirements.

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

It is ordered, That respondents George N. Zoros and Theodore Zoros, individually and as co-partners, trading as George N. Zoros or under any other trade name, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising or offering for sale, in commerce, or the transportation or distribution in commerce of any fur products; or in connection with the sale, manufacture for sale, advertising, offering for sale, transportation or distribution, of any fur product which has been made in whole or in part of fur which has been shipped and received in commerce as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act do forthwith cease and desist from:

A. Misbranding fur products by:

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

2. Abbreviating information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder.

3. Mingling information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder with nonrequired information.

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

5. Failing to set forth the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in the sequence required.

6. Failing to set forth separately on labels attached to fur products composed of two or more sections containing different animal furs the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder with respect to the fur comprising each section.

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

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

Issued: July 16, 1963.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 63-8514; Filed, Aug. 8, 1963; 8:48 a.m.]

[Docket C-527]

PART 13—PROHIBITED TRADE PRACTICES

Gemex Precision Metals, Inc., et al.

Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1900 *Source or origin;* § 13.1900-30 *Foreign in general.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Gemex Precision Metals, Inc., et al., Union N.J., Docket C-527, July 17, 1963]

In the Matter of Gemex Precision Metals, Inc., a Corporation, and Everett L. Ackley, Individually and as an Officer of Said Corporation

Consent order requiring Union, N.J., distributors of watch bands consisting wholly or substantially of parts imported from Hong Kong, to cease selling the watch bands—to manufacturers and distributors of watches as well as to retailers for resale to the public—with no disclosure of their foreign origin.

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

It is ordered, That respondents Gemex Precision Metals, Inc., a corporation, and its officers, and Everett L. Ackley individually and as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of watch bands or any other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Offering for sale, selling or distributing any such products which are substantially, or which contain a substantial part or parts, of foreign origin or fabrication without affirmatively disclosing the country or place of foreign origin or fabrication thereof on the products themselves, by marking or stamping on an exposed surface, or on a label or tag affixed thereto, of such degree of permanency as to remain thereon until consummation of consumer sale of the products, and of such conspicuousness as to be likely observed and read by purchasers and prospective purchasers making casual inspection of the products.

2. Offering for sale, selling, or distributing any such product packaged, or mounted in a container, or on a display card, without disclosing the country or place of foreign origin of the product, or substantial part or parts thereof, on the front or face of such packaging, container, or display card, so positioned as to clearly have application to the product so packaged or mounted, and of such degree of permanency as to remain thereon until consummation of consumer sale of the product, and of such conspicuousness as to be likely observed and read by purchasers and prospective purchasers making casual inspection of the product as so packaged or mounted.

3. Placing in the hands of manufacturers, distributors, retailers, and others, means and instrumentalities by and through which they may deceive and mislead the purchasing public concerning any merchandise in the respects set out above.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this

order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: July 17, 1963.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 63-8511; Filed, Aug. 8, 1963; 8:47 a.m.]

[Docket 8466]

PART 13—PROHIBITED TRADE PRACTICES

Sans & Streiffe, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.70 *Fictitious or misleading guarantees;* § 13.155 *Prices;* § 13.155–40 *Exaggerated as regular and customary.* Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Sans & Streiffe, Inc., et al., Chicago, Ill., Docket 8466, July 12, 1963]

In the Matter of Sans & Streiffe, Inc., a Corporation, and Arthur R. Hoff and William Diehl, Individually and as Officers of Said Corporation

Order requiring Chicago importers of binoculars, opera glasses, telescopes, etc., to cease placing in the hands of purchasers, including catalog house customers, means of making false pricing, savings and guarantee claims through sending them catalog inserts and the plates and films from which the inserts could be reproduced which listed fictitious "retail" prices and represented the products as "guaranteed for a lifetime".

The order to cease and desist is as follows:

It is ordered, That respondents, Sans & Streiffe, Inc., a corporation, and its officers, and Arthur R. Hoff and William Diehl, individually and as officers of said corporate respondent, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of binoculars, opera glasses, telescopes or any other product, do forthwith cease and desist from:

1. Representing directly or by implication that any product is guaranteed, unless the nature and extent of the guarantee and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed.

2. Placing any means or instrumentalities in the hands of others by and through which the public may be misled as to the nature and extent of respondents' guarantee and the manner in which the guarantor will perform thereunder.

It is further ordered, That the complaint, insofar as it relates to false and deceptive pricing and savings claims as more specifically set forth in Paragraph 4(1) and Paragraph 5 of the complaint, be, and the same hereby is, dismissed.

By "Decision of the Commission", etc., order requiring report of compliance is as follows:

It is further ordered, That the respondents, Sans & Strieffe, Inc., Arthur R. Hoff and William Diehl, shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: July 12, 1963.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 63-8516; Filed, Aug. 8, 1963; 8:48 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release 33-4627]

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

Certain Group Annuity Contracts; Exemptions

The Securities and Exchange Commission has adopted a new § 230.156 (Rule 156 under the Securities Act of 1933) which defines as "transactions by an issuer not involving any public offering" in section 4(1) of that Act, transactions which are exempted from the Investment Company Act of 1940 by § 270.3c-3 of this chapter (Rule 3c-3). Notice of the proposed section was published in the FEDERAL REGISTER of April 23, 1963 (28 F.R. 3990) and notice of an extension of time for comments was published in the FEDERAL REGISTER of May 24, 1963 (28 F.R. 5217).

Section 270.3c-3 exempts from the provisions of the Investment Company Act of 1940 transactions by any insurance company with respect to certain group annuity contracts with employers or their representatives covering at least 25 employees and providing for the administration of funds held by such companies in one or more so-called "separate accounts" established and maintained pursuant to State law. It has been represented to the Commission that because of the variety and complexity of such contracts, they must be separately negotiated with employers who retain expert advisers, are fully informed in the matter and are in a position to fend for themselves.

The new § 230.156 provides that transactions of the character referred to therein shall come within the section only if the transaction is not advertised by any written communication which, insofar as it relates to a separate account group annuity contract, does more than identify the insurance company, state that it is engaged in the business of writing such contracts and invite inquiries in regard thereto. The section provides, however, that the limitation on advertising shall not apply to disclosure made in the course of direct discussion or negotiation of such contracts.

It should be noted that the § 230.156 provides an exemption only from the provisions of section 5 of the Act and does not, therefore, afford any exemption from the anti-fraud provisions of the Act.

The action of the Commission follows:

After consideration of all such relevant matter as was presented by interested persons concerning the proposal, and acting pursuant to authority conferred upon the Commission by section 19(a) of the Act, § 230.156 is adopted in the form set forth as follows, effective August 1, 1963:

§ 230.156 Definition of "transactions by an issuer not involving any public offering" in section 4(1) of the Act for transactions exempted by rule 3c-3 under the Investment Company Act of 1940.

The phrase "transactions by an issuer not involving any public offering" in section 4(1) of the Act shall include any transaction with respect to a separate account group annuity contract with an employer, employers or persons acting on their behalf (herein called the "employer") provided that the contract (a) meets the conditions and limitations set forth in § 270.3c-3 of this chapter (Rule 3c-3 under the Investment Company Act of 1940) so that the transaction is exempt thereunder, (b) is separately negotiated with such employer, and (c) is not advertised in any written communication which, insofar as it relates to a separate account group annuity contract, does more than identify the insurance company, state that it is engaged in the business of writing such contracts and invite inquiries in regard thereto. The limitation of paragraph (c) of this section shall not apply to disclosure made in the course of direct discussion or negotiation of such contracts.

(Sec. 19(a), 48 Stat. 85, as amended, 15 U.S.C. 77s)

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

AUGUST 1, 1963.

[F.R. Doc. 63-8541; Filed, Aug. 8, 1963; 8:53 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 50—Division of Public Contracts, Department of Labor

PART 50-204—SAFETY AND HEALTH STANDARDS FOR FEDERAL SUPPLY CONTRACTS

Radiation

On August 17, 1962, notice of proposed radiation safety and health standards

for application to Federal supply contracts was published in the FEDERAL REGISTER (27 F.R. 8211). Numerous comments have been made with regard to these proposed standards by such organizations as the American Federation of Labor-Congress of Industrial Organizations (AFL–CIO), the Atomic Energy Commission, Manufacturing Chemists Association, United Automobile Workers, Electronic Industries Association, American Industrial Hygiene Association, Phillips Petroleum Company, Westinghouse Electric Corporation, University of Pennsylvania, Health Physics Society, State of California, Shipbuilders Council of America, Employers Mutual Insurance Company of Wausau, Bethlehem Steel Company, General Electric Company, and the City of New York, Office of Radiation Control.

After having given careful consideration to the material presented, I have decided to adopt regulations in the form set forth below.

In order to avoid duplication of investigative effort, the Department of Labor does not intend to make investigations concerning compliance with these Radiation Standards in employment situations where such investigations are made by the Atomic Energy Commission under the standards set forth in 10 CFR Part 20.

Some of the regulations proposed by AFL–CIO which are not adopted herein are still being considered by the Department and future action concerning them is contemplated.

Accordingly, pursuant to sections 1 and 4 of the Walsh-Healey Public Contracts Act (41 U.S.C. 35 and 38), I hereby amend 41 CFR 50–204 by adding to the end thereof the following centerhead and new sections. The amendments shall become effective on September 8, 1963.

RADIATION

Sec.

AUTHORITY: §§ 50–204.305 to 50–204.310 issued under secs. 1, 4, 49 Stat. 2036, 2038; 41 U.S.C. 35, 38; sec. 7, 60 Stat. 241; 5 U.S.C. 1006.

RADIATION

§ 50–304.305 Units of ionizing radiation dose.

(a) "Dose", as used in this part, is the quantity of ionizing radiation absorbed, per unit of mass, by the body or by any portion of the body. When the regulations in this part specify a dose during a period of time, the dose means the total quantity of radiation absorbed, per unit of mass, by the body or by any portion of the body during such period of time. Several different units of dose are in current use. Definitions of units as used in this part are set forth in paragraphs (b) and (c) of this section.

(b) The rad, as used in this part, is a measure of the dose of any ionizing radiation to body tissues in terms of the energy absorbed per unit of mass of the tissue. One rad is the dose corresponding to the absorption of 100 ergs per gram of tissue. (One millirad (mrad) = 0.001 rad.)

(c) The rem, as used in this part, is a measure of the dose of any ionizing radiation to body tissue in terms of its estimated biological effect relative to a dose of one roentgen (r) of X-rays. (One millirem (mrem) = 0.001 rem.) The relation of the rem to other dose units depends upon the biological effect under consideration and upon the conditions of irradiation. For the purpose of the regulations in this part, any of the following is considered to be equivalent to a dose of one rem:

(1) A dose of 1 r due to X- or gamma radiation;

(2) A dose of 1 rad due to X-, gamma, or beta radiation;

(3) A dose of 0.1 rad due to neutrons of high energy protons;

(4) A dose of 0.05 rad due to particles heavier than protons and with sufficient energy to reach the lens of the eye;

(5) If it is more convenient to measure the neutron flux, or equivalent, than to determine the neutron dose in rads, as provided in subparagraph (3) of this paragraph, one rem of neutron radiation may, for purposes of the regulations in this part, be assumed to be equivalent to 14 million neutrons per square centimeter incident upon the body; or, if there exists sufficient information to estimate with reasonable accuracy the approximate distribution in energy of the neutrons, the incident number of neutrons per square centimeter equivalent to one rem may be estimated from the following table:

NEUTRON FLUX DOSE EQUIVALENTS

Neutron energy (million electron volts [Mev])	Number of neutrons per square centimeter equivalent to a dose of 1 rem (neutrons/cm²)	Average flux to deliver 100 millirem in 40 hours (neutrons/cm² per sec.)
Thermal	970×10^6	670
0.0001	720×10^6	500
0.005	820×10^6	570
0.02	400×10^6	280
0.1	120×10^6	80
0.5	43×10^6	30
1.0	26×10^6	18
2.5	29×10^6	20
5.0	26×10^6	18
7.5	24×10^6	17
10	24×10^6	17
10 to 30	14×10^6	10

(d) For determining exposures to X- or gamma rays up to 3 Mev, the dose limits specified in § 50–204.306 may be assumed to be equivalent to the "air dose". For the purpose of this part "air dose" means that the dose is measured by a properly calibrated appropriate instrument in air at or near the body surface in the region of highest dosage rate.

§ 50–204.306 Exposure to radiation.

(a)(1) Except as provided in paragraph (b) of this section, no employer shall possess, use, or transport radioactive material or energy in such manner as to cause any employee to receive in any period of one calendar quarter from any sources of external radiation in the employer's possession or control,[1] a dose in excess of the limits specified in the following table:

	Rems per calendar quarter
1. Whole body; head and trunk; active blood-forming organs; lens of eyes; or gonads	1¼
2. Hands and forearms; feet and ankles	18¾
3. Skin of whole body	7½

(2) For exposures of the whole body to X or gamma rays up to 3 million electron volts (Mev), this condition may be assumed to be met if the "air dose" does not exceed 1.25 roentgens provided the dose to the gonads does not exceed 1.25 rem. "Air dose" means that the dose is measured by a properly calibrated appropriate instrument in air at or near the body surface in the region of highest dosage rate.

(b) Employees may receive doses to the whole body greater than those permitted under paragraph (a) of this section, provided:

(1) During any calendar quarter the dose to the whole body shall not exceed 3 rems; and

(2) The dose to the whole body, when added to the accumlated occupational dose (which includes exposure of an individual to radiation in the course of employment in which the individual's duties involve exposure to radiation) to the whole body, shall not exceed 5(N–18) rems where "N" equals the individual's age in years at his last birthday; and

(3) The contractor maintains adequate past and current exposure records which show that the addition of such a dose will not cause the individual to exceed the amount authorized in 41 CFR 50–204.306(b)(2).

(c) No employer shall permit any employee who is under 18 years of age to receive in any period of one calendar quarter a dose in excess of 10 percent of the limits specified in the table in paragraph (a) of this section. (See also requirements of Hazardous Order No. 6 (29 CFR 4.57) issued pursuant to the Fair Labor Standards Act of 1938.)

(d) "Calendar quarter" means any period determined according to either of the following subdivisions:

(1) January 1 to March 31, inclusive; April 1 to June 30, inclusive; July 1 to September 30, inclusive; October 1 to December 31, inclusive; or

(2) The first period in a calendar year of 13 complete, consecutive calendar weeks; the second period in a calendar year of 13 complete, consecutive calendar weeks; the third period in a calendar year of 13 complete, consecutive calendar weeks; the fourth period in a calendar year of 13 complete, consecutive calendar weeks. If at the end of a calendar year there are any days not falling within a complete calendar week of that year, such days shall be included (for purposes of this part) within the last complete

[1] This limitation prevents these regulations from interfering with the intentional exposure of patients to radiation for the purpose of medical or dental diagnosis or therapy.

calendar week of that year. If at the beginning of any calendar year there are days not falling within a complete calendar week of that year, such days shall be included (for purposes of this part) within the last complete calendar week of the previous year.

§ 50–204.307 Exposure to airborne radioactive material.

No employer shall possess, use, or transport radioactive material in such manner as to cause any employee to be exposed (inhale or absorb) to airborne radioactive material in an average concentration in excess of the limits specified in the following table, nor any employee who is under 18 years of age to be exposed to airborne radioactive material in an average concentration in excess of 10 percent of such limits. The limits given are for exposure to the concentrations specified for 40 hours in any workweek of 7 consecutive days. In any such period where the number of hours of exposure is less than 40, the limits specified in the table may be increased proportionately. In any such period where the number of hours of exposure is greater than 40, the limits specified in the table shall be decreased proportionately.

CONCENTRATIONS IN AIR ABOVE NATURAL BACKGROUND

Element (atomic number)	Isotope [1]		Microcuries per milliliter (μc/ml)
Actinium (89)	Ac 227	S	2×10^{-12}
		I	3×10^{-11}
	Ac 228	S	8×10^{-8}
		I	2×10^{-8}
Antimony (51)	Sb 122	S	2×10^{-7}
		I	1×10^{-7}
	Sb 124	S	2×10^{-7}
		I	2×10^{-8}
	Sb 125	S	5×10^{-7}
		I	3×10^{-8}
Argon (18)	A37	Sub [2]	6×10^{-3}
	A41	Sub	2×10^{-6}
Berkelium (97)	Bk 249	S	9×10^{-10}
		I	1×10^{-7}
Beryllium (4)	Be 7	S	6×10^{-6}
		I	1×10^{-6}
Bismuth (83)	Bi 206	S	2×10^{-7}
		I	1×10^{-7}
	Bi 207	S	2×10^{-7}
		I	1×10^{-8}
	Bi 210	S	6×10^{-9}
		I	6×10^{-9}
	Bi 212	S	1×10^{-7}
		I	2×10^{-7}
Bromine (35)	Br 82	S	1×10^{-6}
		I	2×10^{-7}
Calcium (20)	Ca 45	S	3×10^{-8}
		I	1×10^{-7}
	Ca 47	S	2×10^{-7}
		I	2×10^{-7}
Californium (98)	Cf 249	S	2×10^{-12}
		I	1×10^{-10}
	Cf 250	S	5×10^{-12}
		I	1×10^{-10}
	Cf 252	S	2×10^{-11}
		I	1×10^{-10}
Carbon (6)	C14	S	4×10^{-6}
	(CO_2)	Sub	5×10^{-5}
Cerium (58)	Ce 141	S	4×10^{-7}
		I	2×10^{-7}
	Ce 143	S	3×10^{-7}
		I	2×10^{-7}
	Ce 144	S	1×10^{-8}
		I	6×10^{-9}
Cesium (55)	Cs 131	S	1×10^{-5}
		I	3×10^{-6}
	Cs 134m	S	4×10^{-5}
		I	6×10^{-6}
	Cs 134	S	4×10^{-8}
		I	1×10^{-8}
	Cs 135	S	5×10^{-7}
		I	9×10^{-8}
	Cs 136	S	4×10^{-7}
		I	2×10^{-7}
	Cs 137	S	6×10^{-8}
		I	1×10^{-8}
Chromium (24)	Cr 51	S	1×10^{-5}
		I	2×10^{-6}

CONCENTRATIONS IN AIR ABOVE NATURAL BACKGROUND—Continued

Element (atomic number)	Isotope [1]		Microcuries per milliliter (μc/ml)
Cobalt (27)	Co 57	S	3×10^{-6}
		I	2×10^{-7}
	Co 58m	S	2×10^{-5}
		I	9×10^{-6}
	Co 58	S	8×10^{-7}
		I	5×10^{-8}
	Co 60	S	3×10^{-7}
		I	9×10^{-9}
Gold (79)	Au 196	S	1×10^{-6}
		I	6×10^{-7}
	Au 198	S	3×10^{-7}
		I	2×10^{-7}
	Au 199	S	1×10^{-6}
		I	8×10^{-7}
Hydrogen (1)	H3	S	5×10^{-6}
		Sub	2×10^{-3}
Iodine (53)	I 126	S	8×10^{-9}
		I	3×10^{-7}
	I 129	S	2×10^{-9}
		I	7×10^{-8}
	I 131	S	9×10^{-9}
		I	3×10^{-7}
	I 132	S	2×10^{-7}
		I	9×10^{-7}
	I 133	S	3×10^{-8}
		I	2×10^{-7}
	I 134	S	5×10^{-7}
		I	3×10^{-6}
	I 135	S	1×10^{-7}
		I	4×10^{-7}
Iridium (77)	Ir 190	S	1×10^{-6}
		I	4×10^{-7}
	Ir 192	S	1×10^{-7}
		I	3×10^{-8}
	Ir 194	S	2×10^{-7}
		I	2×10^{-7}
Iron (26)	Fe 55	S	9×10^{-7}
		I	1×10^{-6}
	Fe 59	S	1×10^{-7}
		I	5×10^{-8}
Krypton [2] (36)	Kr 85m	Sub	6×10^{-6}
	Kr 85	Sub	1×10^{-5}
	Kr 87	Sub	1×10^{-6}
Lead (82)	Pb 203	S	3×10^{-6}
		I	2×10^{-6}
	Pb 210	S	1×10^{-10}
		I	2×10^{-10}
	Pb 212	S	2×10^{-8}
		I	2×10^{-8}
Neptunium (93)	Np 237	S	4×10^{-12}
		I	1×10^{-10}
	Np 239	S	8×10^{-7}
		I	7×10^{-7}
Phosphorus (15)	P 32	S	7×10^{-8}
		I	8×10^{-8}
Plutonium (94)	Pu 238	S	2×10^{-12}
		I	3×10^{-11}
	Pu 239	S	2×10^{-12}
		I	4×10^{-11}
	Pu 240	S	2×10^{-12}
		I	4×10^{-11}
	Pu 241	S	9×10^{-11}
		I	4×10^{-8}
	Pu 246	S	2×10^{-12}
		I	4×10^{-11}
Polonium (84)	Po 210	S	5×10^{-10}
		I	2×10^{-10}
Protoactinium (91)	Pa 230	S	2×10^{-9}
		I	8×10^{-10}
	Pa 231	S	1×10^{-12}
		I	1×10^{-10}
	Pa 233	S	6×10^{-7}
		I	2×10^{-7}
Radium (88)	Ra 233	S	2×10^{-9}
		I	2×10^{-10}
	Ra 224	S	5×10^{-9}
		I	7×10^{-10}
	Ra 226	S	3×10^{-11}
		I	5×10^{-11}
	Pa 228	S	7×10^{-11}
		I	4×10^{-11}
Radon (86)	Rn 220	S	3×10^{-7}
		I	
	Rn 222	S	1×10^{-7}
Ruthenium (44)	Ru 97	S	2×10^{-6}
		I	2×10^{-6}
	Ru 103	S	5×10^{-7}
		I	8×10^{-8}
	Ru 105	S	7×10^{-7}
		I	5×10^{-7}
	Ru 106	S	8×10^{-8}
		I	6×10^{-9}
Sodium (11)	Na 22	S	2×10^{-7}
		I	9×10^{-9}
	Na 24	S	1×10^{-6}
		I	1×10^{-7}
Strontium (38)	Sr 85m	S	4×10^{-5}
		I	3×10^{-5}
	Sr 85	S	2×10^{-7}
		I	1×10^{-7}
	Sr 89	S	3×10^{-8}
		I	4×10^{-8}
	Sr 90	S	3×10^{-10}
		I	5×10^{-9}
	Sr 91	S	4×10^{-7}
		I	3×10^{-7}

CONCENTRATIONS IN AIR ABOVE NATURAL BACKGROUND—Continued

Element (atomic number)	Isotope [1]		Microcuries per milliliter (μc/ml)
Strontium (38)	Sr 92	S	4×10^{-7}
		I	3×10^{-7}
Sulfur (16)	S 35	S	3×10^{-7}
		I	3×10^{-7}
Thallium (81)	Tl 200	S	3×10^{-6}
		I	1×10^{-6}
	Tl 201	S	2×10^{-6}
		I	9×10^{-7}
	Tl 202	S	8×10^{-7}
		I	2×10^{-7}
	Tl 204	S	6×10^{-7}
		I	3×10^{-4}
Thorium (90)	Th 228	S	9×10^{-13}
		I	6×10^{-12}
	Th 230	S	2×10^{-12}
		I	10^{-11}
	Th 232	S	3×10^{-11}
		I	3×10^{-11}
	Th natural	S	3×10^{-11}
		I	3×10^{-11}
	Th 234	S	6×10^{-8}
		I	3×10^{-8}
Uranium (92)	U 230	S	3×10^{-10}
		I	1×10^{-10}
	U 232	S	1×10^{-10}
		I	3×10^{-11}
	U 233	S	5×10^{-10}
		I	1×10^{-10}
	U 234	S	6×10^{-10}
		I	1×10^{-10}
	U 235	S	5×10^{-10}
		I	1×10^{-10}
	U 236	S	6×10^{-10}
		I	1×10^{-10}
	U 238	S	7×10^{-11}
		I	1×10^{-10}
	U natural	S	7×10^{-11}
		I	6×10^{-11}
Xenon (54)	Xe 131m	Sub	2×10^{-6}
	Xe 133	Sub	1×10^{-6}
	Xe 135	Sub	4×10^{-6}
Zinc (30)	Zn 65	S	1×10^{-7}
		I	6×10^{-8}
	Zn 69m	S	4×10^{-7}
		I	3×10^{-7}
	Zn 69	S	7×10^{-4}
		I	9×10^{-6}
Zirconium (40)	Zr 93	S	1×10^{-7}
		I	3×10^{-7}
	Zr 95	S	1×10^{-7}
		I	3×10^{-8}
	Zr 97	S	1×10^{-7}
		I	9×10^{-8}

[1] Soluble (S); Insoluble (I).

[2] "Sub" means that values given are for submersion in an infinite cloud of gaseous material.

NOTE: In any case where there is a mixture in air of more than one radionuclide, the limiting values for purposes of the above table should be determined as follows:

1. If the identity and concentration of each radionuclide in the mixture are known, the limiting values should be derived as follows: Determine, for each radionuclide in the mixture, the ratio between the quantity present in the mixture and the limit otherwise established in the above table for the specific radionuclide when not in a mixture. The sum of such ratios for all the radionuclides in the mixture may not exceed "1" (i.e., "unity").

Example. If radionuclides A, B, and C are present in concentrations C_A, C_B, and C_C, and if the applicable maximum permissible concentrations are MPC_A, and MPC_B, and MPC_C respectively, then the concentrations shall be limited so that the following relationship exists:

$$\frac{C_A}{MPC_A}+\frac{C_B}{MPC_B}+\frac{C_C}{MPC_C}\leq 1$$

2. If either the identity or the concentration of any radionuclide in the mixture is not known, the limiting values for purposes of the above table shall be: 1×10^{-12} μc/ml.

3. If the conditions specified below are met, the corresponding values specified below may be used in lieu of that specified in paragraph 2 above.

Element (atomic number) and isotope	Air ($\mu c/ml$)
If it is known that alpha-emitters and Sr 90, I 129, Pb 210, Ac 227, Ra 228, Pa 230, Pu 241 and Bk 249 are not present	3×10^{-9}
If it is known that alpha-emitters and Pb 210, Ac 227, Ra 228, and Pu 241 are not present	3×10^{-10}
If it is known that alpha-emitters and Ac 227 are not present	3×10^{-11}
If it is known that Ac 227, Th 230, Pa 231, Pu 238, Pu 239, Pu 240, Pu 242, and Cf 249 are not present	3×10^{-12}
If Pa 231, Pu 239, Pu 240, Pu 242, and Cf 249 are not present	2×10^{-12}

4. If the mixture or radionuclides consists of uranium and its daughter products in ore dust prior to chemical processing of the uranium ore, the values specified below may be used in lieu of those determined in accordance with paragraph 1 above or those specified in paragraphs 2 and 3 above.

1×10^{-10} μc/ml gross alpha activity; or 2.5×10^{-11} μc/ml natural uranium; or 75 micrograms natural uranium per cubic meter of air.

5. For purposes of this note, a radionuclide may be considered as not present in a mixture if (a) the ratio of the concentration of that radionuclide in the mixture (C_A) to the concentration limit for that radionuclide specified in the above table (MPC_A) does not exceed 1/10. (i.e.

$$\frac{C_A}{MPC_A}\leq\frac{1}{10}\Big)$$

and (b) the sum of such ratios for all the radionuclides considered as not present in the mixture does not exceed ¼ (i.e.

$$\frac{C_A}{MPC_A}+\frac{C_B}{MPC_B}+\cdots\cdots\leq\tfrac{1}{4}).$$

§ 50–204.308 Precautionary procedures.

(a) Every employer shall supply appropriate personnel monitoring equipment, such as film badges, pocket chambers, pocket dosimeters, or film rings, to, and require the use of such equipment by:

(1) Each employee who enters an area under such circumstances that he receives, or is likely to receive, a dose in any calendar quarter in excess of 25 percent of the applicable value specified in paragraph (a) of § 50–204.306; and

(2) Each employee under 18 years of age who enters an area under such circumstances that he receives, or is likely to receive, a dose in any calendar quarter in excess of 5 percent of the applicable value specified in paragraph (a) of § 50–204.306.

(b) Every employer shall make such surveys as may be necessary for him to comply with the regulations in this part. "Survey" means an evaluation of the radiation hazards incident to the production, use, release, disposal, or presence of radioactive materials or other sources of radiation under a specific set of conditions. When appropriate, such evaluation includes a physical survey of the location of materials and equipment, and measurements of levels of radiation or concentrations of radioactive material present.

§ 50–204.309 Records.

(a) Every employer shall maintain records of the radiation exposure of all employees for whom personnel monitoring is required under § 50–204.308(a) and advise each of his employees of his individual exposure on at least an annual basis.

(b) Every employer shall maintain records in the same units used in the table in § 50–204.306 and § 50–204.307 showing the results of surveys required by § 50–204.308(b).

§ 50–204.310 Application for variations.

(a) In accordance with the policy expressed in the Federal Radiation Council's memorandum concerning radiation protection guidance for Federal agencies (25 F.R. 4402), the Administrator of the Wage and Hour and Public Contracts Divisions may from time to time grant permission to employers to vary from the limitations contained in §§ 50–204.306 and 50–204.307 when the extent of variation is clearly specified and it is demonstrated to his satisfaction that (1) such variation is necessary to obtain a beneficial use of radiation or atomic energy, (2) such benefit is of sufficient value to warrant the variation, (3) employees will not be exposed to an undue hazard, and (4) appropriate action will be taken to protect the health and safety of such employees.

(b) Applications for such variations should be filed with the Administrator of the Wage and Hour and Public Contracts Divisions, United States Department of Labor, 14th Street and Constitution Avenue NW., Washington 25, D.C.

Signed at Washington, D.C., this 31st day of July 1963.

W. WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 63–8383; Filed, Aug. 8, 1963; 8:45 a.m.]

Title 48—TRADE AGREEMENTS AND ADJUSTMENT ASSISTANCE PROGRAMS

Chapter II—Office of the Special Representative for Trade Negotiations

PART 211—REGULATIONS OF TRADE INFORMATION COMMITTEE

Correction

In FEDERAL REGISTER 63–8386, published at page 7947 of the issue dated Saturday, August 3, 1963, the reference to "§ 211.9" appearing in § 211.7 should read "§ 211.8".

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Ex Parte No. 55]

PART 1—GENERAL RULES OF PRACTICE

Request for Cross Examination or Other Hearing

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 30th day of July A.D. 1963.

There being under consideration § 1.53 of the Commission's general rules of practice, and good cause appearing therefor:

It is ordered, That paragraph (a) of §1.53 be, and it is hereby, amended to read as follows:

(a) *Request for cross examination or other hearing.* If cross examination of any witness is desired the name of the witness and the subject matter of the desired cross examination shall, together with any other request for oral hearing, including the basis therefor, be stated at the end of defendant's statement or complainant's statement in reply as the case may be. Unless material facts are in dispute, oral hearing will not be held for the sole purpose of cross examination.

It is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission, Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

(Secs. 12, 17, 24 Stat. 383, as amended, 385, as amended, Secs. 204, 205, 49 Stat. 546, as amended, 548, as amended, Sec. 304, 54 Stat. 933, Sec. 403, 56 Stat. 285; 49 U.S.C. 12, 17, 304, 305, 904, 1003)

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 63–8536; Filed, Aug. 8, 1963; 8:53 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

CONSOLIDATED RETURNS

Notice of Hearing on Proposed Regulations

Proposed amendments to the regulations under subchapter A of chapter 6 of the Internal Revenue Code, relating to consolidated returns, were published in the FEDERAL REGISTER for August 8, 1963.

A public hearing on these proposed amendments to the regulations will be held on Tuesday, August 27, 1963, at 10:00 a.m., e.d.s.t., in Room 3303, Internal Revenue Building, 12th and Constitution Avenue NW., Washington, D.C.

Persons who plan to attend the hearing are requested to notify the Commissioner of Internal Revenue, Attention: Technical Planning Division, Washington 25, D.C., by August 23, 1963.

[SEAL] PAUL T. MAGINNIS,
Acting Director, Technical Planning Division, Internal Revenue Service.

[F.R. Doc. 63-8590; Filed, Aug. 8, 1963; 8:57 a.m.]

DEPARTMENT OF THE INTERIOR

Office of Indian Affairs

[25 CFR Part 221]

AHTANUM INDIAN IRRIGATION PROJECT, YAKIMA INDIAN RESERVATION, WASHINGTON

Operation and Maintenance Charges

Pursuant to section 4(a) of the Administrative Procedure Act of June 11, 1946 (60 Stat. 238 U.S.C. 1001) and pursuant to the Acts of August 11, 1914 and March 7, 1928 (38 Stat. 583, 45 Stat. 210; 25 U.S.C. 385, 387) and by virtue of authority delegated by the Commissioner of Indian Affairs to the undersigned Area Director, Portland Area Office, Portland, Oregon by section 200 of the Commissioner's Order 551, notice is hereby given of intention to modify § 221.1 Charges, of Title 25, Code of Federal Regulations, dealing with the opertion and maintenance charges on assessable lands under the Ahtanum Indian Irrigation Project, Yakima Indian Reservation, Washington, beginning with calendar year 1964 and for subsequent years until further notice, as follows:

By increasing the annual operation and maintenance assessments from $2.75 to $3.25 per acre.

Interested parties are hereby given opportunity to participate in preparing the proposed amendment by submitting their views and data or arguments in writing to Robert D. Holtz, Area Director, Bureau of Indian Affairs, Post Office Box 3785, Portland 8, Oregon, within 30 days from the date of publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

R. D. HOLTZ,
Area Director.

[F.R. Doc. 63-8517; Filed, Aug. 8, 1963; 8:49 a.m.]

[25 CFR Part 221]

TOPPENISH-SIMCOE INDIAN IRRIGATION PROJECT, YAKIMA INDIAN RESERVATION, WASHINGTON

Operation and Maintenance Charges

Pursuant to section 4(a) of the Administrative Procedure Act of June 11, 1946 (60 Stat. 238 U.S.C. 1001) and pursuant to the Acts of August 11, 1914 and March 7, 1928 (38 Stat. 583, 45 Stat. 210; 25 U.S.C. 385, 387) and by virtue of authority delegated by the Commissioner of Indian Affairs to the undersigned Area Director, Portland Area Office, Portland, Oregon by section 200 of the Commissioner's Order 551, notice is hereby given of intention to modify § 221.73 Charges, of Title 25, Code of Federal Regulations, dealing with the operation and maintenance charges on assessable lands under the Toppenish-Simcoe Indian Irrigation Project, Yakima Indian Reservation, Washington, beginning with calendar year 1964 and for subsequent years until further notice, as follows:

By increasing the annual operation and maintenance assessments from $2.25 to $3.25 per acre for all lands for which application for water is made and approved by the Project Engineer.

Interested parties are hereby given opportunity to participate in preparing the proposed amendment by submitting their views and data or arguments in writing to Robert D. Holtz, Area Director, Bureau of Indian Affairs, Post Office Box 3785, Portland 8, Oregon, within 30 days from the date of publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

R. D. HOLTZ,
Area Director.

[F.R. Doc. 63-8518; Filed, Aug. 8, 1963; 8:49 a.m.]

[25 CFR Part 221]

WAPATO INDIAN IRRIGATION PROJECT, YAKIMA INDIAN RESERVATION, WASHINGTON

Operation and Maintenance Charges

Pursuant to section 4(a) of the Administrative Procedure Act of June 11, 1946 (60 Stat. 238 U.S.C. 1001) and pursuant to the Acts of August 11, 1914 and March 7, 1928 (38 Stat. 583, 45 Stat. 210; 25 U.S.C. 385, 387) and by virtue of authority delegated by the Commissioner of Indian Affairs to the undersigned Area Director, Portland Area Office, Portland, Oregon by section 200 of the Commissioner's Order 551, notice is hereby given of intention to modify § 221.86 Charges, of Title 25, Code of Federal Regulations, dealing with the operation and maintenance charges on assessable lands under the Wapato Indian Irrigation Project, Yakima Indian Reservation, Washington, beginning with calendar year 1964 and for subsequent years until further notice, as follows:

By increasing the annual operation and maintenance assessments under paragraph (a) minimum charges for all tracts in noncontiguous single ownership from $7.25 to $8.00, and under paragraph (b) from $7.00 to $8.00 per acre.

Interested parties are hereby given opportunity to participate in preparing the proposed amendment by submitting their views and data or arguments in writing to Robert D. Holtz, Area Director, Bureau of Indian Affairs, Post Office Box 3785, Portland 8, Oregon, within 30 days from the date of publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

R. D. HOLTZ,
Area Director.

[F.R. Doc. 63-8519; Filed, Aug. 8, 1963; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1030]

[Docket No. AO-101-A26]

MILK IN CHICAGO, ILL., MARKETING AREA

Decision and Order To Terminate Proceeding on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held June 29, 1962, at Chicago, Illinois, pursuant to notice thereof issued June 13, 1962 (27 F.R. 5772).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Secretary, United States Department of Agriculture, on August 20, 1962 (27 F.R. 8495; F.R. Doc. 62-8512) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions and rulings of the recommended decision (27 F.R. 8495; F.R. Doc. 62-8512) are hereby approved and adopted and are set forth in full herein:

The material issues on the record of the hearing relate to:

1. Reduction of the shipping percentage requirements for pooling supply plants.

2. Emergency action with respect to Issue 1.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

Issue 1. The supply plant pooling provisions of the order should not be changed at this time.

As now provided in the order, a supply plant may attain pool plant status during any single month by shipping at least 30 percent of the butterfat in, or 30 percent of the volume of, milk received from dairy farmers to pool plants bottling and distributing Class I or Class II milk in the marketing area. If a supply plant ships monthly at least 30 percent of its receipts from dairy farmers in July and December, 40 percent August through November, and 15 percent in January and February, it is accorded pool plant status for the following months of March through June.

As proposed, the monthly shipping requirements for supply plants would be changed from 30 to 25 percent of receipts from dairy farmers; a supply plant that met the monthly 25 percent shipping requirement in July through October would be permitted to pool without further shipment the following November through October.

The proposed change, made by a cooperative that operates no plants, was supported by a number of producer groups that operate plants and by some proprietary handlers. As developed at the hearing by one proponent the proposal would use as a criterion for pooling a supply plant's offer to ship milk in lieu of actual shipments. Changing the supply plant standards for pooling was opposed by the major cooperative in the market and the principal proprietary handlers under the order.

The order was amended September 1, 1961, to provide the present performance standards for pooling supply plants. Prior to this amendment, handlers engaged in bottling and distributing operations in the Chicago area experienced considerable difficulty in obtaining sufficient milk from supply plants to meet their fluid milk requirements. Operators of the supply plants appeared reluctant to release any milk for fluid use in the market without receiving handling charges up to $1.25 per hundredweight. These supply plants were averse to shipping their milk to the market and were using it in their manufacturing operations. The present performance requirements for supply plants recognize that some plant operators would ship no milk to the market unless required as a condition for pooling.

Shipping standards are the basis for determining which supply plants are an integral part of the market and constitute the source of regular and dependable supplies for the market. They are specifically intended to distinguish between plants meeting a reasonable standard of regular and customary service to the market and those which do not.

The present provision, that a supply plant ship milk to the market July through February in order to pool without shipping the following March through June, results in a plant being required to ship during 8 months approximately 21 percent of its total receipts in a 12-month period. The proposal to permit a supply plant to pool November through October by shipping 25 percent of its monthly receipts in July through October would have the effect of enabling a plant to qualify for pooling for a 16-month period by an aggregate shipment (in 4 months) equal to as little as 6 percent of its total receipts during the 16 months. This would enable supply plants to make no shipments for sustained periods and thereby threaten the availability of an adequate supply of milk for the requirements of city plants. It cannot be concluded that the proposed provision is an appropriate alternative to that now provided in the order. Although one part of the proposal was to reduce the percentage shipping requirement for single months to 25 percent, no evidence was submitted relative to the effect this change would have on assuring adequate shipments to bottling plants. Hence, there was no evidence that the lower rate proposed would be more appropriate than the present 30 percent standard.

Reduction of the pool plant shipping percentages or replacing such standards with an "offer to ship" basis for qualifying would tend to the return of a condition prevalent in the market before the September 1961 amendment: i.e., the furnishing of the market's Class I and Class II requirements only at arbitrarily excessive handling charges from the supply plant operators who planned to retain milk in the country for manufacturing uses.

Proponents contend that increased production in the market and decreased Class I and Class II sales have resulted in unnecessary handling of milk to prevent loss of supply plants and producers from the pool. The present performance standards for supply plants to pool have been effective since September 1961. Between August 1961 and January 1962 there were 85 supply plants in the pool. Five of these have closed in recent months. In each case their closing was not because of inability to meet the pooling standards for supply plants but was the result of other business operating conditions. The current supply plant shipping requirements have not resulted in loss to the pool of plants or producers delivering to such plants.

A major purpose of the supply plant performance requirements is to insure that handlers engaged in bottling and distributing operations in the Chicago area will obtain sufficient milk from supply plants to meet their fluid milk requirements. Without such requirements, supply plants would tend to keep milk at their plants for manufacturing when it was to their advantage to do so. Moreover, any reduction in the pooling provisions would tend to attract additional manufacturing plant operations to the pool for the purpose of sharing the monetary benefits of the Class I and II ultilizations of the market without bearing any responsibility for supplying the market's needs.

Reduction of the supply plant pooling standards as proposed was based on the contention that the present requirements resulted in forcing shipments to distributing plants. Such shipments which were for the purpose of qualifying a supply plant, were shipped back to it or to another plant for manufacturing purposes.

The quantity of milk and cream shipped back to the country is a relatively small proportion of the total milk under the order. Whether there has been any increase or decrease in the frequency of or quantities of product involved in such shipments since the order change in September 1961 was not established on the record. There is no assurance that changing the pool plant shipping requirements as proposed would have any appreciable effect on the amount of shipments back to supply plants. Such shipments could be eliminated with certainty only if there were no performance standards at all.

It was claimed that the shipping requirements for pooling are too high at any time that there are shipments back to supply plants in the market. But no alternative basis that would accomplish the purpose of insuring the availability of milk and cream to Chicago order bottling and distributing plants for their fluid needs, if minimum shipping percentages were eliminated as a basis for pooling supply plants, was developed or substantiated at the hearing. The testimony for revising supply plant performance standards was directed at showing that supply plant handlers are at times inconvenienced by meeting the requirements for pooling. There is no assurance that the amendment proposed would eliminate such inconveniences. But it is clear that any such reduction would lessen the assurance of adequate shipments to bottling plants which is a central purpose of the pool plant standards.

A central point in proponents' contention for reducing supply plant standards is that producer deliveries have been increasing while Class I and II sales have been declining and that this has forced the shipment to distributing plants of milk not needed for Class I and Class II purposes. A question necessarily arises whether it is the order provisions which require these additional shipments or whether factors extraneous to the order are responsible. For several years a "super pool" has been effective in this market which results in the payment of prices higher than the minimums established by the order. These premium payments have no doubt encouraged the delivery of additional quantities of milk to pool plants regulated by this order and may also have had an influence in reducing Class I and II sales. The presence of these super pool

payments makes it impossible to determine, therefore, whether any unnecessary shipments are the result of order provisions and thus should be dealt with through order amendment or whether such shipments are the consequence of conditions extraneous to the order operations and hence should be dealt with by means other than an order amendment. Until it can be shown that order provisions are responsible for unnecessary shipments, it would be inappropriate to amend the order to deal with the problems arising from any such shipments.

Since September 1, 1961, two or more supply plants have been permitted to qualify as a unit, enabling them to meet collectively the requirements for an individual plant. By this method, some plants have used all their milk in manufactured products and depended on shipments from other plants in the unit to qualify the unit. This pooling system enables marketing efficiency by keeping at a minimum the cost involved in moving milk between plants. Of the 82 supply plants pooled in February 1962, the most recent month for which such information is available, 55 were qualified through 12 units.

To a significant extent, unit pooling obviates the need for uneconomic movement of milk to the market. It does this without qualifying more milk for pooling than the aggregate performance standards warrant. Savings to the pool result from reducing uneconomic shipments of milk to distributing plants solely for the purpose of qualifying plants whose milk must be shipped back to supply plants for manufacture.

Issue 2. Emergency action should not be taken to suspend the supply plant qualifications for July. Such suspension was requested in conjunction with the request for a hearing on the proposed amendments.

In view of the findings on Issue 1, that no change in the supply plant pooling qualifications is warranted, the request for suspension action for July should be denied.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth herein. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

Rulings on exceptions. In arriving at the findings and conclusions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Termination order. It is hereby found and determined on the basis of the findings and conclusions and rulings with respect to the material issues of this proceeding that the proceeding with respect to proposed amendments to the tentative marketing agreement and to the order is hereby terminated.

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on August 6, 1963.

CHARLES S. MURPHY,
Acting Secretary.

[F.R. Doc. 63-8553; Filed, Aug. 8, 1963; 8:55 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 40, 41, 42]

[Notice No. 63-32; Docket No. 1893]

LIFE PRESERVERS AND LIFERAFTS

Proposed Means of Electric Illumination

The Federal Aviation Agency has under consideration a proposal to amend Parts 40, 41, and 42 of the Civil Air Regulations to require that each life preserver and liferaft, when carried in accordance with these regulations, be equipped with a means of electric illumination for the purpose of facilitating the location of persons who have survived a water landing in an air carrier aircraft.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the notice or docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, Room A-103, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before October 9, 1963, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

The Federal Aviation Agency and the Civil Aeronautics Board have long been concerned by the lack of any requirement prescribing that life preservers and liferafts be equipped with a means of illumination. Such a requirement, we believe, would materially assist in the rescue of persons from the water at night. Since such a light had not been developed to a level of reliability sufficient to justify such a mandatory civil requirement, the United States filed and has maintained a difference to a similar ICAO requirement since November 1, 1954.

To our knowledge until recently there had been little or no advancement in the development of survival lights since 1954, when the United States filed its difference with ICAO. Ditchings in 1962 prompted this Agency to reevaluate our requirements in this regard and ascertain if our 1954 position was in fact acceptable at this time. In the course of our study, we have found that lights have now been developed which are acceptable.

In order for a light to be effective for this purpose it must be attached to the life preserver or mounted on the liferaft in such a manner as to provide maximum visibility in a horizontal and vertical plane. The light should be waterproof and provide a minimum source of effective intensity of 3 candles for a period of 8 hours.

Concurrent with this notice the Agency is issuing a proposed revision of TSO-C13c, Life Preservers (circulated as Notice 63-31), which will prescribe minimum standards which will be acceptable. That part of the TSO dealing with the general light characteristics herein described will relate to the acceptability of lights which may be attached to presently approved life preservers.

The Agency is preparing a similar amendment to the TSO for liferafts to reflect a similar requirement.

Flotation is the primary and most important requirement for survival after escaping from an aircraft landing in water.

The probability of survival is greatly increased if the passenger can then expeditiously board one of the airplane's liferafts or a rescue vessel. To insure and facilitate the locations of all passengers or liferafts at night, a means of illumination on the life preservers and rafts must be provided. A review of aircraft water landings confirms that where lights on life preservers were provided, persons in the water were sighted by persons in the liferafts or rescue vessels, who in turn were able to maneuver the raft or vessel and pick up persons who might not otherwise have been sighted.

This proposal is subject to the FAA Recodification Program announced in Draft Release 61-25 (26 F.R. 10698). The final rule, if adopted, may be in a recodified form; however, the recodification itself will not alter the substantive contents proposed herein.

These amendments are proposed under the authority of sections 313(a), 601, and 604 of the Federal Aviation Act of 1958 (49 U.S.C. 1354, 1421, 1424).

In consideration of the foregoing, it is proposed to amend Parts 40, 41, and 42 of the Civil Air Regulations as follows:

1. By amending § 40.206(a) of Part 40 by adding a new subparagraph (5) to read as follows:

§ 40.206 Equipment for overwater operations.

(a) * * *

(5) Each life preserver and liferaft required under subparagraphs (1) and (2) of this paragraph shall be equipped with a means of illumination approved for use on life preservers and liferafts, for the purpose of facilitating the location of persons.

2. By making similar amendments to that proposed in item 1 in Parts 41 and 42.

Issued in Washington, D.C., on August 5, 1963.

W. LLOYD LANE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 63-8539; Filed, Aug. 8, 1963; 8:53 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-SW-15]

CONTROL ZONE, CONTROL AREA EXTENSION, AND TRANSITION AREAS,

Proposed Alteration and Designation

In consonance with ICAO International Standards and Recommended Practices, notice is hereby given that the Federal Aviation Agency (FAA) is considering amendments to Part 71 [New] of the Federal Aviation Regulations. This proposal relates to navigable airspace both within and outside the United States.

Applicability of International Standards and Recommended Practices, by the Air Traffic Service, FAA, in areas outside domestic airspace of the U.S. is governed by Article 12 and Annex 11 to the Convention on International Civil Aviation (ICAO), which pertains to the establishment of air navigation facilities and services necessary to promoting safe, orderly and expeditious flow of civil air traffic. Its purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state the U.S. agreed by Article 3(d) that its state aircraft will be operating in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

The following controlled airspace is designated in the New Orleans, La., terminal area:

1. The New Orleans (New Orleans International Airport-Moisant Field) control zone is designated to comprise that airspace within a 5-mile radius of the New Orleans International Airport (latitude 29°59'25'' N., longitude 90°15'15'' W.); within 2 miles each side of the New Orleans ILS localizer west course, extending from the 5-mile radius zone to 2 miles east of the outer marker; within 2 miles each side of the New Orleans VORTAC 085° True radial, extending from the VORTAC to 7 miles east; within 2 miles each side of the New Orleans VORTAC 243° and 063° True radials, extending from the 5-mile radius zone to 1 mile northeast of the VORTAC; within 2 miles each side of the 093° True bearing from the New Orleans radio beacon, extending from the 5-mile radius zone to 8 miles east of the radio beacon; and within 2 miles each side of the 072° True bearing from the New Orleans radio beacon, extending from the radio beacon to 8 miles east of the radio beacon, excluding the portions east of longitude 90°04'03'' W.

2. The New Orleans Airport control zone is designated within a 5-mile radius of the New Orleans Airport (latitude 30°02'20'' N., longitude 90°01'25'' W.), excluding the portion west of longitude 90°04'03'' W.

3. The NAS Alvin Callender Field control zone is designated within a 5-mile radius of NAS Alvin Callender Field and within 2 miles each side of the 226° True bearing from the NAS, extending from the 5-mile radius zone to 13-nautical miles southwest.

4. The New Orleans control area extension is designated as that airspace northeast of New Orleans bounded by a line beginning at the New Orleans VORTAC 357° True radial at latitude 31°00'00'' N., thence east along latitude 31°00'00'' N., longitude 89°00'00'' W., thence north along longitude 89°00'00'' W., to latitude 31°15'00'' N., thence east along latitude 31°15'00'' N., to longitude 88°00'00'' W., thence south along longitude 88°00'00'' W., to the arc of a 25-mile radius circle centered on the Brookley AFB (latitude 30°37'40'' N., longitude 88°04'15'' W.), Mobile Ala., thence counterclockwise via the Brookley 25-mile radius circle to the north boundary of V-20, thence along V-20 to the arc of the 25-mile radius circle centered on the Keesler AFB radio beacon, Biloxi, Miss., thence counterclockwise via the Keesler 25-mile radius circle to a line 12 miles south of and parallel to the New Orleans VORTAC 070° True radial, thence west along this line to the New Orleans VORTAC 117° True radial, thence north via the New Orleans VORTAC 177° and 357° True radials to the point of beginning; including that airspace within the United States south and southwest of New Orleans bounded by a line beginning at a point on the south boundary of V-20 at longitude 91°05'00'' W., thence east along V-20 to the south boundary of V-22, thence east along V-22 to 3 nautical miles east of the shoreline at longitude 89°07'00'' W., thence clockwise along a line 3 nautical miles offshore to longitude 90°15'00'' W., thence north to latitude 29°15'00'' N., longitude 90°15'00'' W., thence west to latitude 29°15'00'' N., longitude 91°05'00'' W., thence north to the point of beginning; including that airspace northwest of New Orleans within a 35-mile radius of the New Orleans VORTAC, extending clockwise from the north boundary of V-20 to the west boundary of V-9, excluding that airspace between V-20 and V-20 north alternate, bounded on the southwest by the north shoreline of Lake Pontchartrain and on the east by longitude 89°18'30'' W.

5. Control Area 1216 is designated, in part, as that airspace from the United States Coastline bounded on the north by a direct line from the Navy New Orleans, La., radio beacon to latitude 29°25'00'' N., longitude 87°00'00'' W., on the southeast by a line extending from latitude 29°25'00'' N., longitude 87°00'00'' W., to latitude 28°50'00'' N., longitude 88°00'00'' W., and on the northwest by the New Orleans control area extension, excluding the portion below 2,000 feet MSL outside the United States.

6. Control Area 1226 is designated, in part, as that airspace within tangent lines drawn from the circumference of a 5-mile radius circle centered on the Grand Isle, La., radio beacon extending to the circumference of a 15-mile radius circle centered at a point midway on a rhumb line between the Grand Isle, La., and the Egmont Key, Fla., radio beacons, excluding the portion below 2,000 feet MSL outside the United States. This control area shall be used only after obtaining prior approval from appropriate authority.

7. The Lafayette, La., control area extension is designated as that airspace bounded on the northeast by V-114, on the south by V-20, on the southwest by V-20 north alternate and on the northwest by V-222.

8. The Biloxi, Miss., control area extension is designated as that airspace within a 25-mile radius of latitude 30°-27'08'' N., longitude 88°53'26'' W.; and that airspace bounded on the east by longitude 88°30'00'' W., on the southeast and south by a line 15 miles south of and parallel to V-22, on the west by longitude 88°10'00'' W., on the north by the Biloxi 25-mile radius area, excluding the portion which coincides with Warning Area W-453.

To implement the provisions of CAR Amendments 60-21/60-29 in the New Orleans terminal area, the Federal Aviation Agency has under consideration the following airspace actions:

1. Designate the New Orleans transition area as that airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 30°06'25'' N., longitude 90°16'35'' W.; to latitude 30°08'20'' N., longitude 90°-02'30'' W.; thence clockwise along the arc of a 7-mile radius circle centered at the New Orleans Airport; to latitude 30°02'20'' N., longitude 89°54'20'' W.; to latitude 29°49'40'' N., longitude 89°-54'20'' W.; thence clockwise along the arc of a 7-mile radius circle centered at NAS New Orleans-Alvin Callender Field (latitude 29°49'40'' N., longitude 90°-01'25'' W.); to latitude 29°44'45'' N., longitude 90°05'25'' W.; to latitude 29°-53'45'' N., longitude 90°20'00'' W.; thence clockwise along the arc of an 8-mile radius circle centered at New Orleans International-Moisant Field; to point of beginning; within 2 miles each

side of the 241° True bearing from the Navy New Orleans radio beacon to 10 miles southwest; and within 2 miles each side of the 131° True bearing from the Navy New Orleans radio beacon, extending from the 7-mile radius area to 10 miles southeast of the radio beacon; and that airspace extending upward from 1,200 feet above the surface, bounded by a line beginning at latitude 29°33'00'' N., longitude 89°16'00'' W.; to latitude 29°13'30'' N., longitude 89°51'00'' W.; to latitude 28°57'00'' N., longitude 90°-01'00'' W.; to latitude 28°59'00'' N., longitude 90°15'00'' W.; to latitude 29°-11'00'' N., longitude 90°25'00'' W.; to latitude 29°15'00'' N., longitude 90°-25'00'' W.; to latitude 29°15'00'' N., longitude 91°05'00'' W.; to latitude 29°-31'00'' N., longitude 91°05'00'' W.; to latitude 29°31'00'' N., longitude 91°-11'00'' W.; to latitude 29°47'00'' N., longitude 91°11'00'' W.; to latitude 29°-53'00'' N., longitude 91°00'00'' W.; to latitude 30°13'00'' N., longitude 90°-57'00'' W.; to latitude 30°17'00'' N., longitude 90°45'00'' W.; to latitude 30°-38'00'' N., longitude 90°48'00'' W.; to latitude 30°38'00'' N., longitude 90° 11'00'' W.; to latitude 30°54'00'' N., longitude 89°35'00'' W.; to latitude 30°-41'00'' N., longitude 89°18'00'' W.; to latitude 29°41'00'' N., longitude 89°-18'00'' W.; thence to point of beginning; and that airspace extending upward from 3,000 feet MSL, bounded by a line beginning at latitude 29°28'35'' N., longitude 89°23'50'' W.; thence along the outer limits of the territorial waters of the United States to the northern boundary of Control Area 1226; thence northwest along the north boundary of Control Area 1226 to latitude 29°13'30'' N., longitude 89°51'00'' W.; thence northeast to point of beginning. The portion of this transition area which would coincide with Restricted Area R–4403 would be used only after obtaining prior approval from appropriate authority.

2. Designate the Houma, La., transition area as that airspace extending upward from 700 feet above the surface within a 5-mile radius of the Houma Municipal Airport (latitude 29°34'10'' N., longitude 90°39'40'' W.), and within 2 miles each side of the Tibby, La., VOR 123° True radial extending from the 5-mile radius area to the VOR.

3. Designate the Grand Isle, La., transition area as that airspace extending upward from 700 feet above the surface within a 5-mile radius of the Grand Isle seaplane base (latitude 29°15'45'' N., longitude 89°57'40'' W.) and within 2 miles each side of the 052° True bearing from the Grand Isle radio beacon, extending from the 5-mile radius area to the radio beacon.

4. Designate the Picayune, Miss., transition area as that airspace extending upward from 700 feet above the surface within a 5-mile radius of the Picayune Municipal Airport (latitude 30°31'20'' N., longitude 89°42'25'' W.), and within 2 miles each side of the Picayune VOR 332° True radial, extending from the 5-mile radius area to 8 miles northwest of the VOR.

5. Redesignate the NAS New Orleans-Alvin Callender Field control zone as that airspace within a 5-mile radius of NAS New Orleans-Alvin Callender Field (latitude 29°49'40'' N., longitude 90°01'25'' W.); within 2 miles each side of the 241° True bearing from the Navy New Orleans radio beacon, extending from the 5-mile radius zone to 8 miles southwest of the radio beacon, and within 2 miles each side of the 131° True bearing from the Navy New Orleans radio beacon, extending from the 5-mile radius zone to 8 miles southeast of the radio beacon.

6. The floors of the control area extensions and the floors of the airways that traverse the transition areas proposed herein would automatically coincide with the floors of the transition areas.

The actions proposed herein would raise the floor of controlled airspace beyond the immediate vicinity of the New Orleans International-Moisant Field, New Orleans Airport, Houma Municipal Airport, Grand Isle Seaplane Base, and the Picayune Municipal Airport from 700 to 1,200 feet and, as a result would make such airspace available for other uses, yet sufficient controlled airspace would be retained to provide adequate protection to aircraft executing prescribed holding, arrival, departure, and radar procedures within the New Orleans terminal area. Slightly less reduction than that permitted by criteria is being proposed in the extent of controlled airspace with a floor of 700 feet above the surface, within the Greater New Orleans terminal area, to provide controlled airspace floor continuity and present a more meaningful and less complex configuration for aircraft operating within a congested air traffic complex. No alteration would be required to the New Orleans control zone and the New Orleans International Airport-Moisant Field control zone. Editorial changes would be made in the final rule to alter the description of Control Area 1216 to reflect the changes proposed herein. The portions of the present control area extensions, that would coincide with the proposed transition areas, would be retained pending further review of the controlled airspace requirements within the areas adjacent to those under consideration herein.

The additional controlled airspace southeast of the Picayune Municipal Airport would provide protection for aircraft executing prescribed instrument holding, arrival and departure procedures at the Picayune Municipal Airport and for radar vector service at airports within the Greater New Orleans terminal area.

Certain minor revisions to prescribed instrument procedures would be effected in conjunction with the actions proposed herein, but operational complexity would not be increased nor would aircraft performance or present landing minimums be adversely affected.

Specific details of the changes in procedures and minimum instrument flight rules altitudes that would be required may be examined by contacting the Chief, Airspace Utilization Branch, Air Traffic Division, Southwest Region, Federal Aviation Agency, P.O. Box 1689, Fort Worth, Tex., 76101.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Southwest Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth, Tex., 76101. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A–103, 1711 New York Avenue NW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under sections 307(a), and 1110, 72 Stat. 749 and 800; 49 U.S.C. 1348 and 1510, and Executive Order 10854, 24 F.R. 9565.

Issued in Washington, D.C. on August 5, 1963.

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

[F.R. Doc. 63–8495; Filed, Aug. 8, 1963; 8:45 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63–WE–6]

CONTROL ZONE AND TRANSITION AREA

Proposed Designation

In consonance with ICAO International Standards and Recommended Practices, notice is hereby given that the Federal Aviation Agency is considering amendments to Part 71 [New] of the Federal Aviation Regulations. This proposal relates to the designation of navigable airspace outside the United States.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the U.S. is governed by Article 12 and Annex 11 to the Convention on International Civil Aviation (ICAO), which pertains to the establishment of air navigation facilities and services necessary to promoting safe, orderly and expeditious flow of civil air traffic. Its purpose is to insure that civil flying on international air routes is car-

ried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state the U.S. agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

The Federal Aviation Agency has under consideration the designation of a control zone and a transition area at Astoria, Oreg. The proposed control zone would be designated within a 5-mile radius of Clatsop County Airport, Astoria, Oreg. (latitude 46°09'25'' N., longitude 123°52'40'' W.), and within 2 miles each side of the Astoria VOR 268° True radial, extending from the 5-mile radius zone to 8 miles west of the VOR. This control zone would provide protection for aircraft executing prescribed Clatsop County Airport instrument approach and departure procedures. Communications within the proposed Astoria control zone and transition area would be provided by the FAA's Flight Service Station at Hoquiam, Wash., through remote facilities at the Astoria VOR. Weather reporting service will be furnished by the United States Weather Bureau. The proposed transition area would be designated as that airspace extending upward from 700 feet above the surface bounded on the southwest by the Astoria VOR 326° True radial, on the northeast by a line 5 miles northeast of and parallel to the Astoria VOR 326° True radial, extending from the arc of a 5-mile radius circle centered at the Astoria Municipal Airport to 12 miles northwest of the VOR; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 46°08'00'' W., longitude 123°42'00'' W., thence to latitude 46°02'00'' N., longitude 123°53'00'' W., thence to latitude 46°02'00'' N., longitude 124°09'00'' W., thence to latitude 46°16'00'' N., longitude 124°09'00'' W., thence to latitude 46°22'00'' N., longitude 123°55'00'' W., thence to point of beginning.

The floors of the airways that traverse the transition area proposed herein would automatically coincide with the floors of the transition area.

The portion of the proposed transition area with a floor of 700 feet above the surface would provide additional protection for aircraft executing the portions of the prescribed instrument approach and departure procedures at Clatsop County Airport conducted beyond the limits of the proposed control zone and below the floor of the proposed 1,200-foot floor portion of the transition area. The portion extending upward from 1,200 feet above the surface would provide protection for aircraft while holding at the Astoria VOR and for portions of the instrument approach and departure procedures conducted above 1,500 feet above the surface.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles, Calif., 90009. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under sections 307(a), and 1110, 72 Stat. 749 and 800; 49 U.S.C. 1348 and 1510, and Executive Order 10854, 24 F.R. 9565.

Issued in Washington, D.C., on August 5, 1963.

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

[F.R. Doc. 63-8496; Filed, Aug. 8, 1963; 8:45 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-EA-27]

FEDERAL AIRWAYS AND ASSOCIATED CONTROL AREAS

Proposed Alteration

Notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

VOR Federal airway No. 422 extends in part from Wolflake, Ind., via the Garrett, Ind., Intersection, Defiance, Ohio, to Attica, Ohio. VOR Federal airway No. 855 extends in part from Wolflake to Findlay, Ohio, via the Garrett and the Antwerp, Ohio, Intersections. The 1962 IFR peak day traffic survey shows 5 aircraft movements between the Garrett Intersection and Defiance; and one aircraft movement between Defiance and Attica. To more adequately serve the traffic flow in this area, the Agency proposes to realign Victors 422 and 855 from Wolflake to the Antwerp Intersection. For continuity, Victor 422 would be designated from Antwerp Intersection to Findlay to coincide with Victor 855.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica, N.Y., 11430. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A-103, 1711 New York Avenue, NW., Washington, D.C., 20553. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

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

Issued in Washington, D.C. on August 2, 1963.

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

[F.R. Doc. 63-8497; Filed, Aug. 8, 1963; 8:45 a.m.]

[14 CFR Part 73 [New]]

[Airspace Docket No. 63-WE-37]

RESTRICTED AREA

Proposed Alteration

Notice is hereby given that the Federal Aviation Agency is considering an amendment to § 73.25 of the Federal Aviation Regulations, the substance of which is stated below.

The Cuddeback Dry Lake, California, Restricted Area R–2509 is a joint use restricted area designated on a continuous basis during VFR weather conditions only. With this time designation, marginal weather conditions create some doubt as to when the area is in fact a restricted area. Further, R–2509 is completely surrounded by other joint use areas which are designated on a continuous basis. Although R–2509 is not designated a restricted area during periods of instrument weather conditions, the availability of this airspace for public use depends largely upon the release of the surrounding restricted areas. Therefore, the Federal Aviation Agency is considering a proposal to delete the reference to VFR in the time designation of R–2509.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles, Calif., 90009. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

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

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

Issued in Washington, D.C., on August 2, 1963.

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

[F.R. Doc. 63–8498; Filed, Aug. 8, 1963; 8:45 a.m.]

[14 CFR Part 514]

[Reg. Docket No. 1892; Notice No. 63–31]

LIFE PRESERVERS

Proposed Technical Standard Order

The Federal Aviation Agency has under consideration a proposal to revise § 514.23 of Part 514 of the regulations of the Administrator by amending the Technical Standard Order. This Technical Standard Order contains minimum performance requirements for life preservers for use on civil aircraft of the United States engaged in operation over water.

The amendment is proposed to clarify the existing Technical Standard Order and to include standards for survivor locator lights. Flotation is the primary and most important requirement for survival after escape from a ditched aircraft. The possibility of survival is greatly increased if the survivor expeditiously boards one of the airplane's life rafts or a rescue vessel. To insure and facilitate the location of all survivors at night a means of illumination on the life preservers must be provided. A review of aircraft ditchings confirms that where lights on life preservers were provided, persons in the water who might otherwise not have been saved were sighted and picked up in life rafts or rescue vessels.

Under this proposal the requirements would now be incorporated into an FAA Standard instead of referring to an industry specification as was done in the previous TSO. The proposed TSO primarily incorporates those standards set forth in the previous TSO. The main substantive change is the new requirement for survivor locator lights. Survivor locator lights which meet the standards prescribed in this TSO may be mounted on previously approved life preservers.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, Room A–103, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before October 9, 1963, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

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

In consideration of the foregoing it is proposed to amend Part 514 by revising § 514.23 to read as follows:

§ 514.23 Life preservers—TSO–C13d.

(a) *Applicability.* Minimum performance standards are hereby established for life preservers (adult and child) including survivor locator lights which specifically are required to be approved for use on civil aircraft of the United States. New models of life preservers manufactured on or after the effective date of this section shall meet the requirements specified in Federal Aviation Standard "Life Preservers", dated July 26, 1963.[1] Survivor locator lights which meet the requirements of this TSO may be mounted on previously approved life preservers.

(b) *Markings.* (1) The life preservers shall be permanently marked in accordance with the provisions of § 514.3(d) except for the following:

(i) The weight of the life preserver assembly may be omitted;

(ii) The date of manufacture of fabric (month and year) shall be shown; and

(iii) The intended user, i.e., "adult", "child", or "adult and child" shall be shown.

(2) The survivor locator light shall be permanently marked in accordance with provisions of § 514.3(d) except for the following:

(i) The weight of the survivor locator light may be omitted.

(c) *Data requirements.* In accordance with the provisions of § 514.2, as applicable, manufacturers of life preservers and the survivor locator lights shall furnish to the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Agency in the region in which the manufacturer is located, the following technical data:

(1) Six copies of an instruction manual describing the products and containing information for the maintenance, overhaul and installation of the life preserver and the survivor locator light;

(2) Six copies of the necessary data detailing the mounting of the survivor locator light on the life preserver.

Issued in Washington, D.C., on August 5, 1963.

W. LLOYD LANE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 63–8540; Filed, Aug. 8, 1963; 8:53 a.m.]

[1] Copies may be obtained upon request addressed to Publishing and Graphics Branch, Inquiry Section, HQ–440, Federal Aviation Agency, Washington, D.C.

Notices

DEPARTMENT OF STATE

[Public Notice 221]

CERTIFICATION OF CERTAIN TRADEMARKS VESTED DURING WORLD WAR II

Section 42(d) of the Trading with the Enemy Act, as amended by Public Law 87-861, 87th Congress, approved October 23, 1962, provides:

(d) The Attorney General shall within forty-five days after the date of enactment of this section publish in the FEDERAL REGISTER a list of trademarks which at the date of vesting in the Alien Property Custodian or Attorney General were owned by persons who were resident in or had their sole or primary seat in the area of Germany now in the Soviet Zone of Occupation or in the Soviet sector of Berlin or in German territory under provisional Soviet or Polish administration. Notwithstanding the provisions of subsection (b) of this section, the effective date of divestment of the trademarks so listed and published in the FEDERAL REGISTER shall be the date of publication in the FEDERAL REGISTER by the Secretary of State of a certification identifying the cases in which an equivalent trademark has been registered in the Federal Republic of Germany for a person residing or having its sole or primary seat in the Federal Republic of Germany or in the western sector of Berlin. In those cases of an equivalent trademark certified by the Secretary of State, the person registered by the Federal Republic of Germany as owner of such equivalent trademark shall succeed to the ownership of the divested trademark in the United States.

Publication of a list of trademarks pursuant to the first sentence of section 42(d) was made by the Attorney General, 27 F.R. 12003 (December 5, 1962).

Pursuant to the second sentence of section 42(d) certification of certain trademarks on this list is herewith made. Alongside each trademark is the owner of the divested trademark in accordance with the third sentence of section 42(d).

88,938	Zeiss-Ikon AG, Stuttgart
160,410	Chem. Fabrik von Heyden AG, Munchen
161,437	Chem. Fabrik von Heyden AG, Munchen
176,288	Chem. Fabrik Grunau GmbH, Illertissen/Bayern
178,303	Firma Carl Zeiss, Heidenheim/Brenz
191,633	Chem. Fabrik Grunau GmbH, Illertissen/Bayern
193,554	Chem. Fabrik Grunau GmbH, Illertissen/Bayern
197,286	Chem. Fabrik Grunau GmbH, Illertissen/Bayern
204,168	Chem. Fabrik Grunau BmbH, Illertissen/Bayern
227,278	Firma Carl Zeiss, Heidenheim/Brenz
227,279	Firma Carl Zeiss, Heidenheim/Brenz
227,282	Firma Carl Zeiss, Heidenheim/Brenz
227,283	Firma Carl Zeiss, Heidenheim/Brenz
227,285	Firma Carl Zeiss, Heidenheim/Brenz
227,286	Firma Carl Zeiss, Heidenheim/Brenz
227,287	Firma Carl Zeiss, Heidenheim/Brenz
227,288	Firma Carl Zeiss, Heidenheim/Brenz
261,666	Zeiss-Ikon AG, Stuttgart
262,049	Zeiss-Ikon AG, Stuttgart
262,088	Zeiss-Ikon AG, Stuttgart
262,332	Firma Carl Zeiss, Heidenheim/Brenz
262,333	Firma Carl Zeiss, Heidenheim/Brenz
264,475	Firma Kurt Atmanspacher KG, Endingen (Kaiserstuhl)
267,711	Firma Carl Zeiss, Heidenheim/Brenz
267,808	Chem. Fabrik Grunau, Illertissen/Bayern
268,713	Firma Carl Zeiss, Heidenheim/Brenz
269,797	Zeiss-Ikon AG, Stuttgart
286,060	Firma Carl Zeiss, Heidenheim/Brenz
287,873	Firma Carl Zeiss, Heidenheim/Brenz
293,702	Firma Carl Zeiss, Heidenheim/Brenz
296,291	Zeiss-Ikon AG, Stuttgart
297,624	Zeiss-Ikon AG, Stuttgart
307,588	Firma Carl Zeiss, Heidenheim/Brenz
309,217	Zeiss-Ikon AG, Stuttgart
310,227	Firma Carl Zeiss, Heidenheim/Brenz
310,236	Firma Carl Zeiss, Heidenheim/Brenz
312,970	Chem. Fabrik Grunau GmbH, Illertissen/Bayern

Executed at Washington, D.C., on July 24, 1963.

For the Secretary of State.

RICHARD H. DAVIS,
Acting Assistant Secretary for European Affairs.

JULY 24, 1963.

[F.R. Doc. 63-8550 Filed, Aug. 8, 1963; 8:55 a.m.]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Dept. Circ. 570, 1963 Rev. Supp. No. 3]

METROPOLITAN FIRE ASSURANCE CO.

Acceptable Reinsuring Company on Federal Bonds

AUGUST 5, 1963.

A certificate of authority has been issued by the Secretary of the Treasury to the following company as a reinsuring company only on Federal bonds under Treasury Department Circular No. 297, July 5, 1922, as amended, 31 CFR Part 223. An underwriting limitation of $248,000.00 has been established for the company.

STATE IN WHICH INCORPORATED, NAME OF COMPANY AND LOCATION OF PRINCIPAL EXECUTIVE OFFICE

New York; Metropolitan Fire Assurance Co.; Hartford, Conn.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 63-8552; Filed, Aug. 8, 1963; 8:55 a.m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

MARGERIT GRABEC

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., and Property, and Location

Margarit Grabec, a/k/a Margita Grabcova, Lombardiniho ul. 44, Bratislava, Czechoslovakia; Claim No. 37435, Vesting Order Nos. 297 and 676; $40.68 in the Treasury of the United States.

Executed at Washington, D.C., on July 23, 1963.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director, Office of Alien Property.

[F.R. Doc. 63-8556; Filed, Aug. 8, 1963; 8:56 a.m.]

HUGO WAGNER 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 CFR 211.3 and of Executive Order No. 8389, as amended, 5 F.R. 1400, 6 F.R. 2897.

Claimant, Claim No., and Property, and Location

Hugo Wagner, Trutnov, namesti Gottvaldovo 67/6, Czechoslovakia; $222.78 in the Treasury of the United States. Anna Wagnerova, Jaromer II, c. 139 ul. 5, kvetna, Czechoslovakia; $222.78 in the Treasury of the United States. Bedrich Wagner, Jaromer II, cp. 139, ul. 5, kvetna, Czechoslovakia; Claim No. 63013, Vesting Order No. 1669; $222.78 in the Treasury of the United States.

Executed at Washington, D.C., on July 30, 1963.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 63-8557; Filed, Aug. 8, 1963; 8:56 a.m.]

POST OFFICE DEPARTMENT

ASSISTANT POSTMASTER GENERAL, BUREAU OF FACILITIES

Delegations of Authority

Pursuant to Order No. 241, signed by the Acting Assistant Postmaster General, Bureau of Facilities, Order 173, as published in 24 F.R. 8750-8751, and as amended by 27 F.R. 1463, 28 F.R. 2811, is further amended by striking out "Chief Realty Acquisition Branch, Realty Division"; and inserting in lieu thereof "Assistant Director for Realty Management".

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 309, 501)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 63-8523; Filed, Aug. 8, 1963; 8:50 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

AUGUST 2, 1963.

The Bureau of Reclamation, United States Department of the Interior, has filed an application, Serial Number Sacramento 076301 for the withdrawal of the following described lands from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws, subject to existing valid claims. The applicant desires the land for the construction, operation, and maintenance of the Trinity River Division of the Central Valley Project.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 4201, U.S. Courthouse and Federal Building, 650 Capitol Mall, Sacramento, California, 95814.

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

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

The lands involved in the application are:

MOUNT DIABLO MERIDIAN

T. 32 N., R. 6 W.,
Sec. 23, N½N½SE¼SW¼, SW¼NW¼SE¼SW¼, S½SE¼SW¼, SE¼NE¼SE¼SW¼;
Sec. 27, SE¼SW¼NW¼.

The afore-described area aggregates 45 acres.

WALTER E. BECK,
Manager, Land Office,
Sacramento.

[F.R. Doc. 63-8520; Filed, Aug. 8, 1963; 8:49 a.m.]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

AUGUST 2, 1963.

The United States Department of Agriculture has filed an application, Serial Number 076311 for the withdrawal of the following described lands from prospecting, location, entry, and purchase under the general mining laws, subject to existing valid claims. The applicant desires the withdrawal of the lands for public recreation.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 4201, U.S. Courthouse and Federal Building, 650 Capitol Mall, Sacramento, California, 95814.

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

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

The lands involved in the application are:

HUMBOLDT MERIDIAN

SISKIYOU NATIONAL FOREST

Del Norte County

Elk Valley Campground

T. 18 N., R. 4 E.,
Sec. 2, W½NW¼SW¼;
Sec. 3, E½E½NE¼SE¼.

The afore-described area aggregates 30 acres of public land.

WALTER E. BECK,
Manager, Land Office,
Sacramento.

[F.R. Doc. 63-8521; Filed, Aug. 8, 1963; 8:49 a.m.]

Office of the Secretary

BUREAU OF OUTDOOR RECREATION

Delegation of Authority

The delegation of authority (248 DM 1) published in the FEDERAL REGISTER, July 14, 1962 (27 F.R. 6719) is hereby amended by changes in paragraphs 248 DM 1.1 and 1.1A. The amended paragraphs are set forth below.

The following material is a portion of the Departmental Manual and the numbering system is that of the Manual.

PART 248—BUREAU OF OUTDOOR RECREATION

CHAPTER 1—DIRECTOR, BUREAU OF OUTDOOR RECREATION

248.1.1 *Delegation.* The Director, Bureau of Outdoor Recreation, is authorized, except as provided in 200 DM 2.1, to exercise the program authority of the Secretary of the Interior with respect to the supervision, management and operations of the Bureau of Outdoor Recreation:

A. By promoting the coordination and development of effective programs relating to outdoor recreation pursuant to the Act of May 28, 1963 (77 Stat. 49-50);

STEWART L. UDALL,
Secretary of the Interior.

AUGUST 1, 1963.

[F.R. Doc. 63-8522; Filed, Aug. 8, 1963; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

CERTAIN STOCKYARDS AND LIVESTOCK MARKETS

Notice of Approval and of Withdrawal of Approval

Pursuant to § 76.16 of the regulations in Part 76, as amended, Title 9, Code of Federal Regulations, containing restrictions on the movement of swine because of hog cholera, under the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111-113, 114g, 115, 117, 120, 121, 123-126; 75 Stat. 481; 76 Stat. 129), notice is hereby given that the following stockyards and livestock markets are approved under said regulations as indicated below:

STOCKYARDS AND LIVESTOCK MARKETS APPROVED UNDER § 76.16(b), TITLE 9, CODE OF FEDERAL REGULATIONS TO HANDLE ALL CLASSES OF SWINE

ALABAMA

Atmore Truckers Association, Inc.; Atmore.
Florence Trading Post; Florence.
Fort Payne Livestock Sales; Fort Payne.
Geneva Stockyards; Geneva.
Hartford Livestock Co.; Hartford.
Henry County Livestock Assn., Inc.; Abbeville.
Robertsdale Livestock Auction; Robertsdale.
Samson Livestock Auction; Samson.
Stokes and Brogden Stockyard, Inc.; Andalusia.
Tri-County Stock Yards; Hurtsboro.
Union Stockyards; Eufaula.

ARKANSAS

Bentonville Livestock Auction; Bentonville.
Corning Sales Co.; Corning.
DeQueen Livestock Commission; DeQueen.
Farmers Auction Co.; Marianna.
Mammoth Spring Auction; Mammoth Spring.
Pocahontas Livestock Commission; Pocahontas.
Randolph County Sale Co.; Pocahontas.
Rector Auction; Rector.
Siloam Springs Sale Barn; Siloam Springs.

COLORADO

Burlington Livestock Sale Co.; Burlington.
Grand Junction Livestock Auction; Grand Junction.
Stratton Salesbarn; Stratton.
Weld County Livestock Commission Co.; Greeley.

DELAWARE

Carroll, G. J., Auction Co.; Dover.
Carroll's Sales Co.; Felton.
Goldinger Brothers, Inc.; Smyrna.
Harris Sales Co.; Odessa.
Mar-Del Farms; Marydel.

GEORGIA

Augusta Livestock Market; Augusta.
Bartow Livestock Commission Co.; Cartersville.
Carroll County Livestock Sale Barn, Inc., Carrollton.
Chatham Livestock Co.; Savannah.
Columbus-Muscogee Livestock Auction Co., Inc.; Columbus.
Cordele Livestock Commission Co.; Cordele.
Farmers' Market; Soperton.
Georgia Farm Products Sales Corp.; Thomaston.
Jepeway-Craig Commission Co.; Dublin.
Livestock Marketers, Inc.; Douglas.
McClure-Burnett Commission Co.; Rome.
Mosely, W. L., Livestock Co.; Blakely.
Peoples Livestock Market, Inc.; Cuthbert.
Pierce County Stockyard; Blackshear.
Pulaski Stockyard; Hawkinsville.
Ragsdale-Long Commission Co.; Quitman.
Rogers Livestock Sale; LaGrange.
Seminole Hog & Cattle Co. Auction Market; Donalsonville.
Seminole Hog & Cattle Co., Inc.; Donalsonville.
Sumter Livestock Association; Americus.
Sutton Livestock Co.; Sylvester.
Toccoa Livestock Auction; Toccoa.
Tri-County Livestock Co.; Social Circle.
Union Stockyards; Albany.
Valdosta Livestock Co.; Valdosta.
Waycross Hog and Cattle Market; Waycross.
Wilkes County Stockyard; Washington.

IDAHO

Bonners Ferry Livestock; Bonners Ferry.
Cache Valley Livestock Auction; Preston.
Cattlemens Livestock Auction, Inc.; Nampa.
Nampa Livestock Market, Inc.; Nampa.
Sandpoint Livestock Auction; Sandpoint.
Spencer Livestock Commission Co.; Lewiston.
Twin City Saleyard; Lewiston.
Weiser Livestock Commission Co.; Weiser.

ILLINOIS

Ackerman, Irving; Rockford.
Albany Livestock Co., Albany Station; Albany.
Albany Livestock Co., Feeder Pigs; Erie.
Albany Livestock Co.; Erie.
Arnold Livestock Co.; Gisbon City.
Bemis Livestock & Truck Service, Inc.; Mt. Sterling.
Bemis Livestock & Truck Service, Inc.; Rushville.
Berryman, W. R., Pigs; Apple River.
Bloomington Livestock Commission Co.; Bloomington.
Bristol Livestock Sales; Bristol.
Brookville Consignment Sales; Polo.
Brown County Sales Association; Mt. Sterling.
Burnidge Brothers; Elgin.
Byron Livestock Commission Co.; Byron.
Carlson and O'Connor; Bushnell.
Carthage Community Sale; Carthage.
Champaign County Livestock Market Assn.; Urbana.
Charleston Livestock Auction; Charleston.
Cherry, Nellis; Shannon.
Colchester Sales Association; Colchester.
Danville Livestock Commission Co.; Danville.
Decker's Milford Sales Commission Co.; Milford.
Dennis, W. H., Polo.
DeWane's Livestock Exchange; Belvidere.
Durbin, Ray W.; Taylorville.
Edgar County Marketing Association; Paris.
Elliott, Harry; Lyndon.
Estes Sale Co.; Canton.
Fairfield, Don & William E.; Foosland.
Farley, Herbis L.; Leland.
Farmers Livestock Sale, Inc.; Coatsburg.
Feller Livestock Sales; Cissna Park.
Forrest Livestock Sales; Forrest.
Freeport Sales Barn; Freeport.
Galesburg Livestock Sales Co.; Galesburg.
Greenville Livestock Auction Co.; Greenville.
Harding, Fred; Melvin.
Herz, Max; Sterling.
Hilltop Sales Barn; Alton.
Illinois Auction Commission Co.; Paris.
Illinois Producers Livestock Association; Dieterich.
Illinois Producers Livestock Association; Apple River.
Illinois Producers Livestock Association; Danville.
Illinois Producers Livestock Association; Erie.
Jackson County Auction; Murphysboro.
Jakobs Brothers; Sterling.
Jefferson County Sales Barn; Mt. Vernon.
Jennings Sales Co.; Macomb.
Kankakee County Livestock Sale; Bourbonnais.
Kewanee Sale Barn; Kewanee.
Kleckler, Earl E.; Lena.
Krampe, LeRoy; Sigel.
Kubatzke, Russel W.; Pecatonica.
Kuntz, Clyde; Gridley.
L & S Livestock Co.; Kane.
LaSalle County Livestock Marketing Center; Ottawa.
Matheson, W. D.; Rockford.
Mendota Livestock Auction; Mendota.
Mercer County Livestock Auction; Viola.
Meyerhofer, Lester, Feeder Pig Dealer; Elizabeth.
Midwest Pigs Sales; Fairbury.
Nelson, S. J.; Rockford.
Neimeyer, Melvin L.; Sigel.
Oak Valley Feeder Pig Sales; Kampsville.
Olney Livestock Commission; Olney.
Olsen, Marcus; Maple Park.
Palmyra Sale Co.; Palmyra.
Parks, Loyd & Gerald, Feeder Pigs; Oakwood.
Paris Livestock Sales Co.; Paris.
Paris Union Stockyards; Paris.
Pearl City Sale Barn; Pearl City.
Pecatonica Livestock Exchange; Pecatonica.
Penfield Livestock Commission Co.; Penfield.
Peterson Livestock Auction; Wyoming.
Phillips, Joe; Urbana.
Pike, Lamar; Bloomington.
Pittsfield Community Sales, Inc.; Pittsfield.
Plowman, Kenneth; Lakewood.
Pontiac Livestock Sales; Pontiac.
Princeton Sale Barn; Princeton.
Rang, J. L.; Plymouth.
Riley, George; Harrisburg.
Rock Island Auction Sales, Inc.; Rock Island.
Roe's Consignment Sale; Chana.
Savanna Livestock Sales; Savanna.
Schrader Consignment Sale; Dakota.
Sharer, Willard; Albany.
Slater Sale Pavilion; Pana.
Snodgrass, William, Feeder Pig Sales, Forreston.
Stevens, Alfred, Pig Dealer; Nora.
Trost, Robert, Feeder Pig Dealer; Warren.
Voss, Earl, Pig Dealer; Savanna.
Walnut Auction Sales; Walnut.
Warren County Livestock Auction, Inc.; Monmouth.
West Kankakee Livestock Sales, Kankakee.
Western Cattle Co.; Mendota.
Winslow Marketing Center; Winslow.
Wood, Marvin T.; Morrison.
Worrell, Artie, Cattle Co.; Milledgeville.

IOWA

Baxter Milling Service; Baxter.
Belle Plain Feeder Pig Co.; Belle Plaine.
Belmond Sales Pavilion; Belmond.
Campbell, Dewey James; Otranto.
Dairyland Feeder Pig Market; Rock Rapids.
Dubuque Stockyards; Dubuque.
Feeder Pig Marketing Association; Hampton.
Feeder Pig Sales Co.; Hampton.
Grassland Co.; Odebolt.
Green Acres Hog Market; Fenton.
Hansen, Chuck, Feeder Pigs; Storm Lake.
Harper & Son Feeder Pig; Hampton.
Janssen Fur & Fruit Co.; New Hampton.
Leeper-Harlan Feeder Pig Co.; Nevada.
Myers, Keith E.; Grundy Center.
O & W Auction Market; Wadena.
Reiling Feeder Pig Co.; Wesley.
Remsen Feeder Pig Market; Remsen.
Rose Hog Market; Westside.
Schleswig Feeder Pig Co.; Schleswig.
Sheldon Approved Hog Mart; Sheldon.
Shey-Cotten Swine Market; Algona.
Sioux Veterinary Clinic; Orange City.
Spencer Livestock Sales; Spencer.
Sundall-Christensen Feeder Pigs; Dickens.
Vande Garde Approved Pig Market; Sioux Center.
Wallace Feeder Pigs; Riceville.
Waupaca County Feeder Pig Sales; Vinton.
Win-Gold Pig Market; West Bend.
Whittemore Feeder Pig Market; Whittemore.

KANSAS

Atchison County Auction Co.; Atchison.
Atwood Sale Barn; Atwood.
C & S Livestock Commission Co.; Norton.
Chandler Livestock Auction Co.; Smith Center.
Colby Livestock Auction; Colby.
Farmers Marketing Sale Corp., Inc.; Hill City.
Ft. Scott Sales Co.; Ft. Scott.
Garden City Sale Co., Inc.; Garden City.
Goodland Livestock Commission Co.; Goodland.
Hansen Livestock Auction; Beloit.
Leavenworth Community Sale; Leavenworth.
Liberal Sale Co.; Liberal.
Meade Livestock Commission Co.; Meade.
Natoma Livestock Exchange, Inc.; Natoma.
Norton Livestock Commission Co.; Norton.
Oberlin Livestock Commission Co.; Oberlin.
Osborne Livestock Commission Co.; Osborne.
Paola Market Sale; Paola.
Phillipsburg Sale Co., Inc.; Phillipsburg.
Plainville Livestock Commission Co., Inc.; Plainville.
Southeastern Kansas Sales Co., Inc.; Ft. Scott.
St. Francis Sale Barn; St. Francis.
Syracuse Sale Co.; Syracuse.
Tri-State Sale, Inc.; Elkhart.
Washington Sale Co.; Washington.
Wellington Sales Co.; Wellington.

KENTUCKY

Albany Stockyard; Albany.
Berry-Whitford Livestock Market; Mayfield.
Bowling Green Livestock Market; Bowling Green.
Catlettsburg Livestock Co., Inc.; Catlettsburg.
Christian County Livestock Market, Inc.; Hopkinsville.
Farmers Commission Co., Inc.; Tompkinsville.
Farmers Livestock Market; Mayfield.
Farmers Livestock Sales, Inc.; Louisa.
Franklin Livestock Market, Inc.; Franklin.
Garrard County Stockyards Co.; Lancaster.
Hopkinsville Livestock Co.; Hopkinsville.
Kentucky-Tennessee Livestock Market, Inc.; Guthrie.
Laurel Sales Co.; London.
Logan County Livestock Co.; Russellville.
Maysville Stockyards; Maysville.
Middlesboro Livestock Auction Co.; Middlesboro.
Monticello Stockyards; Monticello.
Murray Livestock Market; Murray.
O. K. Stockyards; Maysville.
Paducah Livestock Co.; Paducah.
Paintsville Livestock Market; Staffordsville.
Princeton Livestock Co.; Princeton.
Russell County Stockyard; Russell Springs.
Sparta Stockyards Co.; Sparta.

LOUISIANA

Amite Livestock Co., Inc.; Amite.
Avoyelles Livestock Auction Market; Mansura.
Brabham's Livestock Commission Market; Leesville.
Brown Alsbrooks Stockyards, Inc.; Baton Rouge.
Brown Alsbrooks Stockyards, Inc.; Opelousas.
Franklinton Stockyards; Franklinton.
Hodges Stockyards, Inc.; Arabi.
Hodges, W. H., & Co.; Crowley.
Kentwood Stockyard, Inc.; Kentwood.
Oakdale Livestock Auction; Oakdale.
North Tangipahoa Stockyard, Inc.; Kentwood.
Wiechman Pig Co., Inc.; Rayville.

MISSISSIPPI

Alcorn County Stockyards; Corinth.
Corinth Livestock Commission Co.; Corinth.
Walnut Sale Co.; Walnut.

MISSOURI

Alton Sale Co.; Alton.
Charleston Auction Co.; Charleston.
Feeder Pig Dealer; Bloomsdale.
Golden Valley Auction Co.; Clinton.
Hinds Sale Co.; Memphis.
Poplar Bluff Sales Co., Inc.; Poplar Bluff.
Thayer Livestock Market; Thayer.
West Plains City Scales; West Plains.

NEW JERSEY

Del Valley Farms, Inc.; Westville Grove.
Harris Sales Corp.; Cowtown.
Livestock Cooperative Auction Market Assn. of North Jersey, Inc.; Hackettstown.

NEW MEXICO

Clovis Hog Co., Inc.; Clovis.
Five States Livestock Auction, Inc.; Clayton.
Portales Livestock Commission Co.; Portales.

NEVADA

Gallagher Livestock Commission Co.; Fallon.
Midwest Livestock Commission Co.; Fallon.

NORTH CAROLINA

Benthall's Stockyard; Rich Square.
Brite & Tatum Livestock Co., Inc.; Elizabeth City.
Carolina Stockyards Co.; Siler City.
Carolina-Virginia Stockyard; Windsor.
Farmers Exchange Livestock Market; Hillsboro.
Farmers Livestock Exchange; Marshville.
Lancaster, Gus Z., Stockyard, Inc.; Dunn.
Lancaster, Gus Z., Stockyard, Inc.; Rocky Mount.
Lumberton Auction Co.; Lumberton.
Morris Livestock Co.; Charlotte.
Mount Airy Livestock Market, Inc.; Mount Airy.
Norwood Stockyard; Norwood.
Oxford Livestock Market, Inc.; Oxford.
Pates Stockyard; Pembroke.
Sutton and Welsh Auction Market; Clinton.
Union County Livestock Market, Inc.; Mineral Springs.
Warrenton Stockyards; Warrenton.
Wells' Livestock Market; Wallace.
Whiteville Livestock Auction; Whiteville.

OHIO

Bauman Stockyards, Inc.; Napoleon.
Blausey, Clifford and Sons, Stockyard; Pemberville.
Bloomfield Livestock Auction; North Bloomfield.
Canfield Livestock Auction; Canfield.
Farmers Livestock Auction; Marietta.
Higgins and Steffen Stockyard; Greenville.
Kenton Farmers Marketing Corp.; Kenton.
Kirby Stockyards; Kirby.
L and M Commission Co.; Cleveland.
Linstrom and Miller Hog Co.; Pemberville.
Lugbill's Auction; Archbold.
Lugbill's Auction; Columbus Grove.
Major, Herschel, Stockyard; College Corner.
Marietta Livestock Market Association; Marietta.
McKinley, Morris, Stockyard; Findlay.
Middleton Stockyards; New Madison.
Ohio Valley Livestock Co.; Gallipolis.
Peoples Livestock Exchange; Greenville.
Producers Livestock Association; Bucyrus.
Producers Livestock Association; Cleveland.
Producers Livestock Association; Columbus.
Producers Livestock Association; Findlay.
Producers Livestock Association; Greenwich.
Producers Livestock Association; Irwin.
Producers Livestock Association; Lancaster.
Producers Livestock Association; Marion.
Producers Livestock Association; Mt. Vernon.
Producers Livestock Association; Dayton.
Producers Livestock Association; Hillsboro.
Producers Livestock Association; Wilmington.
Producers Livestock Association; Chillicothe.
Producers Livestock Association; Hicksville.
Producers Livestock Association; Washington C.H.
Producers Livestock Association; Eaton.
Producers Livestock Association; Springfield.
Veit, Robert, Stockyards; Houston.
Ward Livestock Co.; Stryker.
Zeigler Livestock Feeders, Inc.; Delta.

OKLAHOMA

Maxson Sales Co., Inc.; Welch.
Maxson Sales Co., Inc.; South Coffeyville.

OREGON

Enterprise Livestock Auction Co.; Enterprise.
Klamath Stockmen's Commission Co., Inc.; Klamath Falls.
Salem Auction Yard; Salem.
The Dalles Auction Yard; The Dalles.
Hermiston Livestock Commission Co.; Hermiston.
Northwestern Livestock Commission Co.; Hermiston.
Rogue Valley Livestock Auction, Inc.; Phoenix.
Valley Livestock Auction Market; Hood River.

UTAH

Smithfield Livestock Auction Market; Smithfield.
Vernal Livestock Auction Market; Vernal.

VIRGINIA

Abingdon Livestock Market, Inc.; Abingdon.
Albermarle Livestock Market; Charlottesville.
Alleghany County Livestock Market; Covington.
Farmers Livestock Exchange, Inc.; Winchester.
Farmers Livestock Market, Inc.; Bristol.
Farmers Livestock Market, Inc.; Ewing.
Farmville Livestock Market; Farmville.
Fauquier Livestock Exchange, Inc.; Marshall.
Fredericksburg Livestock Market, Inc.; Fredericksburg.
Front Royal Livestock Market; Front Royal.
Giles County Stockyard, Inc.; Narrows.
Lee Farmers Livestock Market; Jonesville.
Loudoun County Livestock Market, Inc.; Leesburg.
Madison Livestock Market, Inc.; Madison Hill.
Nokesville Livestock Auction, Inc.; Nokesville.
Norton Livestock Market; Norton.
Old Dominion Livestock Market; Culpeper.
Orange Livestock Market; Orange.
Piedmont Livestock Sales; Marshall.
Pulaski County Livestock Market; Dublin.
Rockingham Livestock Sales, Inc.; Harrisonburg.
Shenandoah Valley Livestock Sales, Inc.; Harrisonburg.
Smithfield Livestock Market, Inc.; Smithfield.
South Boston Livestock Market; South Boston.
Southside Stockyards, Inc.; Petersburg.
Southside Stockyards, Inc.; Blackstone.
South Hill Livestock Market; South Hill.
Staunton Union Stockyards; Staunton.
Staunton Livestock Market, Inc.; Staunton.
Tappahannock Livestock Market, Inc.; Tappahannock.
Tazewell Livestock Market, Inc.; Tazewell.
Victoria Livestock Market; South Hill.
Virginia Livestock Market, Inc.; Winchester.
Woodstock Livestock Market, Inc.; Woodstock.
Wytheville Livestock Market, Inc.; Wytheville.

WASHINGTON

Auburn Livestock, Inc.; Auburn.
Colville Auction Co.; Colville.
Pasco Central Stockyards, Inc.; Pasco.
Prosser Salesyard; Prosser.
Twin City Salesyard; Centralia.
Walla Walla Livestock Co.; Walla Walla.

WEST VIRGINIA

Alderson Livestock Market, Inc.; Alderson.
Bluegrass Market, Inc., No. 1; North Caldwell.
Bridgeport Stockyard, Inc.; Bridgeport.
Mannington Livestock Sales Co.; Mannington.
Morgantown Livestock Sales, Inc.; Morgantown.
Union Livestock Sales Co., Inc.; Parkersburg.

WISCONSIN

Abrahamson, Perry; Waupaca.
Acker, Clarence; Middleton.
Brandau, Carl; Tomah.
Dittner, Ernest; Spencer.
Drees Livestock; Peshtigo.
Eilers, Don; Marshfield.
Elmhorst Feeder Pig, Neillsville.
Equity Co-op Livestock Sales; Richland Center.
Equity Co-op Livestock Auction; Altoona.
Grassland Feeder Pig Co.; Neillsville.
Hubanks & Son; Boscobel.
Jenni's Feeder Pig; Neillsville.
Johnson, Everett; Hillsboro.
Kuehne, R., & Sons; Seymour.
Milner, John; Clinton.
Minton, L.G.; Waupaca.
Monticello Livestock Sales; Monticello.
Olson, Hubert; Neillsville.
Peterson, Gordon; Waupaca.
Richter, Lawrence & Sons; Rice Lake.
Schwebs, C. H.; Windsor.
Stevens, Stanley; Loyal.
Terrien, Harold; Depere.
3–H Association of Pig Growers; Waupun.
Webb, John L.; Baldwin.
Weber, Cyril; Menomonie.
Welch, Jack; Fennimore.
Wisconsin Feeder Pig Marketing Co-op; Galesville.
Wisconsin Feeder Pig Marketing Co-op; Francis Creek.
Wisconsin Feeder Pig Marketing Co-op; Boltonville.
Wisconsin Feeder Pig Marketing Co-op; Iola.
Wolosek, Ray; Wisconsin Rapids.
Woodke and Hill; Gillett.

WYOMING

Douglas Livestock Exchange Co.; Douglas.
Gillette Livestock Auction Co.; Gillette.
Greybull Livestock Commission Co.; Greybull.
Sheridan Livestock Commission Co.; Sheridan.
Torrington Livestock Commission Co.; Torrington.
Worland Livestock Auction; Worland.

STOCKYARDS AND LIVESTOCK MARKETS APPROVED UNDER § 76.16(b), TITLE 9, CODE OF FEDERAL REGULATIONS TO HANDLE SLAUGHTER SWINE ONLY

ALABAMA

Evergreen Livestock Co., Inc.; Evergreen.
Farmers Stockyards; Slocomb.
Frosty Morn Buying Station; Elba.
Frosty Morn Buying Station; Section.
Kennamer Livestock Co., Inc.; Guntersville.
Ramsey and Sons, Inc.; Dothan.
Register, Carl, Stockyards; Slocomb.
West, B. W., Livestock Co.; Cottonwood.

ARKANSAS

LaFayette County Livestock Auction; Lewisville.
Magnolia Livestock Auction; Magnolia.

ILLINOIS

Armour & Co.; Pittsfield.
Armour & Co.; Prophetstown.
Armour & Co.; Stockton.
Bloomington Stock Yards; Bloomington.
Carthage Order Buyers; Carthage.
Cudahy Packing Co.; Pecatonica.
Cudahy, Patrick, Inc.; Morrison.
Cudahy, Patrick, Inc.; Roscoe.
Doonan, Emery L., Livestock Dealer; Taylor Ridge.
Emge Stock Yards; Palestone.
Farmers Hog Market of Ursa; Ursa.
Harris & Scholes; Bushnell.
Heinold Hog Market; Buffalo Prairie.
Heinold Hog Market; Galva.
Heinold Hog Market; Girard.
Heinold Hog Market; Henry.
Heinold Hog Market; Leland.
Heinold Hog Market; Marengo.
Hempen Stockyards; Quincy.
Hesselbacker, J. H. & Sons, Buying Station; Scales Mound.
Hygrade Stockyards; Danville.
Illinois Producers Livestock Association; Warren.
Illinois Producers Livestock Association; Elvaston.
Knowles Stock Yards; Marshall.
Krey Packing Co.; Quincy.
Krey Stock Yards; Milton.
Krey Stock Yards; Pleasant Hill.
LaHarpe Order Buyers; LaHarpe.
Mayer, Oscar, & Co., Buying Station; Council Hill.
Mayer, Oscar, & Co.; Esmond.
Mayer, Oscar, & Co., Inc.; Davis.
Mayer, Oscar, & Co., Inc.; German Valley.
Mayer, Oscar, & Co., Buying Station; Lanark.
Mayer, Oscar, & Co., Inc.; McConnel.
Mayer, Oscar, & Co., Buying Station; Milledgeville.
Mayer, Oscar, & Co., Inc., Pearl City.
Mayer, Oscar, & Co., Buying Station; Shannon.
Mayer, Oscar, & Co., Buying Station; Warren.
Mendon Order Buyers; Mendon.
Mid West Livestock Buyers Co.; Barry.
Mid West Livestock Buyers Co.; Dallas City.
Mid West Livestock Buyers Co.; Pittsfield.
Mid West Livestock Buyers Co.; Quincy.
Norup, Elmer; Leaf River.
Potomac Stockyard; Potomac.
Producers Stockyards; Bloomington.
Sarver, E. C., Livestock Exchange; Rockford.
Souders Stock Yards; Brookport.
Stephens Livestock; Hutsonville.
Swift & Company (Hog Buying Station); Savanna.
Tuscola Livestock Yards; Tuscola.

IOWA

Banks Hog Yard; Centerville.
McCreary Hog Market; Centerville.
Milton Hog Company; Milton.
Perkins, Verl, Hog Market; Centerville.
Petefish Scale Yards; Bloomfield.
West Grove Stockyards; West Grove.

KENTUCKY

Adair County Stockyards; Columbia.
Burkesville Stockyard; Burkesville.
Edmonton Stockyard; Edmonton.
Green County Stockyards; Greensburg.
Horse Cave Stockyard; Horse Cave.
Vanover Brothers, Inc.; Owensboro.

MICHIGAN

Adams, Andy, Sale Barn; Hillsdale.
Adrian Livestock Auction; Adrian.
Alexander Livestock Sale; Three Rivers.
Camden Stockyards; Camden.
Coldwater Livestock Auction; Coldwater.
Dundee Livestock Auction; Dundee.
Fowler, Maurice, & Sons; Montgomery.
Groholski Brothers; Burlington.
Michigan Livestock Exchange; Battle Creek.
Michigan Livestock Exchange; Cassopolis.
Napoleon Livestock Commission Co.; Napoleon.
Sturgis Livestock Auction Market; Sturgis.
Westfall, W. J., Stockyards; Hillsdale.

MISSISSIPPI

Jackson Packing Co.; Jackson.
Lum Brothers Stockyard; Natchez.
Lum Commission Stockyards; Vicksburg.
McComb Frozen Food & Locker Plant; McComb.
Moore & Woods Commission Co., Inc.; Macon.
Pine Burr Buying Station; Vicksburg.
Tri-State Stockyards; Greenville.

MISSOURI

Haggard Stockyard and Feed; Mercer.
Rains Livestock; Poplar Bluff.
Swindler, Jim, Buying Station; Downing.
Unionville Stock Yards; Unionville.
Warnock, Carroll, Stockyards; Lineville, Iowa (mailing address).

NEW JERSEY

Flemington Agricultural Marketing Co-op, Inc.; Flemington.
Jaeger's Livestock Market; Sussex.

NEW YORK

Chatham Area Auction Co-op, Inc.; Chatham.
Horseheads Livestock Market, Inc.; Horseheads.

NORTH CAROLINA

Asheville Livestock Yard; Asheville.
Bethel Hog Market; Bethel.
Baker, M. D., Hog Market; Tyner.
Blake Livestock Market; Shallotte.
Clark's Hog Market; Grimesland.
Clarkton Auction Co.; Clarkton.
Coastal Livestock Market, Inc.; Shallotte.
Columbus Livestock Market; Whiteville.
Cooperative Livestock Market; New Bern.
Dedmon's Livestock Yards; Shelby.
Edenton Feed and Livestock Co.; Edenton.
Farmville-Fountain Hog Market; Farmville.
Godley's Livestock Market; Bath.
Greenville Stockyards; Greenville.
Gwaltney Inc. Plymouth Hog Market; Plymouth.
Gwaltney-Scotland Neck, N. C. Hog Market; Scotland Neck.
Gwaltney-Tarboro Hog Market; Tarboro.
H & N Hog Market; Weldon.
Hargett Livestock Co.; Richlands.
Harrellsville Feed and Livestock Co.; Harrellsville.
Hertford Hog Market; Hertford.
Hollowell, J. F., & Sons, Produce Dealers; Winfall.
Hollowell Livestock Market; Sunbury.
Horney Livestock, Inc.; Siler City.
J. and P. Livestock Co., Inc.; Lumberton.
Jones County Livestock Market; Trenton.
Kittrell, G. P., Hog Buying Station; Corapeake.
Lawrence, L. B., Hog Market; Sunbury.
Leggett Hog Market; Washington.
Miller & Humphlett Hog Buying Station; Winfall.
Morris Livestock Co.; Charlotte.
Odell and J. C. Hill Livestock Market; Deep Run.
Owens Supply Co.; Columbia.
Parker, Walter, Hog Buying Station; Sunbury.
Ralph, W. R., Hog Buying Station; Elizabeth City.
Shelby Sales Barn; Shelby.
Smithfield Hog Buying Station; Robersonville.
Smithfield Packing Co. Hog Buying Station; Murfreesboro.
Snow Hill Hog Market; Snow Hill.
Spencer, W. B., Stockyard; Columbia.
Stallings Hog Market; Hobbsville.
Sutton, Harry, Livestock Market; Kinston.
Sweet & Turner, Inc.; Elizabeth City.
Tabor City Hog Market; Tabor City.
Tarboro-Edgecombe Hog Buying Station; Tarboro.
Tunnell, D. E., Stockyard; Swan Quarter.
Western Carolina Livestock Market; Asheville.
West Jefferson Livestock Market; West Jefferson.
Whitley, R. G., and Son, Inc.; Como
Williamston Packing Co.; Williamston.

NORTH DAKOTA

Wahpeton Livestock Co.; Wahpeton.

OHIO

Ashley Producers Stockyards; Ashley.
Champaign County Livestock Sale; Urbana.
Cisco, Veryl, & Sons, Stockyards; St. Marys.
Colegrove Brothers Stockyard; Fayette.
Creston Livestock Sales; Creston.
Delaware Livestock; Delaware.
Delta Livestock Auction; Delta.
Dorset Livestock Auction; Dorset.
Findlay Union Stockyards; Findlay.
Gamboe Stockyards; Pioneer.
Harpsters Stockyards; Ashland.
Kidron Auction, Inc.; Kidron.
Kleinhenz, Inc.; Celina.
Kleinhenz, Inc.; Chatanooga.
Kleinhenz, Inc.; Fort Recovery.
Kleinhenz, Inc.; St. Marys.
Kleinhenz, Inc.; St. Henry.
Kleinhenz, Inc.; St. Patrick.
Kleinhenz, Inc.; Willshire.
Mendon Livestock Co.; Mendon.
Middendorf Stockyards Co.; Botkins.
Middendorf Stockyards Co.; Fort Loramie.
Ohio-Indiana Livestock Buyers; Lewisburg.
Producers Livestock Association; Greenfield.
Producers Livestock Association; Tiffin.
Producers Livestock Association; Bellefontaine.
Producers Livestock Association; Cincinnati.
Producers Livestock Association; Coshocton.
Producers Livestock Association; Highland.
Producers Livestock Association; Jackson Center.
Producers Livestock Association; London.
Producers Livestock Association; Marysville.
Producers Livestock Association; Orrville.
Producers Livestock Association; Ottawa.
Producers Livestock Association; South Charleston.
Producers Livestock Association; Wapakoneta.
Scioto Livestock Sales; Chillicothe.
Union Stockyards Co.; Hillsboro.
Ward Livestock Co.; Marion.

OREGON

Klamath Cattle Sales, Inc.; Klamath Falls.

VIRGINIA

Galax Livestock Market; Galax.

WISCONSIN

Berning, Al; Cuba City.
Chitwood, Quentin; Blue River.
Condon, M. J., & Son; Brodhead.
Condon, M. J., & Son; Juda.
Dubuque Stock Yards; Gratiot.
Dubuque Stock Yards; Hazel Green.
Dubuque Stock Yards; Monroe.
Gensler Brothers; Shullsburg.
Kuhl Brothers; Hazel Green.
Mayer, Oscar, & Co.; Avalon.
Mayer, Oscar, & Co.; Blair.
Mayer, Oscar, & Co.; Darlington.
Mayer, Oscar, & Co.; Janesville.
Mayer, Oscar, & Co.; Madison.
Mayer, Oscar, & Co.; Monroe.
Mayer, Oscar, & Co.; Prairie du Chien.
Mayer, Oscar, & Co.; Shullsburg.
Monroe & Kasparek; Prairie du Chien.

Schaefer, Victor; Potosi.
Treuthardt, Emil; Juda.
Yelnick, Homer; Livingston.

STOCKYARDS AND LIVESTOCK MARKETS APPROVED UNDER § 76.16(b), TITLE 9, CODE OF FEDERAL REGULATIONS TO HANDLE FEEDING AND BREEDING SWINE ONLY

INDIANA

Bates, Elmer M.; Galveston.
Boswell Feeder Pig Co.; Boswell.
Boyer, Jack; Warren.
Burket Elevator; Burket.
Carpenter, Ralph; Elwood.
Chesak, James; San Pierre, Missouri (mailing address).
Clawson, Wayne L.; Delphi.
Critser & Young; Greensburg.
De Haan, Steve & C. Kamminga; Demotte.
Denton, Gordon & Newell Timmons; Monticello.
Elliot, Robert B.; Westport.
Evansville Producers Commission Co.; Evansville.
Everman and Wisdom; Russellville.
Fox, Paul W.; Jonesboro.
Gaerte, Herbert; Silver Lake.
Gorski, John; Lacrosse.
Harris, Milt; Williamsburg.
Higgins Brothers; Winchester.
Kentland Feeder Pig, Inc.; Kentland.
Lehman Feeder Pig Sales; Wolcott.
Lesh, J. D., Feeder Pigs; Camden.
Lewellen, Marvin; Mooreland.
Lyons, Burford; Brook.
Majors, Ray & Sons.; Bath.
Martin, Irvin; Nappanee.
Mcmanus, Thomas G.; Rushville.
Michel, Loren; Plymouth.
Mitchell Farms; Windfall.
Nixon, Byron, Jr.; Yorktown.
Parker, Walter; Winchester.
Producers Sale Division; Mooresville.
Reynolds Sale Barn; Reynolds.
Rosedale Elevator Co.; Rosedale.
Senns Feeder Pig Station; Shelbyville.
Smith, E. R.; Monon.
Smith, Ray.; Remington.
Smith, Weldon R.; Peru.
Star Feeder Pigs; Logansport.
Swinford, Russell; Elwood.
Talbert, L. S. & Son; Greentown.
Waitt Feeder Pig Company; Sheridan.
Wilson, John H. and Marlilyn L.; Bunker Hill.
Wisconsin Feeder Pig Co-op; Valparaiso.
Yarling, Ralph; Elwood.
Yeager & Sullivan; Camden.

Notice is hereby given also that the following stockyards and livestock markets have been deleted from the list of stockyards approved under § 76.16(b), Title 9, Code of Federal Regulations:

ARKANSAS

Mountain Home Stockyards; Mountain Home.
Salem Livestock Auction Co.; Salem.

LOUISIANA

Lum Brothers Stockyards; Vidalia.

OREGON

Rogue Valley Livestock Auction, Inc.; Phoenix.

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

This notice lists all stockyards and livestock markets which are approved for purposes of the regulations in 9 CFR Part 76. It has been determined that the inspection and handling of swine at such stockyards and livestocks markets are adequate to effectuate the purposes of the regulations. The list will be periodically amended to add or remove references to particular stockyards and livestock markets in accordance with the regulations. Certain stockyards and livestock markets heretofore notified by the Division of their approval under said regulations are not listed in this notice of approval and such prior approval is hereby withdrawn because it has been determined that these stockyards and livestock markets no longer qualify for approval under the regulations. This action imposes certain restrictions necessary to prevent the spread of hog cholera and relieves certain restrictions presently imposed. It should become effective promptly in order to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved thereby. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to this action are impracticable and contrary to the public interest, and good cause is found for making this notice effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 5th day of August 1963.

E. E. SAULMAN,
Acting Director, Animal Disease Eradication Division, Agricultural Research Service.

[F.R. Doc. 63-8533; Filed, Aug. 8, 1963; 8:52 a.m.]

Office of the Secretary

MINNESOTA

Designation of Area for Emergency Loans

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

Pursuant to the authority set forth above, emergency loans will not be made in the above-named county after June 30, 1964, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 5th day of August 1963.

CHARLES S. MURPHY,
Acting Secretary.

[F.R. Doc. 63-8535; Filed, Aug. 8, 1963; 8:52 a.m.]

DEPARTMENT OF COMMERCE

Maritime Subsidy Board, Maritime Administration

NOTICE OF CANCELLATION AND RESCISSION OF LETTER

Notice is hereby given that the Maritime Subsidy Board, Maritime Administration, Department of Commerce, hereby rescinds Circular Letter No. 3-62, dated February 2, 1962, addressed to all subsidized operators, reading as follows:

As a general principle, the Maritime Subsidy Board believes it to be in the interest of the American merchant marine, and of stability of trading conditions in the foreign commerce of the United States, for subsidized lines to comply with established applicable Conference rates in any trade in which the subsidized lines engage. This general principle is applicable whether or not the subsidized line is a member of the Conference. At the same time, it is recognized that in specific instances good reason may exist for departures from Conference-established rates. Such specific departures should be based on sound business judgment of the subsidized line, and should be in furtherance of the best interest of the American merchant marine. The Maritime Subsidy Board will, where deemed appropriate, require subsidized carriers to justify any departure from applicable Conference rates.

for the reason that the responsibility to determine whether subsidized or unsubsidized U.S. operators should observe conference rates lies with the Federal Maritime Commission rather than the Maritime Administration, and that the administration of the subsidy program should not be used as a tool for or against adherence to conference rates.

By order of the Maritime Subsidy Board.

Dated: August 5, 1963.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 63-8585; Filed, Aug. 8, 1963; 8:56 a.m.]

Office of the Secretary

WALLACE H. ADAMSON

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months:

A. Deletions: No change.
B. Additions: No change.

This statement is made as of July 30, 1963.

WALLACE H. ADAMSON.

JULY 30, 1963.

[F.R. Doc. 63-8547; Filed, Aug. 8, 1963; 8:54 a.m.]

FRANK R. BAILEY

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months:

A. Deletions: No change.
B. Additions: No change.

This statement is made as of August 1, 1963.

FRANK R. BAILEY.

AUGUST 1, 1953.

[F.R. Doc. 63-8548; Filed, Aug. 8, 1963; 8:54 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

CANNED PINEAPPLE DEVIATING FROM IDENTITY STANDARD

Notice of Issuance of Temporary Permit To Cover Market Testing

Pursuant to § 10.5(j) of Title 21 of the Code of Federal Regulations, concerning temporary permits to facilitate market testing of foods varying from the requirements of the standards of identity promulgated pursuant to section 401 of the Federal Food, Drug, and Cosmetic Act, notice is given that a temporary permit has been issued to California Packing Corporation, 215 Fremont Street, San Francisco, California, to cover interstate marketing tests of canned pineapple that complies with the size and shape requirements of the definition and standard of identity for pineapple tidbits but will be named on the label as "pineapple wedges." This permit expires April 1, 1964.

Dated: August 2, 1963.

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

[F.R. Doc. 63-8529; Filed, Aug. 8, 1963; 8:51 a.m.]

MAYONNAISE, FRENCH DRESSING, AND SALAD DRESSING DEVIATING FROM STANDARD

Notice of Extension of Temporary Permit To Cover Market Testing

Pursuant to § 10.5(j) of Title 21 of the Code of Federal Regulations, concerning temporary permits to facilitate market testing of foods varying from the requirements of standards of identity promulgated pursuant to section 401 of the Federal Food, Drug, and Cosmetic Act, notice is given that an extension of the temporary permit issued to Kraft Foods Division of National Dairy Products Corporation, 500 Peshtigo Court, Chicago, Illinois, to cover interstate marketing tests of mayonnaise, french dressing, and salad dressing with not more than 50 parts per million of calcium disodium ethylenediaminetetraacetate added to retard flavor deterioration, has been granted. The fact that the foods contain the additive ingredient is shown by a label declaration naming the additive and stating that it is added as a preservative. This extension expires December 31, 1963.

Dated: August 2, 1963.

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

[F.R. Doc. 63-8531; Filed, Aug. 8, 1963; 8:52 a.m.]

MARGARINE, MAYONNAISE, AND FRENCH DRESSING DEVIATING FROM STANDARDS

Notice of Extension of Temporary Permit To Cover Market Testing

Pursuant to § 10.5(j) of Title 21 of the Code of Federal Regulations, concerning temporary permits to facilitate market testing of foods varying from the requirements of standards of identity promulgated pursuant to section 401 of the Federal Food, Drug, and Cosmetic Act, notice is given that an extension of the temporary permit issued to Corn Products Company, 717 Fifth Avenue, New York 22, New York, to cover interstate marketing tests of margarine, mayonnaise, and french dressing with not more than 64 parts per million of calcium disodium ethylenediaminetetraacetate added to retard flavor deterioration, has been granted. The fact that the foods contain the additive ingredient is shown by label declaration naming the additive and stating that it is added as a preservative. This extension expires December 31, 1963.

Dated: August 2, 1963.

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

[F.R. Doc. 63-8530; Filed, Aug. 8, 1963; 8:51 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-199]

MANHATTAN COLLEGE CORP.

Notice of Proposed Issuance of Provisional Construction Permit

Please take notice that the Atomic Energy Commission proposes to issue to Manhattan College Corporation a provisional construction permit substantially in the form set forth below. This permit would authorize construction of a tank-type nuclear reactor to operate at a maximum power of 0.1 watt (thermal) on the Manhattan College campus in New York City.

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.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by the issuance of this construction permit may file a petition for leave to intervene. A request for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's regulations (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, a notice of hearing or an appropriate order will be issued.

For further details with respect to this proposed issuance, see (1) the application and amendments thereto and (2) the related hazards analysis prepared by the Research and Power Reactor Safety Branch of the Division of Licensing and Regulation, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of the hazards analysis may be obtained at the Commission'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 6th day of August, 1963.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

PROPOSED PROVISIONAL CONSTRUCTION PERMIT

1. By application dated June 19, 1962, and application amendments dated February 21, 1963 and July 8, 1963 (hereinafter "the application"), Manhattan College Corporation requested a Class 104 license authorizing construction and operation on the Manhattan College campus in New York City of a 0.1 watt (thermal) tank-type nuclear reactor (hereinafter "the reactor").

2. The Atomic Energy Commission (hereinafter "the Commission") finds that:

A. The reactor will be a utilization facility as defined in the Commission's regulations contained in Title 10, Chapter I, CFR, Part 50, "Licensing of Production and Utilization Facilities."

B. The reactor will be used in the conduct of research and development activities of the types specified in section 31 of the Atomic Energy Act of 1954, as amended (hereinafter "the Act").

C. Manhattan College Corporation has described the proposed design of the reactor, including principal architectural and engineering criteria for the design, and the major features or components on which further technical information is required have been identified.

D. The omitted technical information will be supplied.

E. There are no safety questions which require research and development with respect to the major features or components on which further technical information is required.

F. There is reasonable assurance that the proposed reactor can be constructed and operated at the proposed location without undue risk to the health and safety of the public.

G. Manhattan College Corporation is financially qualified to construct the reactor as described in the application and, in accordance with the Commission's regulations, to assume financial responsibility for the payment of Commission charges for special nuclear material and to undertake and carry out the proposed use of such material for a reasonable period of time.

H. Manhattan College Corporation, in conjunction with its suppliers, is technically qualified to design and construct the reactor in accordance with the Commission's regulations.

I. The issuance of a provisional construction permit to Manhattan College Corporation will not be inimical to the common defense and security or to the health and safety of the public.

3. Pursuant to the Act and Title 10, Chapter I, CFR, Part 50, "Licensing of Production and Utilization Facilities," the Commission hereby issues a provisional construction permit to Manhattan College Corporation to construct the reactor in accordance with the application. This permit shall be deemed to contain and be subject to the conditions specified in sections 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the Act and rules, regulations, and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified below:

A. The earliest completion date of the reactor is August 15, 1963. The latest date for completion of the reactor is September 30, 1963. The term "completion date" as used herein, means the date on which construction of the reactor is completed except for the introduction of the fuel material.

B. The reactor shall be constructed and located at the location on the campus of Manhattan College in New York City, specified in the application.

4. This permit is provisional to the extent that a license authorizing operation of the reactor will not be issued by the Commission unless Manhattan College Corporation has submitted to the Commission (by amendment of the application) additional data required to complete the hazards analysis for operating the proposed reactor and the Commission has found that the final design provides reasonable assurance that the health and safety of the public will not be endangered by operation of the reactor in accordance with the requirements of the license and the Commission's regulations.

5. Upon completion (as defined in paragraph "3.A." above) of the construction of the reactor in accordance with the terms and conditions of this permit, upon filing of the additional information needed to bring the original application up to date, upon finding that the reactor has been constructed and will operate in conformity with the application as amended and in conformity with the provisions of the Act and the rules and regulations of the Commission, and in the absence of any good cause being shown to the Commission why the granting of a license would not be in accordance with the provisions of the Act, the Commission will issue a Class 104 license to Manhattan College Corporation pursuant to section 104c of the Act, which license shall expire ten (10) years after the date of this construction permit, or on September 30, 1973, whichever is later.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 63-8577; Filed, Aug. 8, 1963; 8:56 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 13687]

DELTA AIR LINES, INC.

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument on the above-entitled application is assigned to be heard on September 4, 1963, at 10:00 a.m., e.d.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., August 6, 1963.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 63-8493; Filed, Aug. 8, 1963; 8:45 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 1133]

INDIA, PAKISTAN, CEYLON AND BURMA OUTWARD FREIGHT CONFERENCE; 40 PERCENT SURCHARGE AT CHITTAGONG

Order of Investigation and Hearing

The India, Pakistan, Ceylon and Burma Outward Freight Conference, organized pursuant to Federal Maritime Commission Agreement No. 7690 approved April 12, 1946, is an association of common carriers by water which is authorized to set rates and charges for the transportation of cargo from U.S. Atlantic and Gulf Ports to ports in India, Pakistan, Ceylon and Burma.

On June 18, 1963 the Conference filed with the Commission an amendment to its Freight Tariff No. 10 for the purpose of establishing therein Rule No. 30 providing for the assessment of a surcharge of 40 percent on all shipments to Chittagong, East Pakistan, to become effective October 1, 1963. The Commission considers it necessary to determine whether Rule 30 of Tariff No. 10 should be altered or disapproved as being unjustly prejudicial to exporters of the United States as compared with their foreign competitors, and/or detrimental to the commerce of the United States, and, further, whether Agreement No. 7690 should be disapproved, cancelled, or modified.

Now therefore, pursuant to sections 15, 17, 18(b)(5), and 22 of the Shipping Act, 1916:

It is ordered, That an investigation be instituted to determine whether Rule 30 of Tariff No. 10 establishes a surcharge which is unjustly prejudicial to exporters of the United States as compared with their foreign competitors, and/or is detrimental to the commerce of the United States, and, further, whether Rule 30 of Tariff No. 10 should be altered or disapproved; and

It is further ordered, That this investigation determine whether Agreement No. 7690 which establishes the India, Pakistan, Ceylon and Burma Outward Freight Conference is unjustly discriminatory or unfair as between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of this Act, and whether Agreement No. 7690 should be disapproved, cancelled or modified; and

It is further ordered, That the India, Pakistan, Ceylon and Burma Outward Freight Conference and its member lines, named in the Appendix attached, are hereby made respondents in the proceeding, and the matter is assigned for hearing before an Examiner of the Commission's Office of Hearing Examiners, at a date and place to be announced by the Chief Examiner. A copy of this order shall be served upon all respondents and published in the FEDERAL REGISTER; and

It is further ordered, That any person, other than respondents, who desires to become a party to this proceeding and to participate therein, shall promptly notify the Secretary, Federal Maritime Commission, Washington 25, D.C., and shall file with the Secretary a petition for leave to intervene in accord with Rule 5(n) of the Commission's rules of practice and procedure on or before August 27, 1963. All future notices issued by or on behalf of the Commission in this proceeding, including notice of time and place of hearing and/or prehearing conference, shall be mailed directly to all parties of record.

By order the Federal Maritime Commission, July 30, 1963.

GEO. A. VIEHMANN,
Assistant Secretary.

APPENDIX A

THE INDIA, PAKISTAN, CEYLON AND BURMA OUTWARD FREIGHT CONFERENCE (7690)

Member Lines

American Export Lines, Inc., 26 Broadway, New York 4, N.Y.
Central Gulf Lines—Joint Service, One Whitehall Street, New York 4, N.Y.
Hellenic Lines, Ltd., 39 Broadway, New York 6, N.Y.
Hoegh Lines—Joint Service, Kerr Steamship Co., Inc., 51 Broad Street, New York 4, N.Y.
Isbrandtsen Steamship Co., Inc., 26 Broadway, New York 4, N.Y.
Isthmian Lines, Inc., States Marine Isthmian Agency, Inc., 90 Broad Street, New York 4, N.Y.
Nedlloyd Line—Joint Service, 25 Broadway, New York 4, N.Y.
(The) Scindia Steam Navigation Co., Ltd., U.S. Navigation Co., Inc., 17 Battery Place, New York 4, N.Y.
The Shipping Corporation of India Ltd., Norton, Lilly and Co., Inc., Agents, 26 Beaver Street, New York 4, N.Y.

[F.R. Doc. 63-8549; Filed, Aug. 8, 1963; 8:54 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. RI64-34—RI64-42]

AZTEC OIL & GAS CO. ET AL.

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

JULY 30, 1963.

Aztec Oil & Gas Company, Docket No. RI64-34; Continental Oil Company (Operator), et al., Docket No. RI64-35;

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

Continental Oil Company (Operator), Docket No. RI64–36; Teneco Corporation (Operator), et al., Docket No. RI64–37; Tenneco Corporation, Docket No. RI64–38; Sun Oil Company, Docket No. RI64–39; Standard Oil Company of Texas, a Division of California Oil Company, Docket No. RI64–40; Texaco Inc., Docket No. RI64–41; Humble Oil & Refining Company, Docket No. RI64–42.

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. The proposed changes, which constitute increased rates and charges, are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI64–34	Aztec Oil & Gas Co., 920 Mercantile Securities Bldg., Dallas 1, Tex.	1	5	El Paso Natural Gas Co. (Acreage, Rio Arriba and San Juan Counties, N. Mex.) (San Juan Basin Area).	$775	7–1–63	[1] 8–1–63	[2] 8–2–63	[4 5] 12.00135	[3 6 7] 13.0508	
	do	3	20	do	316	7–1–63	[1] 8–1–63	[2] 8–2–63	[4 5] 12.00135	[3 6 7] 13.0508	
	do	6	8	El Paso Natural Gas Co. (Jalmat Field (Continental-Stevens B–7 Unit), Lea County, N. Mex.) (Permian Basin Area).	3	7–1–63	[1] 8–1–63	[2] 8–2–63	15.55987	[3 8] 15.6240	RI61–201
	do	14	3	El Paso Natural Gas Co. (Basin Dakota Pool, San Juan County, N. Mex.) (San Juan Basin Area).	72	7–1–63	[1] 8–1–63	[2] 8–2–63	12.0	[3 6 7] 13.0495	
	do	10	6	do	317	7–1–63	[1] 8–1–63	[2] 8–2–63	12.0	[3 6 7] 13.0495	
RI64–35	Continental Oil Co. (Operator), et al., P.O. Box 2197, Houston 1, Tex.	180	2	Transwestern Pipeline Co. (Bell Lake Field, Lea County, N. Mex.) (Permian Basin Area).	843	7–1–63	[1] 8–1–63	[2] 8–2–63	16.0	[3 8] 16.0770	
RI64–36	Continental Oil Co. (Operator).	178	2	Transwestern Pipeline Co. (Maljamar Area, Lea County, N. Mex.) (Permian Basin Area).	1,071	7–1–63	[1] 8–1–63	[2] 8–2–63	16.0	[3 8] 16.3570	
	do	177	2	Transwestern Pipeline Co. (El Mar Area, Lea County, N. Mex.) (Permian Basin Area).	2,413	7–1–63	[1] 8–1–63	[2] 8–2–63	16.0	[3 8] 16.3570	
RI64–37	Tenneco Corp. (Operator), et al., P.O. Box 2511, Tennessee Building, Houston, Tex.	24	1	El Paso Natural Gas Co. (Totah Gallup, West Huerfano, and West Kutz Dakota Fields, San Juan County, N. Mex.) (San Juan Basin Area).	2,719	7–11–63	[1] 8–11–63	[2] 8–12–63	12.0	[3 6 7] 13.0495	
	do	26	1	El Paso Natural Gas Co. (Aztec Field, San Juan County, N. Mex.) (San Juan Basin Area).	110	7–11–63	[1] 8–11–63	[2] 8–12–63	12.0	[3 6 7] 13.0495	
	do	52	1	El Paso Natural Gas Co. (West Huerfano, San Juan County, N. Mex.) (San Juan Basin Area).	29	7–11–63	[1] 8–11–63	[2] 8–12–63	13.0	[3 7] 13.0536	
RI64–38	do	31	1	El Paso Natural Gas Co. (Blanco Field, Mesa Verde Formation, Rio Arriba County, N. Mex.) (San Juan Basin Area).	12	7–11–63	[1] 8–11–63	[2] 8–12–63	12.0	[3 6 7] 13.0495	
	do	132	3	El Paso Natural Gas Co. (West Kutz Dakota Field, San Juan County, N. Mex.) (San Juan Basin Area).	14	7–11–63	[1] 8–11–63	[2] 8–12–63	12.0	[3 6 7] 13.0495	
	do	133	2	El Paso Natural Gas Co. (Various Fields, San Juan County, N. Mex.) (San Juan Basin Area).	548	7–11–63	[1] 8–11–63	[2] 8–12–63	[7] 13.0	[3 6 7] 13.0495	
	do	136	3	El Paso Natural Gas Co. (Basin Dakota Field, San Juan County, N. Mex.) (San Juan Basin Area).	267	7–11–63	[1] 8–11–63	[2] 8–12–63	[7] 13.0	[3 6 7] 13.0495	
	do	138	1	El Paso Natural Gas Co. (Blanco Mesa Verde Field, San Juan County, N. Mex.) (San Juan Basin Area).	45	7–11–63	[1] 8–11–63	[2] 8–12–63	[7] 13.0	[8 6 7] 13.0495	
RI64–39	Sun Oil Co., 1608 Walnut St., Philadelphia 3, Pa.	90	2	El Paso Natural Gas Co. (South Blanco-Pictured Cliffs Field, Rio Arriba County, N. Mex.) (San Juan Basin Area).	36	7–10–63	[1] 8–10–63	[2] 8–11–63	13.0	[3 7] 13.0536	
	do	108	1	El Paso Natural Gas Co. (Bisti Field, San Juan County, N. Mex.) (San Juan Basin Area).	86	7–10–63	[1] 8–10–63	[2] 8–11–63	13.0	[3 7] 13.0536	
RI64–40	Standard Oil Co. of Tex., a Division of California Oil Co., P.O. Box 1249, Houston 1, Tex.	39	3	Transwestern Pipeline Co. (Atoka Field, Eddy County, N. Mex.) (Permian Basin Area).	612	7–5–63	[1] 8–5–63	[2] 8–6–63	16.4	[3 7] 16.4789	
RI64–41	Texaco, Inc., P.O. Box 3109, Midland, Tex.	227	1	Transwestern Pipeline Co. (Monument McKee Field, Lea County, N. Mex.) (Permian Basin Area).	312	7–8–63	[1] 8–8–63	[2] 8–9–63	16.0	[3 8] 16.077	
RI64–42	Humble Oil & Refining Co., P.O. Box 2180, Houston, Tex.	276	2	Transwestern Pipeline Co. (Bell Lake Field, Lea County, N. Mex.) (Permian Basin Area).	73	7–3–63	[1] 8–3–63	[2] 8–4–63	16.0	[3 8] 16.0774	

[1] The stated effective date is the first day after expiration of the required statutory notice.
[2] The suspension period is limited to 1 day.
[3] Tax reimbursement increase.
[4] Pertains to Mesa Verde Formation in said acreage.
[5] Includes 0.00135 cent per Mcf tax reimbursement.
[6] Includes 1.0 cent per Mcf added to reflect minimum guarantee for liquids.
[7] Pressure base is 15.025 psia.
[8] Pressure base is 14.65 psia.

Aztec Oil & Gas Company (Aztec), Continental Oil Company, Sun Oil Company and Humble Oil & Refining Company request an effective date of April 1, 1963, the effective date of the increase in the New Mexico oil and gas emergency school tax, for their proposed rate increases. Tenneco Corporation and Tenneco Corporation (Operator), et al. (both referred to herein as Tenneco) request an effective date of July 1, 1963; Standard Oil Company of Texas, a Division of California Oil Company, requests an effective date of July 5, 1963, and Texaco Inc. requests an effective date of July 8, 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 an earlier effective date for the aforementioned proposed rate filings and such requests are denied. Since the proposed rate increases reflect only tax reimbursement, the suspension period for each may be shortened to one day from the date of expiration of the 30-days' statutory notice.

With the exceptions of Supplement No. 8 to Aztec's FPC Gas Rate Schedule No. 6 and Supplement No. 1 to Tenneco's FPC Gas Rate Schedule No. 52, Aztec and Tenneco filed for tax reimbursement computed on the contract rate of 12.0 cents per Mcf exclusive of the 1.0 cent per Mcf minimum guarantee for liquid products. The addition of this minimum guarantee of 1.0 cent to the base rate of 12.0 cents plus tax reimbursement results in total proposed rates in excess of the 13.0 cents per Mcf area ceiling for increased rates in the San Juan Basin

Area as set forth in the Commission's Statement of General Policy No. 61–1, as amended.

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

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

(C) Neither the supplements hereby suspended, nor the rate schedule 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 September 16, 1963.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 63–8261; Filed, Aug. 8, 1963; 8:45 a.m.]

[Docket Nos. RI64–43—RI64–48]

SOCONY MOBIL OIL CO., INC., ET AL.

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

JULY 30, 1963.

Socony Mobil Oil Company, Inc. (Operator), et al., Docket No. RI64–43; H. L. Hunt, et al., Docket No. RI64–44; Pan American Petroleum Corporation (Operator), et al., Docket No. RI64–45; Pan American Petroleum Corporation, Docket No. RI64–46; The Shamrock Oil & Gas Corporation, Docket No. RI64–47; Western Oil Fields, Inc., Docket No. RI64–48.

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. The proposed changes, which constitute increased rates and charges, are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per Mcf		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI64–43	Socony Mobil Oil Co. Inc. (Operator), et al., 150 East 42d Street, New York 17, N.Y., Attn: H. H. Beeson, Natural Gas Manager.	241	11	El Paso Natural Gas Co. (Brown-Bassett and Hobe Ranch Fields, Terrell County, Tex.) (R.R. District No. 7–c).	$33,850	7–1–63	[1] 8–1–63	1–1–64	[2] 16.50	[2] [3] 17.50	
RI64–44	H. L. Hunt, et al., 700 Mercantile Bank Building, Dallas 1, Tex.	23	1	Lone Star Gas Co. (Sherman Field, Grayson County, Tex.) (R.R. District No. 9).	248	7–1–63	[4] 8–1–63	1–1–64	14.49	[2] 16.56	
	do	24	1	Lone Star Gas Co. (Sherman Field, Grayson County, Tex.) (R.R. District No. 9).	907	7–1–63	[4] 8–1–63	1–1–64	14.49	[2] 16.56	
RI64–45	Pan American Petroleum Corp. (Operator), et al., P.O. Box 3092, Houston 1, Tex., Attn: Dean J. Capp, Attorney.	253	2	Transcontinental Gas Pipe Line Corp. (Cooke Field, LaSalle County, Tex.) (R.R. District No. 1).	3,859	7–12–63	[1] 8–15–63	1–15–64	[5] 13.68225	[2] [5] 14.69575	
RI64–46	Pan American Petroleum Corp., P.O. Box 1654, Oklahoma City 2, Okla.	375	4	Colorado Interstate Gas Co. (Hugoton Field, Kearny County, Kans.).	7,456	7–15–63	[1] 8–15–63	1–15–64	[6] 11.0	[2] [6] 12.5	
RI64–47	The Shamrock Oil & Gas Corp., P.O. Box 631, Amarillo, Tex.	30	14	Panhandle Eastern Pipe Line Co. (Meade and Seward Counties, Kans.).	32,747	7–11–63	[1] 8–11–63	1–11–64	[8] 16.442	[7] [9] 17.538	
RI64–48	Western Oil Fields, Inc., P.O. Box 1139, Denver, Colo.	2	2	Cities Service Gas Co. (S. Blunk Field, Barber County, Kans.).	357	7–3–63	[1] 8–10–63	1–10–64	[6] 12.0	[2] [6] 13.0	
	do	9	3	El Paso Natural Gas Co. (E. Panhandle Field, Wheeler County, Tex.). (R.R. District No. 10).	131	7–3–63	[1] 8–10–63	1–10–64	12.0	[2] 13.0	

[1] The stated effective date is the effective date proposed by respondent.
[2] Periodic rate increase.
[3] Rate subject to diluent charge up to 4.5 cents per Mcf.
[4] The stated effective date is the first day after expiration of the required statutory notice.
[5] Based on 1,000 Btu's. Contract has downward adjustment for Btu content and average was 963 Btu's.
[6] Subject to downward Btu adjustment.
[7] Renegotiated rate increase.
[8] Includes base rate of 15.0 cents per Mcf plus upward Btu adjustment (base rate subject to upward and downward Btu adjustment).
[9] Includes base rate of 16.0 cents per Mcf plus upward Btu adjustment (base rate subject to upward and downward Btu adjustment).

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so contrued.

H. L. Hunt, et al. (Hunt) request an effective date of July 1, 1963, for their proposed periodic rate increases. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Hunt's proposed rate filings and such request is 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 proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter 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 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 September 16, 1963.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 63–8263; Filed, Aug. 8, 1963; 8:45 a.m.]

[Docket No. CP63–346]

FLORIDA GAS TRANSMISSION CO.

Notice of Application and Date of Hearing

AUGUST 2, 1963.

Take notice that on June 17, 1963, Florida Gas Transmission Company (Applicant), P.O. Box 44, Winter Park, Florida, filed in Docket No. CP63–346 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction during the twelve-month period following date of authorization and the operation of routine budget-type natural gas transmission facilities to enable Applicant to connect new direct industrial customers purchasing natural gas from its interstate transmission system, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The facilities proposed to be constructed hereunder include lateral lines, taps, measuring and regulating and other necessary delivery equipment at a total estimated cost not to exceed $1,000,000 with no individual project to exceed a cost of $250,000.

The estimated total annual volume of natural gas involved under this application is approximately 6,000,000 M² Btu, which will be delivered to direct industrial customers for use in ovens, kilns, dryers, vats, internal combustion engines, boilers (other than boilers used for generation of electricity for sale), and other direct-fired equipment for agricultural, food processing, mining and mineral processing, manufacturing, national defense and other industrial purposes.

No increase in main line capacity is proposed hereunder, and the total maximum volume of gas involved should not adversely affect Applicant's gas supply or its service to existing customers.

Applicant states that the authority requested herein does not authorize the construction or operation of facilities for the sale and delivery of natural gas for resale or the sale and delivery of natural gas for use in the steam generation of electricity for sale and distribution for ultimate public consumption.

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

Take further notice that, 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 on September 4, 1963, at 9:30 a.m. (e.d.s.t.), in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.9 or 1.10) on or before August 23, 1963. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 63–8505; Filed, Aug. 8, 1963; 8:46 a.m.]

[Project No. 1390]

MILL CREEK PROJECT, CALIFORNIA ELECTRIC POWER CO.

Notice of Additional Land Withdrawal; California

AUGUST 5, 1963.

Conformable to the provisions of section 24 of the Act of June 10, 1920 (41 Stat. 1063), as amended, this Commission on November 20, 1936, gave notice of the reservation of approximately 757.75 acres of United States lands pursuant to the filing of an application for license on August 19, 1936, by the Nevada-California Electric Corporation (name changed to California Electric Power Company effective June 30, 1941).

On May 28, 1963, the California Electric Power Company filed an application for amendment of license to include a loop line and branch line addition to part of their existing Mill Creek 55 kv transmission line, as shown on exhibit K–5 (FPC No. 1390–10), also submitted May 28, 1963. Therefore in accordance with section 24 of the Federal Power Act of June 10, 1920, notice is hereby given that the lands herein described, insofar as title thereto remains in the United States are from the date of filing of definite location, as noted above, reserved from all forms of disposal under the laws of the United States until otherwise directed by the Commission or by Congress. This notice supplements the notice of November 20, 1936.

MOUNT DIABLO MERIDIAN

All portions of the following described subdivisions lying within 15 feet of the center line survey of the transmission lines delimited on map exhibit K–5 (FPC No. 1390–10) entitled "Detail Map of 55 kv Loop Line and Branch Line Additions to Mill Creek 55 kv Transmission Line, Mill Creek Project No. 1390 Mono County, California, California Electric Power Company, San Bernardino, California," filed in the Federal Power Commission on May 28, 1963, supplementing exhibit K–3 (FPC No. 1390–9):

T. 2 N., R. 25 E.,
Sec. 24: NE¼SE¼.
T. 1 N., R. 26 E.,
Sec. 5: Lot 1, NW¼SW¼;
Sec. 6: Lot 1.
T. 2 N., R. 26 E.,
Sec. 19: Lot 4, NW¼SW¼;
Sec. 30: Lots 3, 7, 9;
Sec. 31: Lots 5, 7, 8, 12.

The Commission's general determination of April 17, 1922 (43 CFR 103.8) is applicable to the above noted lands reserved for transmission line purposes.

The area reserved pursuant to the filing of this notice is approximately 8.65 acres, of which approximately 4.77 acres have been previously reserved in connection with Power Site Reserve No. 421 or Project Nos. 591, 1390, or 1582. Approxi-

mately 6.76 acres are within the boundaries of the Inyo National Forest.

A copy of map exhibit K–5 (FPC No. 1390–10) has been transmitted to Forest Service, Bureau of Lang Management, and Geological Survey.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 63–8509; Filed, Aug. 8, 1963; 8:46 a.m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

ACTING ASSISTANT COMMISSIONER FOR PROGRAM PLANNING AND DEVELOPMENT

Designation

Frederick A. McLaughlin is hereby designated to serve as Acting Assistant Commissioner for Program Planning and Development, Urban Renewal Administration, during the absence of the Assistant Commissioner for Program Planning and Development, with all the powers, functions, and duties delegated or assigned to the Assistant Commissioner.

This designation supersedes the designation effective November 9, 1961 (26 F.R. 10580, November 9, 1961).

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c; Housing and Home Finance Administrator's delegation published at 25 F.R. 9874, October 14, 1960, as amended at 28 F.R. 2933, March 23, 1963)

Effective as of the 22d day of July 1963.

[SEAL] HOWARD J. WHARTON,
Acting Urban Renewal Commissioner.

[F.R. Doc. 63–8543; Filed, Aug. 8, 1963; 8:54 a.m.]

ASSISTANT ADMINISTRATOR (ADMINISTRATION)

Delegation of Authority With Respect to Settlement of Claims

The Assistant Administrator (Administration), Office of the Administrator, Housing and Home Finance Agency, is hereby authorized to consider, ascertain, adjust, determine, and settle any claim under 28 U.S.C. 2672 (Federal Tort Claims Act) for money damages of $2,500 or less for injury or loss of property or personal injury or death caused by the negligent or wrongful act or omission of any employee in the central or field office of the Office of the Administrator, the Community Facilities Administration, the Urban Renewal Administration, the Voluntary Home Mortgage Credit Program, or an HHFA Regional Office.

Effective as of the 9th day of August 1963.

[SEAL] ROBERT C. WEAVER,
Housing and Home Finance Administrator.

[F.R. Doc. 63–8544; Filed, Aug. 8, 1963; 8:54 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70–4157]

MICHIGAN CONSOLIDATED GAS CO.

Notice of Proposed Issuance and Sale of Notes to Banks

AUGUST 5, 1963.

Notice is hereby given that Michigan Consolidated Gas Company ("Michigan") One Woodward Avenue, Detroit 26, Michigan, a gas utility subsidiary company of American Natural Gas Company, a registered holding company, has filed a declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6 and 7 of the Act and Rules 50(a)(2) and 70(b)(2) thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, as amended, on file at the office of the Commission, for a statement of the transactions therein proposed which are summarized below.

Michigan proposes to issue and sell, from time to time commencing in September 1963 and in varying amounts as funds are required, up to an aggregate of $20,000,000 face amount of unsecured promissory notes to the banks and in the maximum amounts indicated below:

First National City Bank, New York, N.Y.	$7,000,000
National Bank of Detroit, Detroit Mich.	7,000,000
Manufacturers Hanover Trust Co., New York, N.Y.	4,000,000
The Chase Manhattan Bank, New York, N.Y.	2,000,000
Total	20,000,000

The notes are to be dated as of the date of issuance, are to mature August 31, 1964, are to bear interest at the prime rate (currently 4½ percent per annum) in effect at First National City Bank, New York City, on the date of each borrowing, and the interest rate will be adjusted to the prime rate in effect at such bank at the beginning of each 90-day period subsequent to the date of the first borrowing. There is no commitment fee, and the notes may be prepaid at any time without penalty.

Michigan proposes to use the proceeds from the sale of the proposed notes to finance partially its 1963 construction program, estimated at $34,533,000.

The estimated fees and expenses of $1,000 incident to the proposed transactions consist of $500 of legal fees and $500 of miscellaneous expenses.

According to the filing no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than August 26, 1963, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said amended declaration which he desires to controvert; or he may request that he be notified should the Commission order a hearing in respect thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon declarant at the above-stated address, and proof of service by affidavit (or, if by an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the amended declaration, as filed or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof, or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 63–8542; Filed, Aug. 8, 1963; 8:54 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30–I (Amdt. 1)]

PROGRAM ACTIVITIES IN BOSTON REGIONAL OFFICE

Delegation of Authority

Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Revision 8) as amended, 28 F.R. 3228 and 7204, Delegation of Authority No. 30–I, 28 F.R. 4932 is hereby amended by:

1. Adding the following subitem to Item I.C.12.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

2. Deleting the text of Item I.K.5 and substituting the following in lieu thereof:

5. Item I.C.12—only the authority for servicing, administration, and collection, including subitems a, b, and c.

Effective date: July 1, 1963.

THOMAS J. NOONAN,
Regional Director, Boston.

[F.R. Doc. 63–8524; Filed, Aug. 8, 1963; 8:50 a.m.]

[Delegation of Authority No. 30–VII (Amdt. 1)]

PROGRAM ACTIVITIES IN CHICAGO REGIONAL OFFICE

Delegation of Authority

Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Revision 8), as

amended, 28 F.R. 3228 and 7204, Delegation of Authority No. 30–VII, 28 F.R. 5038 is hereby amended by:

1. Adding the following subitem to Item I.C.12.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

2. Deleting the text of Item I.K.5 and substituting the following in lieu thereof:

5. Item I.C.12—only the authority for servicing, administration, and collection, including subitems a, b, and c.

Effective date: July 1, 1963.

RICHARD E. LASSAR,
Regional Director,
Chicago.

[F.R. Doc. 63–8525; Filed, Aug. 8, 1963; 8:50 a.m.]

[Delegation of Authority No. 30–XI (Amdt. 1)]

PROGRAM ACTIVITIES IN DENVER REGIONAL OFFICE

Delegation of Authority

Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Revision 8), as amended, 28 F.R. 3228 and 7204, Delegation of Authority No. 30–XI, 28 F.R. 5223, is hereby amended by:

1. Adding the following subitem to Item I.C.12.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

2. Deleting the text of Item I.K.5 and substituting the following in lieu thereof:

5. Item I.C.12—only the authority for servicing, administration, and collection, including subitems a, b, and c.

Effective date: July 1, 1963.

HAROLD L. SMETHILLS,
Regional Director,
Denver.

[F.R. Doc. 63–8526; Filed, Aug. 8, 1963; 8:50 a.m.]

[Delegation of Authority No. 30–XII (Amdt. 1)]

PROGRAM ACTIVITIES IN SAN FRANCISCO REGIONAL OFFICE

Delegation of Authority

Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Revision 8), as amended, 28 F.R. 3228 and 7204, Delegation of Authority No. 30–XII, 28 F.R. 4934 is hereby amended by:

1. Adding the following subitem to Item I.C.12.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

2. Deleting the text of Item I.K.5 and substituting the following in lieu thereof:

5. Item I.C.12—only the authority for servicing, administration, and collection, including subitems a, b, and c.

Effective date: July 1, 1963.

EDWARD L. TURKINGTON,
Regional Director,
San Francisco.

[F.R. Doc. 63–8527; Filed, Aug. 8, 1963; 8:50 a.m.]

[Delegation of Authority No. 30–XIII (Amdt. 1)]

PROGRAM ACTIVITIES IN SEATTLE REGIONAL OFFICE

Delegation of Authority

Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Revision 8), as amended, 28 F.R. 3228 and 7204, Delegation of Authority No. 30–XIII, 28 F.R. 4938 is hereby amended by:

1. Adding the following subitem to Item I.C.12.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

2. Adding the following to Item I.K.5:

Exception—In addition to this authority subitem C of Item I.C.12. is delegated to the Portland Branch Manager.

3. Deleting the text of Item I.K11 and substituting the following in lieu thereof:

11. Item I.C.12—only the authority for servicing, administration and collection, including subitems a. and b. but not c, is hereby delegated to the Chief, Financial Assistance Section in the Portland Branch Office.

Effective date: July 1, 1963.

WILLIAM S. SCHUMACHER,
Regional Director,
Seattle.

[F.R. Doc. 63–8528; Filed, Aug. 8, 1963; 8:50 a.m.]

INTERSTATE COMMERCE COMMISSION

[Drouth Order No. 63, Amdt. No. 2]

MISSISSIPPI

Order Authorizing Railroads To Transport Hay and Livestock Feed to Disaster Area at Reduced Rates

In the matter of relief under section 22 of the Interstate Commerce Act.

It appearing, that due to the drouth conditions existing in the State of Mississippi the Commission issued its Drouth Order No. 63 under section 22 of the Interstate Commerce Act authorizing the railroads subject to the Commission's jurisdiction to transport hay and livestock feed to the disaster area at reduced rates;

And it further appearing, that the United States Department of Agriculture has requested the Commission to enter an order authorizing the same authority to certain additional counties in the State of Mississippi:

It is ordered, That Drouth Order No. 63, as amended, be, and it is hereby, further amended to provide that the authority therein granted to establish reduced rates on the commodities named therein shall also apply, subject to the same terms and conditions, to establish and maintain reduced rates on livestock feed and hay to destinations in the counties named below, viz.:

MISSISSIPPI, 14 COUNTIES, VIZ.

Choctaw.	Leake.
Copiah.	Lincoln.
Franklin.	Oktibbeha.
George.	Pearl River.
Hancock.	Stone.
Harrison.	Wilkinson.
Hinds.	Yazoo.

It is further ordered, That in all other respects Drouth Order No. 63 shall remain in full force and effect.

And it is further ordered, That notice to the affected railroads and the general public shall be given by depositing a copy of this order in the Office of the Secretary of the Commission and by filing a copy with the Director, Office of the Federal Register; and that copies be mailed to the Chairman of the Traffic Executive Association—Eastern Railroads, New York, N.Y., the Chairman of the Southern Freight Association, Atlanta, Georgia, the chairman of the Executive Committee, Western Traffic Association, Chicago, Illinois, the Traffic Vice-President of the Association of American Railroads, Washington, D.C., and to the President of the American Short Line Railroad Association, Washington, D.C.

Dated at Washington, D.C., this 2d day of August A.D. 1963.

By the Commission, Vice-Chairman Goff.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 63–8537; Filed, Aug. 8, 1963; 8:53 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 6, 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. 38470: *Joint Motor-Rail Rates—Central and Southern.* Filed by the Central and Southern Motor Freight Tariff Association, Incorporated, agent (No. 79), for interested carriers. Rates on property moving on class and commodity rates over joint routes of applicant rail and motor carriers, between

points in central territory, on the one hand, and points in southern territory, on the other.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 28 to Central and Southern Motor Freight Tariff Association, Incorporated, agent, tariff MF-I.C.C. 274.

FSA No. 38471: *Liquefied chlorine gas to Johnsonville, Tenn.* Filed by O. W. South, Jr., agent (No. A4359), for interested rail carriers. Rates on liquefied chlorine gas, in tank-car loads, from Baton Rouge, North Baton Rouge and Geismar, La., to Johnsonville, Tenn.

Grounds for relief: Market competition.

Tariff: Supplement 109 to Southern Freight Association, agent, tariff I.C.C. S-89.

By the Commission.

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

[F.R. Doc. 63-8538; Filed, Aug. 8, 1963; 8:53 a.m.]

CUMULATIVE CODIFICATION GUIDE—AUGUST

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during August.

1 CFR

	Page
CFR Checklist	7818

3 CFR

	Page
PROCLAMATIONS:	
3456	7929
EXECUTIVE ORDERS:	
July 2, 1910	7976, 8036, 8040
Dec. 16, 1911	7905
Mar. 23, 1912	8040
June 4, 1912	7905
Oct. 18, 1912	7905
Jan. 27, 1913	8035
Mar. 23, 1914	7985
May 31, 1915	8036
Aug. 2, 1915	8036
Aug. 22, 1919	8035
9411	8075
10530	8075
11116	8075

5 CFR

	Page
6	7818, 7887, 7931, 7969
24	8117
29	7818
201	8191
202	8191
204	8191

7 CFR

	Page
1	8117
26	8191
81	7969
102	7887
362	7818
401	7931
718	8117
722	7888
724	8018
776	7888
908	7931
910	7932
921	8018
925	7932
927	7933
946	7890
958	8192
987	7890
1030	8126
1031	8127
1032	7819
1037	7819
1062	8127
1063	8193
1067	8018
1126	8128
1135	7969
1137	7969
1138	7934
1421	7819, 7821, 7891, 7892, 8018, 8019
1446	8195
1464	8019

7 CFR—Continued

	Page
PROPOSED RULES:	
26	7949
28	7952
981	8157
1002	8157
1030	7884, 8212
1031	7845
1044	7846
1096	7911
1126	7911
1130	7847
1138	7847

8 CFR

	Page
511	7935

9 CFR

	Page
94	7823
122	7896

10 CFR

	Page
2	7935
40	8021
50	7935
115	7935
130	7896
PROPOSED RULES:	
40	8043

12 CFR

	Page
224	7824

14 CFR

	Page
71 [New]	7824, 7825, 7901, 7902, 7936, 7937, 8022, 8129, 8204, 8205.
73 [New]	7936, 8129
75 [New]	8205
507	7902, 7937, 7970
609	8130, 8137
PROPOSED RULES:	
40	8214
41	8214
42	8214
61 [New]	8157
71 [New]	7853, 7854, 7912-7914, 7954-7956, 7995-7986, 8043-8045, 8215-8217.
73 [New]	7915, 8217
75 [New]	7914
507	7957
514	8218

15 CFR

	Page
371	7903
399	7903

16 CFR

	Page
13	7908, 8022, 8023, 8205-8208

17 CFR

	Page
230	8208
250	7970

18 CFR

	Page
141	8140
PROPOSED RULES:	
101	7859
154	7859
155	7860
157	7859
201	7859
250	7859
260	7860

19 CFR

	Page
16	8129
22	8025

21 CFR

	Page
1	7825, 7936
8	7936
15	7971
17	7971
121	7903, 7971, 8024
146a	8025
146b	8025
PROPOSED RULES:	
19	7912

24 CFR

	Page
207	7971
213	7971
608	7971

25 CFR

	Page
PROPOSED RULES:	
163	7949
221	8157, 8212

26 CFR

	Page
PROPOSED RULES:	
1	8148, 8212

29 CFR

	Page
	7941
12	7909
13	7909
101	7972
102	7972
778	7825
779	7825
1508	7909
1509	7909
PROPOSED RULES:	
516	7850
548	7850

31 CFR

	Page
211	7975
515	7941

32 CFR

	Page
Ch. I	7941
538	8025
609	8026
891	7941
1001	8141
1002	8143
1003	8143