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GUIDE TO RECORD RETENTION REQUIREMENTS

[Updated to January 1, 1963]

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Rules and Regulations

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. H]

PART 208—MEMBERSHIP OF STATE BANKING INSTITUTIONS IN FEDERAL RESERVE SYSTEM

Establishing Foreign Branches

1. Effective August 1, 1963, paragraph (e) of § 208.8 is revoked, and paragraph (d) thereof is amended to read as follows:

§ 208.8 Establishment or maintenance of branches.

* * * * *

(d) *Foreign branches.* With prior Board approval, a member State bank having capital and surplus of $1,000,000 or more may establish branches in "foreign countries," as defined in § 213.2 (b) of this chapter (Reg. M).[8a] If a member State bank has established a branch in such a country, it may, unless otherwise advised by the Board, establish other branches therein after thirty days' notice to the Board with respect to each such branch.

2a. The purpose of this amendment is to conform the procedure under which a member State bank may establish branches abroad to that set forth with respect to national banks in § 212.3 of the revision of Part 213, adopted simultaneously herewith.

b. The fact that this conforming amendment would be required by the third paragraph of section 9 of the Federal Reserve Act (12 U.S.C. 321) upon adoption of the aforementioned § 213.3 was noted in a footnote thereto in a Notice of Proposed Rule Making (28 F.R. 702, January 25, 1963) setting forth a proposed revision of said Part 213. The notice and public procedure described in sections 4(a) and 4(b) of the Administrative Procedure Act is not otherwise followed, and the prior publication described in section 4(c) of such Act is unnecessary, in connection with this conforming amendment for the reasons and good cause found as stated in § 262.1(e) of this chapter, and especially because this amendment relieves restrictions otherwise applicable and such notice, procedure, and prior publication would not aid the persons affected or otherwise serve any useful purpose and would prevent this conforming amendment from becoming effective simultaneously with similar provisions applicable to national banks in the aforementioned revision of Part 213 and as promptly as desirable for the convenience of the member State banks affected.

Dated at Washington, D.C., this 1st day of August 1963.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] KENNETH A. KENYON,
Assistant Secretary.

[F.R. Doc. 63-8750; Filed, Aug. 14, 1963; 8:53 a.m.]

[8a] Section 213.2(b) of Regulation M defines "foreign countries" to include "any foreign nation or colony, dependency, or possession thereof, any overseas territory, dependency, or insular possession of the United States, or the Commonwealth of Puerto Rico."

[Reg. M]

PART 213—FOREIGN BRANCHES OF NATIONAL BANKS

1. Effective August 1, 1963, Part 213 is revised to read as follows:

Sec.
213.1 Authority and scope.
213.2 Definitions.
213.3 Establishing foreign branches.
213.4 Further powers of foreign branches.
213.5 Conditions.
213.6 Suspending operations during disturbed conditions.

AUTHORITY: §§ 213.1 to 213.6 issued under 12 U.S.C. 248(i). Interprets or applies 12 U.S.C. 601-604a.

§ 213.1 Authority and scope.

Pursuant to authority conferred upon it by section 25 of the Federal Reserve Act (the "Act"), as amended (12 U.S.C. 601-604a), the Board of Governors of the Federal Reserve System (the "Board") prescribes the following regulations relating to foreign branches of national banks.

§ 213.2 Definitions.

For the purposes of this part:

(a) "Foreign branch" means any branch established by a national bank pursuant to section 25 of the Act.

(b) "Foreign country" or "country" includes any foreign nation or colony, dependency, or possession thereof, any overseas territory, dependency, or insular possession of the United States, or the Commonwealth of Puerto Rico.

§ 213.3 Establishing foreign branches.

A foreign branch may be established with prior Board permission. If a national bank has established a branch in a foreign country, it may, unless otherwise advised by the Board, establish other branches in that country after thirty days' notice to the Board with respect to each such branch.

§ 213.4 Further powers of foreign branches.

In addition to its other powers, a foreign branch may, subject to § 213.5 and so far as usual in connection with the transaction of the business of banking in the places where it shall transact business:

(a) Guarantee customers' debts or otherwise agree for their benefit to make payments on the occurrence of readily ascertainable events,[1] if the guarantee or agreement specifies its maximum monetary liability thereunder; but, except to the extent secured with respect thereto, no national bank may have such liabilities outstanding (1) in an aggregate amount exceeding 50 percent of its capital and surplus or (2) for any customer in excess of the amount by which 10 percent of its capital and surplus exceeds the aggregate of such customer's "obligations" to it which are subject to any limitation under section 5200 of the Revised Statutes (12 U.S.C. 84);

(b) Accept drafts or bills of exchange drawn upon it, which shall be treated as "commercial drafts or bills" for the purposes of paragraphs (c), (d), and (e) of § 203.1 of this chapter (Reg. C);

(c) Acquire and hold securities (including certificates or other evidences of ownership or participation) of the central bank, clearing houses, governmental entities, and development banks of the country in which it is located, unless after such an acquisition the aggregate amount invested by the branch in such securities (exclusive of securities held as required by the law of that country or as authorized under section 5136 of the Revised Statutes (12 U.S.C. 24)) would exceed one percent of its total deposits on the preceding year-end call report date (or on the date of such acquisition in the case of a newly established branch which has not so reported);

(d) Underwrite, distribute, buy, and sell obligations of the national government of the country in which it is located;[2] but no bank may hold, or be under commitment with respect to, obligations of such a government as a result of underwriting, dealing in, or purchasing for its own account in an aggregate amount exceeding 10 percent of its capital and surplus;

(e) Take liens or other encumbrances on foreign real estate in connection with its extensions of credit, whether or not of first priority and whether or not such real estate is improved or has been appraised;

(f) Extend credit to an executive officer of the branch in an amount not to exceed $20,000 or its equivalent in order to finance the acquisition or construction of living quarters to be used as his residence abroad, provided each such credit extension is promptly reported to its home office.

§ 213.5 Conditions.

(a) Nothing in § 213.4 shall authorize a foreign branch to engage in the general

[1] Including, but not limited to, such types of events as nonpayment of taxes, rentals, customs duties, or costs of transport and loss or nonconformance of shipping documents.

[2] Including obligations issued by any agency or instrumentality, and supported by the full faith and credit, of such government.

business of producing, distributing, buying, or selling goods, wares, or merchandise or, except as permitted by § 213.4(d), to engage or participate, directly or indirectly, in the business of underwriting, selling, or distributing securities.

(b) The continued or prospective exercise of any power under § 213.4 shall be subject to any notice interpreting or applying the terms of this part that a national bank may receive from the Board, and such bank shall cause its foreign branches to comply therewith; such branches may, however, unless the Board specifies otherwise, complete transactions undertaken prior to receipt thereof by the national bank.

(c) The Board may from time to time require a national bank to submit information regarding compliance with this part.

§ 213.6 Suspending operations during disturbed conditions.

The officer in charge of a foreign branch may suspend its operations during disturbed conditions which, in his judgment, make conduct of such operations impracticable; but every effort shall be made before and during such suspension to serve its depositors and customers. Full information concerning any such suspension shall be promptly reported to the branch's home office, which shall immediately send a copy thereof to the Board through the Federal Reserve Bank of its district.

2a. The purposes of this revision are to implement Public Law 87–588, approved August 15, 1962 (76 Stat. 388, 12 U.S.C. 604a), which empowered the Board of Governors of the Federal Reserve System to issue regulations authorizing foreign branches of national banks to exercise additional powers (with certain exceptions) which are usual in connection with the banking business abroad, and to simplify the procedure under which a national bank may establish additional branches in a particular foreign country.

b. This part was the subject of a notice of proposed rule making published in the FEDERAL REGISTER (28 F.R. 702, January 25, 1963) and was adopted by the Board after consideration of all relevant material, including responses and other information received from interested persons pursuant to said notice. The prior publication described in section 4(c) of the Administrative Procedure Act is unnecessary in connection with this part for the reasons and good cause found as stated in § 262.1(e) of this chapter, and especially because this part grants exemption from, and otherwise relieves restrictions imposed by, other provisions of law and such prior publication would not aid the persons affected or otherwise serve any useful purpose and would prevent this part from becoming effective as promptly as desirable for the convenience of the national banks affected.

Dated at Washington, D.C., this 1st day of August 1963.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] KENNETH A. KENYON,
Assistant Secretary.

[F.R. Doc. 63–8751; Filed, Aug. 14, 1963; 8:54 a.m.]

Title 7—AGRICULTURE

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

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

Subpart—United States Standards for Grades of Frozen French Fried Potatoes [1]

A proposal to revise the United States Standards for Grades of Frozen French Fried Potatoes was published in the FEDERAL REGISTER of January 22, 1963 (28 F.R. 555). After consideration of all relevant matter presented it was determined that certain major changes from the proposal were necessary and that interested persons should be afforded further opportunity to submit written data, views, or arguments with respect thereto; therefore, a second proposal to revise the United States Standards for Grades of Frozen French Fried Potatoes (§§ 52.2391–52.2400) was published in the FEDERAL REGISTER of June 5, 1963 (28 F.R. 5524).

Statement of consideration leading to the revised standards. Changes in these revised standards from those proposed on June 5, 1963 are not of a substantive nature. They include slight modifications in wording for the purpose of clarification and small adjustments in the requirements for styles, lengths, and the factor of uniformity of size and symmetry. These adjustments were made in consideration of the comments received from interested persons. Other than minor matters of presentation, the specific differences from those proposed on June 5, 1963, and now included in the revised standards are:

(1) Shoestring style is now defined as being predominantly less than ⅜ by ⅜ inch in cross-sectional dimension instead of predominantly less than ¼ by ¼ inch.

(2) The criteria of "Extra Long" and "Long" and "Medium" are adjusted to become slightly less restrictive in the percent of smaller pieces which are permitted. These criteria now are:

Extra long. Not less than 30 percent are 3 inches or more in length, and not more than 20 percent (proposed at 10 percent) may be less than 2 inches in length.

Long. Not less than 15 percent are 3 inches or more in length, and not more than 30 percent (proposed at 20 percent) may be less than 2 inches in length.

Medium. Does not comply with the criteria for "Long" but not less than 30 percent are 2 inches or more in length and not more than 35 percent (proposed at 30 percent) may be less than 1½ inches in length.

(3) Under the factor of uniformity of size and symmetry, the proposed limits of not more than 5 percent, small pieces in U.S. Grade A and not more than 10 percent, small pieces in U.S. Grade B are deleted. (It is believed that these proposed requirements would have been unnecessarily restrictive.)

After consideration of all relevant matters presented including the proposals set forth in the aforesaid notices the following United States Standards for Grades of Frozen French Fried Potatoes are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627):

PRODUCT DESCRIPTION, TYPES, STYLES, LENGTHS, AND GRADES

Sec.
52.2391 Product description.
52.2392 Types of frozen french fried potatoes.
52.2393 Styles of frozen french fried potatoes.
52.2394 Length designations.
52.2395 Grades of frozen french fried potatoes.

FACTORS OF QUALITY

52.2396 Ascertaining the grade of a sample unit.
52.2397 Ascertaining the rating for the factors which are scored.
52.2398 Color.
52.2399 Uniformity of size and symmetry.
52.2400 Defects.
52.2401 Texture.

LOT COMPLIANCE

52.2402 Ascertaining the grade of a lot.
52.2403 Ascertaining the length of a lot.

SCORE SHEET

52.2404 Score sheet for frozen french fried potatoes.

AUTHORITY: §§ 52.2391 to 52.2404 issued under secs. 202–208, 60 Stat. 1087; 7 U.S.C. 1621–1627.

PRODUCT DESCRIPTION, TYPES, STYLES, LENGTHS, GRADES

§ 52.2391 Product description.

Frozen french fried potatoes are prepared from mature, sound, white or Irish potatoes (Solanum tuberosium). The potatoes are cleaned, peeled, sorted, trimmed, washed, cut into strips, blanched, and are processed in a suitable fat or oil. They are frozen in accordance with good commercial practice and stored at temperatures necessary for the preservation of the product.

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable state laws and regulations.

§ 52.2392 Types of frozen french fried potatoes.

(a) Frozen french fried potatoes are of two types, based principally on intended use, as follows:

(1) *Retail type.* This type is intended for household consumption. It is normally packed in small packages which are labeled or marked for retail sales. This type may be otherwise designated for such intended use.

(2) *Institutional type.* This type is intended for the hotel, restaurant, or other large feeding establishment trade. Primary containers, usually of five pounds or more, are often not completely labeled as for retail sales.

(b) If it is not possible to ascertain the type, the quality requirements of retail type apply.

§ 52.2393 Styles of frozen french fried potatoes.

(a) "Straight cut" means potatoes cut into strips with smooth surfaces. The cross-sectional dimensions of the strips may vary from approximately ¼ by ¼ to approximately ½ by ½ inch. Straight cut frozen french fried potatoes that are predominantly less than ⅜ by ⅜ inch in cross-sectional dimensions may be designated as "shoestring style."

(b) "Crinkle cut" means potatoes cut into strips with corrugated surfaces. Cross-sectional dimensions of the strips may vary from approximately ⅜ by ⅜ inch to approximately ½ by ½ inch.

§ 52.2394 Length designations.

(a) *Criteria for length designations of a sample unit.* Frozen french fried potatoes are designated as to lengths in accordance with the following criteria. "Percent," as used in this section, means the percent, by count, of all pieces of potato that are ½ inch in length or longer.

(1) *Extra long.* Not less than 30 percent are 3 inches or more in length, and not more than 20 percent may be less than 2 inches in length.

(2) *Long.* Not less than 15 percent are 3 inches or more in length, and not more than 30 percent may be less than 2 inches in length.

(3) *Medium.* Does not comply with the criteria for "long" but not less than 30 percent are 2 inches or more in length, and not more than 30 percent may be less than 1½ inches in length.

(4) *Short.* Does not comply with the criteria for "medium."

(b) *Criteria for length designation of a lot.* (See § 52.2403 for these criteria.)

§ 52.2395 Grades of frozen french fried potatoes.

(a) "U.S. Grade A" (or "U.S. Fancy") is the quality of frozen french fried potatoes, of all lengths except "short," that: (1) Have a good flavor; (2) have a good color; (3) are practically uniform in size and symmetry; (4) are practically free from defects; (5) possess a good texture; and (6) score not less than 90 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U.S. Grade B" (or "U.S. Extra Standard") is the quality of frozen french fried potatoes of all lengths that: (1) Have a reasonably good flavor; (2) have a reasonably good color; (3) are reasonably uniform in size and symmetry; (4) are reasonably free from defects; (5) possess a reasonably good texture; and (6) score not less than 80 points when scored in accordance with the scoring system outlined in this subpart.

(c) "Substandard" is the grade of frozen french fried potatoes that fail to meet the requirements of "U.S. Grade B."

FACTORS OF QUALITY

§ 52.2396 Ascertaining the grade of a sample unit.

(a) *General.* The grade of a sample unit of frozen french fried potatoes is ascertained by considering: The factor of flavor which is not scored; the ratings for the factors of color, uniformity of size and symmetry, defects, and texture which are scored; the total score; and the limiting rules which may be applicable.

(b) *Factors rated by score points.* The relative importance of each scoring factor is expressed numerically on the scale of 100. The maximum number of points that may be given each factor is:

Factors:	Points
Color	30
Uniformity of size and symmetry	20
Defects	20
Texture	30
Total	100

(c) "Heated in a suitable manner" means prepared in accordance with the manufacturer's directions or in a manner that will give equivalent results. In the absence of such cooking directions the following methods are prescribed:

(1) *Oven method (for retail type).* (i) Place the product while still in the frozen state on a piece of crumpled and partially straightened aluminum foil of sufficient size so that at least nine ounces of the product may be spread in a single layer on the foil. The aluminum foil may be supported by a piece of sheet metal or a shallow pan.

(ii) Place foil and frozen contents into a properly ventilated oven preheated to 425° F. and allow to remain 15 minutes or until the interior portions of the larger pieces are properly cooked. This method is used for retail type. Heating may be accomplished by any other method which will give comparable results.

(2) *Deep fat method (for institutional type).* Place the product in a suitable basket or rack and cook, by immersing in clean suitable fat or oil, at a temperature of about 365° F. for 1½ minutes or until the larger pieces are properly cooked. This method is used when preparing the institutional type.

(d) *Definitions of flavor.* (1) "Good flavor" means the good characteristic flavor and odor of properly prepared french fried potatoes. Such flavor is free from rancidity and bitterness; from pronounced scorched or caramelized flavors and from off flavors and off odors of any kind.

(2) "Reasonably good flavor" means a flavor that may be somewhat lacking in good flavor and odor but is free from objectionable flavors and objectionable odors of any kind.

§ 52.2397 Ascertaining the rating for the factors which are scored.

(a) The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive. (For example: "18 to 20 points" means 18, 19, or 20 points.)

(b) The factors of color and defects are evaluated by observing the product both before and after it has been heated in a suitable manner.

(c) The factor of texture is evaluated within 3 minutes after the product has been prepared by heating in a suitable manner and while it is well above room temperature.

§ 52.2398 Color.

(a) *(A) classification.* Frozen french fried potatoes that have a good color may be given a score of 27 to 30 points. "Good color" means that the units possess a characteristic very light cream to golden color typical of properly prepared frozen french fried potatoes; that the product is bright, practically uniform in color and, after heating, is practically free from units which vary markedly from the predominating color.

(b) *(B) classification.* If the frozen french fried potatoes have a reasonably good color, a score of 24 to 26 points may be given. Frozen french fried potatoes that fall into this classification may not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means that the units may vary in color, ranging from very light cream to brown typical of frozen french fried potatoes; that the product may be dull but not off color and, after heating, the variation in color of the units does not seriously affect the appearance of the product.

(c) *(SStd.) classification.* Frozen french fried potatoes that fail to meet the requirements of paragraph (b) of this section may be given a score of 0 to 23 points and shall not be graded above Substandard regardless of the total score for the product (this is a limiting rule).

§ 52.2399 Uniformity of size and symmetry.

(a) *General.* In this section consideration is given to the effect of chips, small pieces, slivers, and irregular pieces of potato rather than uniformity of length of normal-shaped strips.

(b) *Definitions.* (1) "Chip" means any piece of potato that is less than ½ inch in its greatest direct dimension. Chips are not considered small pieces for the purposes of this subpart.

(2) "Small pieces" are pieces of potato (except "chips") that are less than 1 inch in length.

(3) "Slivers" are strips (not including "chips") of substantially smaller cross-section than the predominant size of the units and which have less than one-third the weight of an average unit of the same length.

(4) "Irregular pieces" means pieces of potato (except "chips") that do not have

the general conformation of strips. Outside strips from a well-shaped potato, including "slivers" are not considered to be "irregular pieces."

(b) *(A) classification.* Frozen french fried potatoes that are practically uniform in size and symmetry may be given a score of 18 to 20 points. "Practically uniform in size and symmetry" means that: (1) Any chips present no more than slightly detract from the appearance of the product; and (2) of all the product units, except chips, not more than 15 percent, by count, may consist of small pieces, slivers, and/or irregular pieces.

(c) *(B) classification.* If the frozen french fried potatoes are only reasonably uniform in size and symmetry a score of 16 or 17 points may be given. Frozen french fried potatoes that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably uniform in size and symmetry" means that: (1) Any chips present do not seriously detract from the appearance of the product; and (2) of all the product units, except "chips," not more than 30 percent, by count, may consist of small pieces, slivers, and/or irregular pieces.

(d) *(SStd.) classification.* Frozen french fried potatoes that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 15 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.2400 Defects.

(a) *General.* This factor is concerned with imperfections in the product which affect its appearance or edibility.

(b) *Insignificant imperfections.* Imperfections which individually are of little consequence are not considered as defects for the purposes of these standards. Their effect, however, on the overall appearance or edibility of the product is considered. Among such insignificant imperfections are: (1) Very light surface or internal discolorations of any size; (2) light brown surface or internal discolorations smaller in size than the area of a circle, or the volume of a sphere, of 3/16 inch diameter; and (3) dark brown surface or internal discolorations smaller in size than the area of a circle, or the volume of a sphere, of 1/8 inch diameter.

(c) *Minor defects.* Minor defects are imperfections such as sunburn, necrosis, crushed units, discolored eyes, callous areas and discolorations which detract, but not seriously so, from the appearance or edibility of the product. Among such imperfections are: (1) Light brown surface or internal discolorations equal to or larger in size than the area of a circle, or the volume of a sphere, of 3/16 inch diameter but smaller in size than the area of a circle, or the volume of a sphere, of 5/16 inch diameter; and (2) dark brown surface or internal discolorations equal to or larger in size than the area of a circle, or the volume of a sphere, of 1/8 inch diameter but smaller in size than the area of a circle, or the volume of a sphere, of 1/4 inch diameter.

(d) *Major defects.* Major defects are imperfections of such a nature as to seriously detract from the appearance or edibility of the product. Among such imperfections are: (1) Light brown surface or internal discolorations equal to or larger in size than the area of a circle, or the volume of a sphere, of 5/16 inch diameter; (2) dark brown surface or internal discolorations equal to or larger in size than the area of a circle, or the volume of a sphere, of 1/4 inch diameter; and (3) any condition of the potato which is offensive because of color, odor, character, or for any other reason.

(e) *(A) classification.* Frozen french fried potatoes that are practically free from defects may be given a score of 18 to 20 points. "Practically free from defects" means that:

(1) Any combination of defects present (including insignificant imperfections) may no more than slightly detract from the appearance or edibility of the product;

(2) Any carbon specks present may no more than slightly detract from the appearance of the product; and

(3) The minor defects and major defects that may be present in the sample unit, and the entire sample if applicable, do not exceed the allowances in Table I of this subpart.

(f) *(B) classification.* If the frozen french fried potatoes are reasonably free from defects a score of 16 or 17 points may be given. Frozen french fried potatoes that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that:

(1) Any combination of defects present (including insignificant imperfections) does not seriously detract from the appearance or edibility of the product;

(2) Any carbon specks present do not seriously detract from the appearance of the product; and

(3) The minor defects and major defects that may be present in the sample unit, and the entire sample if applicable, do not exceed the allowances in Table I of this subpart.

(g) *(SStd.) classification.* Frozen french fried potatoes that fail to meet the requirements of paragraph (d) of this section may be given a score of 0 to 15 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

TABLE I—MAXIMUM ALLOWANCES FOR DEFECTS

Grade classification	Type of defects	Retail type		Institutional type	
		Defects in any 1 lb. sample unit or smaller market package	Defects in total sample (all sample units)	Defects in any 1 lb. sample unit or smaller market package	Defects in total sample (all sample units)
A or fancy	Total:	*Individual*	*Average*	*Individual*	*Average*
	Minor and major	9 defects	5 defects per lb	14 defects	9 defects per lb.
	Limit for major	2 defects	1 defect per lb	4 defects	2 defects per lb.
B or extra standard.	Total:				
	Minor and major	13 defects	9 defects per lb	21 defects	14 defects per lb.
	Limit for major	3 defects	2 defects per lb	6 defects	4 defects per lb.

§ 52.2401 Texture.

(a) *(A) classification.* Prepared french fried potatoes that possess a good texture may be given a score of 27 to 30 points. "Good texture" means that the external surfaces of the units are moderately crisp, show no noticeable separation from the inner portion, and are not excessively oily; the interior portions are well cooked, tender, and practically free from sogginess.

(b) *(B) classification.* If the prepared french fried potatoes possess only a reasonably good texture a score of 24 to 26 points may be given. Frozen french fried potatoes that fall into this classification shall not be graded above U.S. Grade B regardless of the total score for the product (this is a limiting rule). "Reasonably good texture" means that the external surfaces of the units may be slightly hard or slightly tough, show no more than a moderate separation from the interior portion, and are not excessively oily; the interior portions are well cooked, reasonably tender, and reasonably free from sogginess.

(c) *(SStd.) classification.* Frozen french fried potatoes that fail to meet the requirements of paragraph (b) of this section may be given a score of 0 to 23 points and shall not be graded above Substandard regardless of the total score for the product (this is a limiting rule).

LOT COMPLIANCE

§ 52.2402 Ascertaining the grade of a lot.

The grade of a lot of frozen french fried potatoes covered by these standards is determined by the procedures set forth in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products. (§§ 52.1 to 52.87.)

§ 52.2403 Ascertaining the length designation of a lot.

(a) *Criteria for a single length designation.* A lot of frozen french fried potatoes may be given a single length designation when the sample units representing the lot comply with the plan outlined in paragraph (c) of this section, in that:

(1) More than one-half of the sample units are of the single length designated;

(2) The number of deviants (sample units of the sizes indicated by "D," or "D_1" plus "D_2" in the plan) does not

exceed the acceptance number for the sample size in the sampling plan contained in this section; and

(3) The remaining sample units (indicated by "X" in the plan) are of the size(s) indicated.

(b) *Criteria for a mixed length designation.* A lot of frozen french fried potatoes shall be designated as "mixed lengths" if the sample units representing the lot fail to meet the criteria for a single length contained in paragraph (a) of this section, including the plan outlined in paragraph (c) of this section.

(c) *Plan for ascertaining the length designation of a lot.*

Length designation for the lot	Individual sample units of each designation permitted [1]			
	Extra long	Long	Medium	Short
Extra long	X	D	None	None.
Long	X	More than one-half	D	None.
Medium	D_1	X	More than one-half	D_2
Short	None	D	X	More than one-half.

"D" means the maximum number of deviants as indicated by the acceptance number for the sample size in the single sampling plan in this section. D_1 plus D_2 may not exceed D.
"More than one-half" means more than one-half of all the sample units representing the lot.
"X" means any remaining number of sample units within the sample size.

(d) *Single sampling plan.*

Sample size	6	13	21	29	38	48	60	72
Acceptance number	1	2	3	4	5	6	7	8

SCORE SHEET

§ 52.2404 Score sheet for frozen french fried potatoes.

Size and kind of container	----
Container mark or identification	----
Label	----
Net weight (ounces)	----
Style and cross-sectional dimension	----
Type	----
Length	----

Factors	Score points	
Color	30	(A) 27–30 (B) [1] 24–26 (SStd.) [1] 0–23
Uniformity of size and symmetry	20	(A) 18–20 (B) [1] 16–17 (SStd.) [1] 0–15
Defects	20	(A) 18–20 (B) [1] 16–17 (SStd.) [1] 0–15
Texture	30	(A) 27–30 (B) [1] 24–26 (SStd.) [1] 0–23
Total score	100	

Flavor	----
Grade	----

[1] Indicates limiting rule.

The United States Standards for Grades of Frozen French Fried Potatoes (which is the second issue) contained in the subpart shall become effective 30 days after the date of publication hereof in the FEDERAL REGISTER and thereupon will supersede the United States Standards for Grades of Frozen French Fried Potatoes which have been in effect since November 20, 1954.

Dated: August 10, 1963.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 63-8733; Filed, Aug. 14, 1963; 8:50 a.m.]

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

PART 945—IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

Approval of Expenses and Rate of Assessment

Notice of rule making regarding proposed expenses and a proposed rate of assessment, to be effective under Marketing Agreement No. 98 and Order No. 945, both as amended (7 CFR Part 945), regulating the handling of Irish potatoes grown in certain designated counties in Idaho and Malheur County, Oregon, was published in the FEDERAL REGISTER July 31, 1963 (28 F.R. 7786). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The notice afforded interested persons an opportunity to submit written data, views, or arguments pertaining thereto not later than 10 days following publication in the FEDERAL REGISTER. None was filed.

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which were recommended by the Idaho-Eastern Oregon Potato Committee, established pursuant to said amended marketing agreement and order, it is hereby found and determined that:

§ 945.216 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period beginning June 1, 1963, and ending May 31, 1964, by the Idaho-Eastern Oregon Potato Committee, established pursuant to Marketing Agreement No. 98, as amended, and this part, for its maintenance and functioning and for such purposes as the Secretary determines to be appropriate, will amount to $30,000.00.

(b) The rate of assessment to be paid by each handler, in accordance with the amended marketing agreement and this part, shall be seventy cents per carload or fraction thereof, or per truckload of 5,000 pounds or more, of potatoes handled by him as the first handler thereof during said fiscal period.

(c) Terms used in this section have the same meaning as when used in the said amended marketing agreement and this part.

It is hereby found that good cause exists for not postponing the effective time of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003) in that: (1) The relevant provisions of said marketing agreement and this part require that rates of assessment fixed for a particular fiscal period shall be applicable to all assessable potatoes from the beginning of such period, and (2) the current fiscal period began on June 1, 1963, and the rate of assessment herein fixed will automatically apply to all assessable potatoes beginning with such date.

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

Dated: August 12, 1963.

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

[F.R. Doc. 63-8745; Filed, Aug. 14, 1963; 8:53 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

PART 131—HANDLING OF ANTI-HOG-CHOLERA SERUM AND HOG-CHOLERA VIRUS

Determination Relative to Budget of Expenses and Fixing Rates of Assessment for 1963

On July 4, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 6880) regarding the budget of expenses and the fixing of the rates of assessment for the calendar year 1963, under the marketing agreement and the marketing order (9 CFR 131.1 et seq.), regulating the handling of anti-hog-cholera serum and hog-cholera virus. This regulatory program is effective pursuant to Public Law No. 320, 74th Congress, approved August 24, 1935 (7 U.S.C. 851 et seq.).

The notice provided a period of 30 days for interested parties to file data, views or arguments with the Hearing Clerk. After consideration of all relevant matters, including the proposals set forth in the aforesaid notice, it is hereby found and determined that:

Section 131.163 is added to read as follows:

§ 131.163 Budget of expenses and rates of assessment for the calendar year 1963.

(a) *Budget of expenses.* The expenses which will necessarily be incurred by the Control Agency, established pursuant to the provisions of the marketing agreement and of the marketing order (§§ 131.1 to 131.113), for the maintenance and functioning of said Agency during the calendar year 1963, will amount to $46,815 under the recommendation of the Control Agency, from which shall be deducted the unexpended balance of $5,140.84 on hand with said Control Agency on January 1, 1963, from assessments collected during the calendar year 1962, leaving a balance of $41,674.16 to be collected during the calendar year 1963.

(b) *Rates of assessment.* Of the amount of $41,674.16 to be collected during the calendar year 1963, the sum of $33,172.63 shall be assessed against handlers who are manufacturers, and $8,501.53 shall be assessed against handlers who are wholesalers. The pro rata share of the expenses of the Control Agency to be paid for the calendar year 1963 by each handler who is a manufacturer shall be $15.77 for each ten thousand dollars or fraction thereof of serum and virus sold by such handler during the calendar year 1962 and the pro rata share of such expenses to be paid for the calendar year 1963 by each handler who is a wholesaler shall be $25.00 for the first ten thousand dollars or fraction thereof and $7.95 for each additional ten thousand dollars or fraction thereof of serum and virus sold by such handler. Such assessments shall be paid by each respective handler in accordance with the applicable provisions of the marketing agreement and order (§§ 131.1 to 131.113).

(c) *Terms.* As used in this section, the terms "handler", "manufacturer", "wholesaler", "virus", and "serum" shall have the same meaning as is given to each such term in said marketing agreement and marketing order (§§ 131.1 to 131.113).

Findings relative to effective date. It is hereby further found that (1) the fiscal year of the Control Agency established pursuant to the provisions of the marketing agreement and the marketing order corresponds to the calendar year, and the current calendar year 1963 is aleady well advanced; (2) the expenses of operating this regulatory program since January 1, 1963, have been paid with funds representing assessments collected in excess of expenses incurred during the calendar year 1962 and prepayments of a portion of their 1963 assessments by manufacturer and wholesaler handlers; (3) nearly all such funds have now been expended; (4) in order for the administrative assessments to be collected, it is essential that the specification of the assessment rates be effective immediately so as to enable the Control Agency to perform its respective duties and functions under the aforesaid marketing agreement and marketing order; and (5) no preparation with respect to this determination is required of persons regulated which cannot be completed prior to the effective date hereof. Wherefore, it is hereby determined that good cause exists for making this determination effective upon its publication in the FEDERAL REGISTER.

(Sec. 60, 49 Stat. 782; 7 U.S.C. 855)

Done at Washington, D.C., this 12th day of August 1963, to become effective upon publication in the FEDERAL REGISTER.

M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 63-8746; Filed, Aug. 14, 1963; 8:53 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER W—AIR FORCE PROCUREMENT INSTRUCTION

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

Subchapter W of Title 32 is amended as follows:

PART 1011—FEDERAL, STATE AND LOCAL TAXES

Subpart B—Exemptions From Federal Excise Taxes

§ 1011.203 [Deletion]

Delete § 1011.203.

PART 1012—LABOR

Subpart D—Labor Standards in Construction Contracts

Revise §§ 1012.404–9 (b) and (c), 1012.404–10(a) and the introduction of § 1012.404–51 to read as follows:

§ 1012.404–9 Suspensions and deductions of contract payments.

* * * * *

(b) If it is finally determined that restitution is due any worker because of violation of the Davis-Bacon Act and the contractor refuses to make restitution or is unable to locate any of the workers involved, the withheld funds will be transmitted to the GAO. Notice should be given to any workers whose address is known to file claim with the GAO. Employee applications for payment may be forwarded with the forms required by § 12.404–9 of this title; such applications should include the employee's name, address, and classification, the name of the employer, and a statement identifying the contract involved. Withholding must be accomplished even though an employee cannot be located to complete restitution. Where underpayments have been determined under the Eight Hour Laws, the pertinent contract clause provides for withholding of such amounts from construction contracts that are subject to Davis-Bacon wage provisions. However, unlike the Davis-Bacon Act, the Eight-Hour Laws do not provide for payment of such sums by the United States Government.

(c) Regarding alleged violations involving liability for penalties under the Eight-Hour Laws, the contracting office should withhold from payments due to the contractor a sum sufficient to cover the estimated penalties possibly due the United States. Such an amount should continue to be withheld until action as set forth in paragraph (d) of this section is taken, or the contractor voluntarily pays the full amount of the penalties allegedly due, or the contracting officer is informed through channels that the Department of Labor has concurred in the nonassessment of penalties.

§ 1012.404–10 Restitution.

(a) Regarding labor standards violations determined to have involved underpayment of wages, the contracting officer will make demand on the contractor for prompt restitution. Compensation of restitution as claimed by the contractor will be fully considered by the contracting officer. Upon completion of computation, a summary sheet listing names, addresses, and the unpaid amounts payable to the employees involved should be prepared by the contractor, a copy of which will be furnished to the contracting officer for his approval. The contracting officer will advise the contractor of the procedure which will satisfy him conclusively that proper restitution has been made, such as witnessing cash payments, furnishing canceled checks, or a certified copy of a supplemental payroll. In apparently serious cases of aggravated or willful violation or possible criminal action, if the contracting officer has any question that the consequences of such payments of restitution may prejudice the case, he will refer the matter to the AFLO with recommendations for appropriate action.

§ 1012.404–51 Air Force Liaison Offices, Department of Labor Regional Attorneys and areas of jurisdiction.

Following are the address and organizational codes of AF Liaison Offices and Department of Labor Regional Attorneys and their areas of jurisdiction over AF bases and installations for the decentralized labor law enforcement procedures.

Subpart F was deleted 27 F.R. 11762, Nov. 29, 1962, in error. This subpart, as revised, is reinserted, to read as follows:

Subpart F—Walsh-Healey Public Contracts Act

§ 1012.604 Responsibilities of contracting officers.

The contracting officer is responsible for:

(a) Advising prospective contractors of possible applicable minimum wage determinations, by giving written or verbal information about such determinations in advance of or coincident with negotiated procurements, and by including the following provision in invitations for bids in the case of formally advertised procurements:

LABOR INFORMATION

Attention is invited to the possibility that wage determinations may have been made under the Walsh-Healey Public Contracts Act providing minimum wages for employees engaged in the manufacture for sale to the Government of the supplies covered by this

Invitation for Bids. Information in this connection, as well as general information as to the requirements of the Act concerning overtime payment, child labor, safety and health provisions, etc., may be obtained from the Wage and Hour and Public Contracts Division, Department of Labor, Washington 25, D.C. Requests for information should state the Invitation number, the issuing agency and the supplies covered.

(b) Insuring that contractors who are awarded contracts subject to the Walsh-Healey Public Contracts Act are furnished posters PC–13 (revised September 1961), entitled "Government Contract Notice to Employees." Posters will be furnished simultaneously with the making of awards or as soon thereafter as possible. If the contractor was furnished posters within a recent period, a new poster will not be necessary with each contract. All previously issued posters that bear a revision date other than September 1961 must be destroyed and replaced by the revised issue.

(1) Requisitioning of posters: All purchasing activities will distribute poster PC–13 and revisions to contractors receiving awards made at their activities. Posters should be requisitioned through normal publications distribution channels from Air Force Publications Distribution Center, Washington 25, D.C.

(2) Display of posters: Contracting officers administering contracts will be responsible for requiring contractors to properly display poster PC–13 whenever engaged in performing contracts to which the Walsh-Healey Public Contracts Act applies. AFSC/AFLC ACOs-PCOs should use the services of AF quality control inspectors in ascertaining that the posters are displayed when required.

(c) Furnishing the contractor a form letter (Form PC–12), which informs him of his responsibilities under the Walsh-Healey Public Contracts Act and putting him on notice that he may be liable for work done by other companies assisting him in the performance of the contract. These form letters (PC–12) should be requisitioned through normal publications distribution channels from Air Force Publications Distribution Center, Washington 25, D.C.

(d) Reporting to the Department of Labor each contract except those classified Confidential or higher, that is subject to the Walsh-Healey Public Contracts Act within a few days following the award. Since contracts subject to the Walsh-Healey Public Contracts Act which are classified Confidential or higher are not reported to the Department of Labor, properly authorized representatives (who possess adequate security clearance) of the Wage and Hour and Public Contracts Division will be given access to information concerning the award of such contracts where it is believed that a contractor may be violating the provisions of the Act. For reporting procedure, see § 16.803–2(c) of this title.

Subpart H—Nondiscrimination in Employment

Revise §§ 1012.804(a), 1012.806–4(c) to (f) and add new paragraph (g), and 1012.806–6, as follows:

§ 1012.804 Requests for exemptions.

* * * * *

(a) When in negotiated procurement, an offeror who would otherwise be qualified for award refuses to accept the clause or requests a modification, and an award omitting the clause or granting such modification is considered necessary or clearly in the national interest, a request for such deviation will be forwarded through the CMR in which the firm is located to AFSC (SCKM). The deputy contracts compliance officer (DCCO) or the intergroup relations specialist (IRS) at Hq AFSC will in appropriate cases, personally or designate a qualified representative to discuss with the head of the company concerned the inclusion of the clause in the pending contract, and, if after such discussion, the firm still refuses to accept the clause, the request for deviation will be forwarded to Hq USAF (AFSPPBA) according to § 1001.109 of this subchapter. In addition to the information required by § 1001.109–51 of this subchapter, the contracting officer will include in the request for deviation the following:

* * * * *

§ 1012.806–4 Compliance reports.

* * * * *

(c) Requests by contractors or subcontractors for extension of submission date of Standard Forms 40 and 40a will be directed to the contracting officer for forwarding through AFSC (SCKM) to the Executive Vice Chairman according to AF administrative procedures.

(d) Compliance reports required by § 12.806–4(d) of this title and requested by the contracting officer will be submitted to Hq USAF (AFSPPBA) through (SCKM).

(e) Statements required by § 12.806–4(e) of this title will be submitted to Hq USAF (AFSPPBA) through (SCKM).

(f) Compliance reports and union statements as required in § 12.806–4 (d) and (e) of this title upon direction of the Executive Vice Chairman will be forwarded by the contracting officer through AFSC (SCKM) to Hq USAF (AFSPPBA).

(g) Compliance reports for construction contracts:

(1) The contracting officer will require each prime contractor subject to the provisions of section 301 of Executive Order 10925 and holding a contract for construction, alteration, and/or repair for $100,000 or more to submit, and each contractor will cause each of its subcontractor issued contracts for $50,000 or more pursuant to such contract to submit compliance reports according to instructions attached to the official Standard Form 41, "Compliance Report—Construction."

(2) The contracting officer will forward upon receipt, two copies of Standard Form 41 or parts thereof received from prime and subcontractors subject to the reporting requirement to AFSC (SCKM). The dollar value of prime contracts will be added to item 3 or 5, "Project Name, Location, and Contract No." by the contracting officer prior to forwarding any of the three parts of Standard Form 41 to Hq AFSC. The dollar value of a subcontractor's contract will be added to item 5 of Part I or item 3 of Parts II and III if the information is available. If the exact dollar value of the subcontractor's contract is not obtainable the words "in excess of $50,000" may be inserted.

(3) According to the requirements for listing of subcontractors (with addresses) established in the instruction attached to SF 41, the contracting officer will advise each prime contractor at the time of the award to furnish a list of known subcontractors and to continue to furnish names and addresses of additional subcontractors subsequently awarded subcontracts which are subject to the reporting requirements given in subparagraph (1) of this paragraph. The contracting officer will provide a copy of these lists upon receipt to AFSC (SCKM).

(4) The contracting officer will furnish the contractors a sufficient supply of SF 41 to satisfy the reporting requirements for the prime and its subcontractors. Contracting officers may requisition required forms through normal AF Standard Form distribution channels. Requests for supplies of SF 41 will not be made directly to the President's Committee.

(5) The requirements for filing SF 41 apply to those prime contracts awarded on or after January 1, 1963, and to subcontracts awarded pursuant to any such contract.

(6) All major air command headquarters will furnish to Hq AFSC (SCKM) at the end of each month, to arrive not later than the fifth working day of the following month, a list of prime contractors subject to these reporting requirements, giving the following information:

(i) Name and home office address of prime contractor.

(ii) Dollar amount of contract.

(iii) Contract number and name and location of project.

(iv) If practicable, estimated or actual starting date of prime contract, and estimated completion date of prime contract.

(v) Name and home office address of any subcontractors which have been reported by the prime contractor as being subject to these reporting requirements.

(vi) Negative reports are required.

§ 1012.806–6 Complaints.

(a) to (b) No implementation.

(c) When complaint is received at Hq AFSC and it is determined that the complaint contains incomplete information (§ 12.806–6(b) of this title) the needed information will be promptly requested from the complainant. If such information is not furnished (Hq AFSC) within 60 days of date of request, the case will be closed and the file forwarded to Hq USAF (AFSPPDB) for appropriate action.

(d) When a complaint is filed directly with a contract officer or other responsible AF representative it will be forwarded to the DCCO at the nearest CMR, who in turn will forward a copy to AFSC (SCKM) within 5 days of receipt. Provided AF contractor cognizance be determined at the CMR and the complaint is in complaince with § 12.806–6(a)

of this title, the investigation will be immediately instigated. When it is determined at the CMR that the complaint contains incomplete information (§ 12.-806–6(b) of this title), the needed information will be requested from the complainant by the CMR IRS. If required information is not furnished within 60 days of the date of such request, the case will be closed with a summary of action taken and the file forwarded to AFSC (SCKM) for appropriate action. If the complaint does not comply with § 12.806–6(a) of this title and just cause for the delay in filing cannot be established by the CMR IRS the case will be closed with a summary of action taken and the file forwarded to AFSC (SCKM) for appropriate action.

PART 1013—GOVERNMENT PROPERTY

Subpart A—General

In § 1013.102–3(a)(10), a new subdivision (ix) is added, directly preceding subparagraph (11), as follows:

§ 1013.102–3 Facilities.

(a) * * *

(10) Restricted items: * * *

(ix) Data processing equipment: The acquisition of data processing equipment for use by contractors performing services for the Air Force is subject to prior review by Hq USAF (AFADA–E) to ascertain if excess equipment can be furnished to satisfy the requirement.

Subpart D—Industrial Facilities

§ 1013.401 [Amendment]

1. In § 1013.401(a), subparagraph (3) is deleted.

2. Revise § 1013.407(d) to read as follows:

§ 1013.407 Right of contractor to use.

* * * * *

(d) The responsibility for policing the use by a contractor of new facilities rests with the administrative contracting officer of the facilities contract. In the determination of whether a no-charge use of facilities will be authorized, consideration will be given to the practicability of the administrative burden on the administrative contracting officer in policing such contracts and subcontracts.

Subpart X—Facility Expansion Procedure

In § 1013.2403–1, a new paragraph (a) is added as follows:

§ 1013.2403–1 Preliminary facilities application.

* * * * *

(a) *Data processing equipment requirements.* Electronic data processing equipment may be required for use by contractors performing services or developing systems for the Air Force. Such equipment may be acquired by the contractor under the terms of the contract or may be furnished by the Air Force. Regardless of the source of acquisition, the AF procuring contracting officer will contact Hq USAF (AFADA–E) directly by letter to ascertain if equipment is available. The letter should include the equipment capability required, the type of equipment desired, and alternate types of equipment which will fulfill the requirement.

PART 1053—CONTRACTS; GENERAL

Subpart D—Administrative Requirements

1. Revise § 1053.406–6 to read as follows:

§ 1053.406–6 Processing variations not permitted by the contract.

(a) *Overruns.* If the contractor produces an overrun under a contract which does not provide for any variation in quantity, or if the overrun exceeds the percentage permitted by the contract, the Government is under no obligation to accept the unanticipated excess. Ordinarily, the contractor will be notified by the ACO that the Government does not consider itself obligated to, and does not desire to accept the extra quantity. The unanticipated excess will then be returned or tendered to the contractor for disposition by the contractor at his expense, including all transportation and handling charges. When the unanticipated overrun for an individual shipment is: (1) Less than $10, it will be considered inconsequential and be ignored, (2) $10 or more, the ACO will promptly make an investigation upon receipt of an AF Form 672, "Report of Discrepancy," from the receiving activity and within 30 days send written instructions to the receiving activity for the proper disposition to be made of the overrun.

(b) *Underruns.* If the contractor, however, underruns the quantity called for on an FP contract for $5,000 or under, which does not contain a variation in quantity clause, the underruns will be considered inconsequential and will be ignored if it does not exceed five percent of the quantity of any one item, or an aggregate of $50.00 of the total contract obligation.

2. Add new § 1053.407–1 as follows:

§ 1053.407–1 Citation of funds chargeable.

A citation of the funds chargeable will be made on all contracts.

3. In § 1053.407–7(d), a new subparagraph (2) is added, as follows:

§ 1053.407–7 Contracts with corporations.

* * * * *

(d) * * *

(2) If the contract is signed by someone other than an officer of the corporation, the grant of authority to such person to execute the contract. The above copies will be certified by the custodian of such records, under the corporate seal (if there is one), to be true copies of the records of the corporation.

PART 1054—CONTRACT ADMINISTRATION

Subpart C—Contract Change Notifications

Section 1054.303(c) is reinserted since it was erroneously deleted 28 F.R. 4993, May 18, 1963.

§ 1054.303 Use of CCN's.

* * * * *

(c) In no event will CCN's be issued to effect changes in the following instances:

(1) Where the contract does not contain a Changes clause or other contractual provision permitting such unilateral action by a contracting officer.

(2) To effect any partial or total termination.

(3) To effect special price increases or reductions, either voluntary or resulting from a price redetermination provision of the contract.

(4) To add or delete contract clauses.

(5) To add or delete items from Spare Parts Lists.

(6) To effect additional procurement, except for additional work within the general scope of the contract, if provided by the Changes clause or other schedule provisions.

Subpart D—Reimbursements of Costs in Excess of Estimated Costs Incurred Under Cost-Reimbursement Type Prime Contracts and Subcontracts

Revise § 1054.406 to read as follows:

§ 1054.406 Subcontracts.

Government reimbursement to prime contractors may be made for allowable costs paid to subcontractors, but not in excess of the aggregate funds obligated on the prime contract. When it appears that actual costs will exceed the estimated cost stated in the subcontract, the ACO will review the subcontract, and consult with the prime contractor to arrive at an agreement which will adequately protect the interests of the Government. In the event of disagreement between the prime contractor and the ACO, the matter should be referred to the chief, contract division, of the administering activity.

Subpart M is revised to read as follows:

Subpart M—Policy With Respect to Payment of Premium Compensation for Extrahazardous Flight Testing

§ 1054.1302 Policy.

It is AF policy that the AFPR or the chief, CMD will determine whether a flight is considered an extrahazardous flight. The AFPR or the chief, CMD will notify the ACO in writing of all determinations made with respect to extrahazardous flight test approval. The ACO will determine the reasonableness of extra compensation to be paid, taking into consideration such factors as degree of risk involved, wage scale of flight personnel, and provision for insurance protection. ACOs have authority to negotiate and approve extrahazardous flight

compensation and may solicit from the procuring contracting officer and/or project officer any additional facts required to arrive at a decision.

Subpart N—Payment of Fixed Fee Under CPFF Contracts

a. In § 1054.1403(a), delete all of subdivision (iv), including the boxed material (page 548, 1963 CFR Revision). A note is added following subparagraph (3)(ii).

b. In paragraph (b), subparagraphs (1) and (2) have been omitted from the CFR. They are set forth as follows:

§ 1054.1403 Formulas for estimating percentage of completion of work and fixed fee due.

(a) * * *

(3) *Formula No. 3.*

(ii) * * *

NOTE: In those instances wherein extensive subcontracting is involved, the contractor, with the concurrence of the ACO, may develop from subcontract direct labor cost the equivalent direct labor hours in order to include such subcontracting in the monthly report; provided, however, that the estimate required in this subparagraph includes the total number of subcontract direct labor hours required to accomplish all work called for by the contract.

* * * * *

(b) *Research and development contracts.* * * *

(1) The contracting officer will determine the maximum fee to be paid to the contractor for 1 month by dividing the total amount of the fixed fee shown in the contract by the total number of months which will elapse from the signing of the contract to the end of the last month shown on the contract delivery schedule.

(2) The monthly fee payment may be approved by the contracting officer if he is reasonably assured that satisfactory progress has been made. This can be determined by a combination of two or more of the following factors:

(i) A review of the appropriate statements or substantiating documents supporting claims for reimbursement of costs which may indicate the extent of the contractor's activity.

(ii) Personal observation by AF field personnel of the contractor's progress.

(iii) A certification signed by an individual authorized to represent the contractor and supported by documents substantiating that the request is proportionate to the progress or completion of the contract. This certification may be substantially in the following form:

I certify that the fixed fee claimed is correct and just, and that it is proportionate to the progress made on the contract.

Signed _____
Official Title _____

Subpart O—Preparation and Issuance of Shipping Instructions

§ 1054.1503 [Amendment]

In § 1054.1503(d), delete "Convair Division, General Dynamics Corp., San Diego, Calif."

PART 1057—REPORTS

Subpart L—Contractor Estimate of Provisioning Fund Requirements

Revise § 1057.1203(c) to read as follows:

§ 1057.1203 Preparation of AFPI Form 73.

* * * * *

(c) *Federal Supply Classification (FSC).* This will be the FSC of the end article.

PART 1059—AIRCRAFT AND GFAE PROCUREMENT

Subpart J—Funding of Supply Contract To Include Production Acceleration Capability and/or Production Compression Capability Projects, Is Deleted

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PART 1060—BALLISTIC MISSILE AND SPACE SYSTEM PROGRAMS

A new Subpart D is added as follows:

Subpart D—Providing Housing of Contractor and SATAF Personnel Performing Work at Ballistic Missile Sites

Sec.
1060.400 Scope of subpart.
1060.401 Applicability.
1060.402 General.
1060.403 Procedures.

AUTHORITY: §§ 1060.400 to 1060.403 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 1060.400 Scope of subpart.

This subpart provides uniform guidance on policies relative to providing housing for contractor and SATAF personnel performing work at ballistic missile sites.

§ 1060.401 Applicability.

This subpart applies to all AFSC activities engaged in ballistic missile site activation.

§ 1060.402 General.

The Air Force normally does not assume the responsibility for providing housing either directly or indirectly for contractor employees working on military bases within the CONUS. The providing of such housing is basically a management responsibility of the individual contractor. Although it is within the authority of the local AF base commander to allow contractor, military, and civil service personnel to occupy government quarters subject to their availability, in many instances sufficient quarters do not exist for this purpose. The availability of housing, either government-owned or local economy, for personnel at some of the ICBM sites poses a problem since the bases are located in sparsely populated areas and the requirement for housing is temporary in nature (8 to 24 months). Because of the relatively short duration of the requirement, it may be difficult to find local developers who are willing to invest in housing ventures from which they may not recoup their investments.

§ 1060.403 Procedures.

(a) When it becomes apparent that adequate housing for contractor personnel within the commuting area of the operational site is not available, it may be necessary to allow contractors to enter into special arrangements to assure housing. These include lease-rental agreements for housing, including trailer parks or other temporary housing. To the extent that such arrangements results in added costs to the contractor, the costs will be considered allowable under the supply contract as necessary and incidental to the performance of the contract. These arrangements require approval of the administrative contracting officer (ACO), authority for which is contained in Part 15 of this title. If it appears to be in the best interests of the government to permit the contractor to purchase transportable housing, the recommendation of the contractor with concurrence or nonconcurrence of the SATAF Commander and cognizant ACO should be submitted to the BSD System Program Directorate for final determination and contractual coverage and/or funding as appropriate.

(b) To minimize costs, to assure best possible personnel support for site activation, and to reduce impact on local communities, the ACO, in conjunction with the SATAF Commander, should take into consideration all factors prior to authorizing the contractor to enter into any special arrangement. It is expected that, to the extent possible, contractor personnel who will be at the site less than one year will be placed in a TDY status in lieu of relocation. By authorizing TDY expense, it may be possible to eliminate the cost of relocation, movement or storage of household effects, and possible loss under the special arrangements. Reimbursement for reasonable per diem or incentive allowances to personnel who agree to an assignment in a bachelor status may be more advantageous to the government. In such cases, contractors will be urged to encourage their employees to go unaccompanied by their families and to make such reasonable arrangements as are necessary to attract employees in an unaccompanied status. Where bachelor arrangements are not possible the special inducements made in the form of "off-site" premiums, TDY and per diem rates, and other subsistence or housing allowances to other employees should be reviewed to determine whether any reductions should be made as the result of special housing arrangements. Any special arrangement will be implemented only after the integrating or airframe contractor in conjunction with appropriate AF personnel (SATAF, AFPR) has thoroughly explored the local situation and developed a proposal as to the most feasible solution. It is important that supplementary housing arrangements do not result in a competitive situation with reasonably available community housing.

The primary source of housing must be considered to be the local community. Only after this source has been utilized to the fullest extent will special arrangements be implemented to assist in determining impact of programmed AF housing construction on availability of local community support. SATAF will obtain reports, RCS: AF–Z11 and RCS: AF–Z27, on family housing from the host base and furnish pertinent information to the integrating contractor. If the arrangement considered by the SATAF Commander and ACO to be in the best interest of the Government exceeds the authority contained in current AF directives, the case will be submitted to the Western Contract Management Region for appropriate action with an information copy to BSD (BSSIF).

(c) The integrating or airframe contractor will consolidate associate contractor housing requirements with their own to preclude the possibility of one contractor competing with another and to assure maximum utilization of such housing, thus, holding costs to a minimum. In addition, family housing requirements for SATAF members, including Corps of Engineer personnel, will be included. The SATAF Commander's estimate of these requirements will be furnished the contractor through the appropriate ACO with the request that the contractor include such requirements in his planning.

(d) Upon receipt of the contractor's request for approval of the rental rate, the ACO will make a determination of the rental rate to be charged for both contractor and SATAF personnel (military and civilian) and advise the contractor of the approved rate. In general, such rates will be established on the basis of comparative rates in the nearest non-resort, non-inflated local community. Consideration may be given to recommendations secured from the base housing officer or the local Federal Housing Administrator, and such other factors as may be necessary to assure the establishment of a fair and reasonable rate. Once the ACO has established the rental rate, that same rate will be applicable to all SATAF and contractor personnel.

(e) Family housing will be furnished SATAF personnel according to the following procedures:

(1) The SATAF Commander will approve the requirement for SATAF personnel housing on either an individual or group basis and provide proper documentation for the contract files to support action taken.

(2) The ACO will notify the integrating or assembly and checkout contractor to include the approved SATAF requirements in the overall family housing requirement.

(3) SATAF personnel will be given consideration for housing on the same priority basis as used for the contractor's employees under comparable ground rules.

(f) If it is advantageous to locate temporary housing on AF owned land due to the availability of utilities or other reasons, the SATAF Commander will enter into a joint use agreement with the Base covering the service to be supplied. When the need no longer exists within any particular program, disposition instructions will be supplied by BSD.

(g) If unusual problems arise which cannot be resolved at local level within the guidelines contained herein the SATAF Commander will notify BSD (BSSIF). Such notice must contain enough detailed information together with recommendations to permit resolution of the problem.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314) [AFPI Rev. No. 28, Mar. 29, 1963. AFPC Nos. 37, May 9, 1963 and 44, May 24, 1963]

By order of the Secretary of the Air Force.

WILLIAM L. KOCH,
Lt. Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 63–8701; Filed, Aug. 14, 1963; 8:45 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 9—Atomic Energy Commission

PART 9–3—PROCUREMENT BY NEGOTIATION

Subpart 9–3.2—Circumstances Permitting Negotiation

PERSONAL OR PROFESSIONAL SERVICES

Section 9–3.204 *Personal or professional services,* is revised to read as follows:

§ 9–3.204 Personal or professional services.

(a) Formal advertising procedures shall not be used for contracts for architect-engineer or other professional engineering services. The limitations set forth in FPR 1–3.204(b) (2) are not applicable to contracts negotiated and executed under the authority of the Atomic Energy Act of 1954 or any law other than the Federal Property and Administrative Services Act of 1949.

(b) Surveying, mapping, and field or laboratory tests of construction workmanship and materials and equipment should be classified as professional services when they clearly require planning, direction, supervision, or interpretation by professional engineers as a condition or performance, or when the contractor will be required to assume responsibility for the professional adequacy and accuracy of results. Depending upon the nature and requirements of a particular contract, professional engineering services may involve activities such as the following:

(1) Overall direction of the technical work.

(2) Supervision of work performed by technicians, sub-professionals, or non-professional employees.

(3) Determination of the methods or procedures for accomplishing the requirements of the contract.

(4) Interpretation, evaluation, or analysis of data which may be developed or obtained by other than professional engineers.

(5) Direct performance of required professional services.

(c) When the services are such that the planning and execution can be performed by personnel having only a practical knowledge of the use of instruments and techniques, such as routine aerial photographing and testing, and do not require any professional engineering competence or judgment, the "personal or professional services" exception to the formal advertising requirement is not applicable.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201; sec. 205, 63 Stat. 390; 40 U.S.C. 486)

Effective date. These regulations shall become effective upon publication in the FEDERAL REGISTER.

Dated at Germantown, Md., this 7th day of August 1963.

For the U.S. Atomic Energy Commission.

JOHN V. VINCIGUERRA,
Director,
Division of Contracts.

[F.R. Doc. 68–8702; Filed, Aug. 14, 1963; 8:15 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 14185, RM–94; FCC 63–783]

PART 3—RADIO BROADCAST SERVICES

FM Broadcast Rules, Allocation and Technical Standards; Petition of FM Unlimited, Inc. for Changes in FM Station Assignment Rules

1. On July 25 and July 30, 1963, respectively, the Commission adopted herein its Third Report, Memorandum Opinion and Order, and a Supplement thereto, adopting a Table of FM assignments (FCC 63–735, FCC 63–765). At present, the Table contains for Pampa, Tex., one FM assignment, Channel 262 (Class C), on which Station KBMF–FM is now licensed; the Table contains no assignment for Spearman, Tex.

2. On July 31, 1963, Coy C. Palmer, licensee of KBMF–FM, filed a petition (RM–467) seeking to have Channel 261A assigned to Spearman, Texas, a town some 50 miles from Pampa. This would require deletion of Channel 262 at Pampa because of the short mileage separation involved; Palmer's petition states that, if the Spearman assignment is made and the application which he will file therefor is granted, he will then delete his Pampa station on Channel 262. KBMF–FM has recently been granted permission to remain silent until October 15.

3. It appears that the making of an assignment in the Table to Spearman is appropriate, since that town (1960 Census population 3,555) is the county seat of Hansford County, and neither the city nor the county has any broad-

cast facilities or FM assignments provided in the Table. It would not be appropriate to delete the only assignment provided for Pampa (1960 Census population 24,664). However, it appears that a number of Class A channels other than 261A may be assigned to Spearman in accordance with mileage separations with respect to all assignments presently provided in the Table. One of these is Channel 252A. Therefore, since there is no shortage of channels in this area, the Commission on its own motion is supplementing the Table of Assignments heretofore adopted by the addition of Channel 252A at Spearman.

4. In view of the foregoing, pursuant to authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, and pursuant to authority contained in §§ 0.212 and 0.213 of the Commission's rules. *It is ordered*, That the Third Report, Memorandum Opinion and Order adopted July 25, 1963 (FCC 63-735) is modified to the extent that the Table of Assignments contained in Appendix A thereof, § 3.202(b), is changed by the addition of the following entry:

City:	*Channel No.*
Spearman, Texas	252A

Adopted: August 8, 1963.

Released: August 9, 1963.

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

[F.R. Doc. 63-8743; Filed, Aug. 14, 1963; 8:52 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Willapa National Wildlife Refuge, Washington

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special Regulations; Big Game; for individual wildlife refuge areas.

WASHINGTON

WILLAPA NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Willapa National Wildlife Refuge, Washington, is permitted only on the area designated by signs as open to hunting. This open area, comprising 3,127 acres or 11 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland 8, Oregon. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Deer and bear.

(b) Open season: From one-half hour before sunrise to sunset, October 12 through 31, 1963.

(c) Bag limits: One deer of either sex per season. One bear per season.

(d) Methods of hunting:

1. Hunting is permitted by bow and arrow only.

2. Possession or use of firearms while hunting with bow and arrow is prohibited.

3. Dogs are not permitted for hunting bear.

(e) Other provisions:

1. The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

2. Checking stations—Hunters, upon entering or leaving the hunting area will be required to report at such checking stations as may be established for this purpose.

3. Camping—Camping is permitted in designated areas only.

4. During open season hours specified in (b) above raccoons may be taken with bow and arrow, without regard to limits.

5. Motor-driven conveyances are not permitted within the hunting areas.

6. A Federal permit is not required to enter the public hunting area.

7. The provisions of this special regulation are effective to November 1, 1963.

J. T. BARNABY,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 6, 1963.

[F.R. Doc. 63-8703; Filed, Aug. 14, 1963; 8:45 a.m.]

PART 32—HUNTING

Pathfinder National Wildlife Refuge, Wyoming

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

WYOMING

PATHFINDER NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Pathfinder National Wildlife Refuge, Wyoming, is permitted only on the area designated by signs as open to hunting. This open area, comprising 46,341 acres or 100 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, P.O. Box 1306, Albuquerque, New Mexico, 87103. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Antelope.

(b) Open season: From one hour before sunrise to one hour after sunset, September 15 through October 15, 1963, in that portion of Pathfinder National Wildlife Refuge lying in State Area No. 13; and September 15 through September 30, 1963, in that portion of Pathfinder National Wildlife Refuge lying in State Area No. 16.

(c) Daily bag limit: One antelope of either sex.

(d) Method of hunting: (1) Weapons: A rifle having not less than 23/100-inch bore, with cartridge not less than 2 inches over-all measurement, and containing a soft point bullet (hollow point and other expanding bullets approved).

(2) Guides: Persons may employ guides while hunting on the area, subject to the restrictions of State law or regulation.

(e) Other provisions: (1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) Attaching carcass coupon to game animal killed: When any animal is killed under a permit or license issued by the Wyoming Game and Fish Commission, it shall be the duty of the holder thereof to detach, sign and date the proper tag or coupon, and to attach the said tag or coupon to the carcass of the animal so killed before leaving the site of the kill and the same shall remain on the animal so killed at all times until the meat is ready for processing, except that in the transportation of said carcass the tag or coupon may be removed to prevent its loss, but, in such case, the tag or coupon must at all times be in the possession of a person accompanying the carcass.

(3) Use of vehicles and lights in hunting limited: It is unlawful to hunt or kill game animals from or with use of any flying machine, motor boat, automobile, or any vehicle. Use of artificial lights, car headlights, or spotlights prohibited by law.

(4) A Federal permit is not required to enter the public hunting area.

(5) The provisions of this special regulation are effective to October 16, 1963.

WILLIAM T. KRUMMES,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 8, 1963.

[F.R. Doc. 63-8724; Filed, Aug. 14, 1963; 8:48 a.m.]

PART 32—HUNTING

Columbia National Wildlife Refuge, Washington

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special Regulations; Big Game for individual wildlife refuge areas.

WASHINGTON

COLUMBIA NATIONAL WILDLIFE REFUGE

Public hunting of Big Game on the Columbia National Wildlife Refuge, Washington, is permitted only on the area designated by signs as open to hunting. This open area, comprising 6,390 acres, is delineated on a map available at the Refuge headquarters and from the Regional Director, Bureau of Sport Fish-

eries and Wildlife, 1002 Northeast Holladay, Portland 8, Oregon. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Deer.

(b) Open season:

General buck season—October 12 to November 10, 1963.
Either sex season—October 19 to December 1, 1963.

(c) Hunting hours: One-half hour before sunrise to sunset.

(d) Bag limits:

General buck season—One (1) buck deer with visible antlers per season.
Either sex season—One (1) deer of either sex per season.

(e) Other provisions: 1. The provision of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

2. Camping will be permitted in designated areas only.

3. Hunters will report at such checking stations as may be designated when entering or leaving the area.

4. A Federal permit is not required to enter the public hunting area.

5. The provisions of this special regulation are effective to December 2, 1963.

J. R. BARNABY,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 6, 1963.

[F.R. Doc. 63-8725; Filed, Aug 14, 1963; 8:49 a.m.]

PART 32—HUNTING

Little Pend Oreille National Wildlife Refuge, Washington

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special Regulations; Big Game for individual wildlife refuge areas.

WASHINGTON

LITTLE PEND OREILLE NATIONAL WILDLIFE REFUGE

Public hunting of Big Game on the Little Pend Oreille National Wildlife Refuge, Washington, is permitted only on the area designated by signs as open to hunting. This open area, comprising 49,527 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland 8, Oregon. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Deer and Bear

(b) Open season:

DEER

General buck season—October 12 through November 10, 1963
Extended buck season—November 23 through December 8, 1963
Either sex season—November 9 and 10, 1963.

BEAR

September 7 through November 10, 1963.

(c) Bag limits:

General buck deer season: One (1) buck deer with visible antlers.
Extended buck deer season: One (1) buck deer with visible antlers.
Either sex season: One (1) deer of either sex (hunters choice).
Bear: One (1) bear.

(d) Methods of hunting: 1. Hunting with big game rifles only.

2. No dogs permitted for hunting within the refuge.

3. In eastern Washington it shall be unlawful to kill female bear accompanied by cubs.

(e) Other provisions: 1. The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

2. No hunting or use of firearms are permitted within the refuge other than for deer and bear.

3. Camping—Camping will be permitted in designated areas only.

4. Checking stations—Hunters will report at such checking stations as may be established when entering or leaving the area.

5. No firearms are permitted within the unit under jurisdiction of the Department of Institutions (Spruce Canyon Youth Camp).

6. A Federal permit is not required to enter the public hunting area.

7. The provisions of this special regulation are effective to December 9, 1963.

J. R. BARNABY,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

[F.F. Doc. 63-8726; Filed, Aug. 14, 1963; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 52]

TOMATO PASTE

Proposed U.S. Standards for Grades [1]

Notice is hereby given that the United States Department of Agriculture is considering a revision to the United States Standards for Grades of Canned Tomato Paste pursuant to the authority contained in the Agricultural Marketing Act of 1946 (Secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627). This revision, if made effective, will be the second issue by the Department of the grade standards for this product.

Statement of consideration leading to the proposed revision. The existing United States Standards for Grades of Canned Tomato Paste have been in effect since September 15, 1944 and have not been codified.

In addition to such codification, a revision of the standards is deemed necessary because of considerable change and refinement in the utilization of raw product, production methods and procedures, and methods of product preservation, such as "aseptic" processing. Expanded uses in the institutional or remanufacturing field have created demands for a more concentrated product and have introduced variations in flavorings (such as basil leaf and spice oils) to lend distinctive flavor characteristics to the product.

The following specific changes from the current standards are proposed:

(1) Recognition in the product description that the standards cover tomato paste which may be preserved by other means in addition to canned tomato paste processed by heat to assure preservation;

(2) Elimination of classifications as to "Light", "Medium", or "Heavy" concentrations of tomato paste; (Refined techniques in the manufacturing of tomato paste and more rapid methods of controlling the solids content in this product have eliminated the need to group concentrations of tomato paste. Sales and purchases are generally made on the basis of specific solids content rather than ranges of concentrations.)

(3) Provision for adjusting the product to a specified solids content to aid in classifying the product as to color, texture, and flavor;

(4) Realignment of score points to conform to current practice in most other U.S. grade standards for processed fruits and vegetables;

(5) Adjustment of score ranges for the factors of "color" and "absence of defects" to give these factors equal emphasis; and

(6) Provision for an additional scoring factor, "flavor and odor." (This would permit an evaluation of this factor to recognize any suitable flavoring ingredient(s) permitted in Tomato Paste.)

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed revision should file the same with the Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C., 20250, not later than December 31, 1963.

The proposed revision is as follows:

PRODUCT DESCRIPTION, CONCENTRATION, TEXTURES, GRADES

Secs.

52.5041 Product description.
52.5042 Concentration.
52.5043 Texture.
52.5044 Grades of tomato paste.

FILL OF CONTAINER

52.5045 Fill of container.

FACTORS OF QUALITY

52.5046 Ascertaining the grade of a sample unit.
52.5047 Ascertaining the rating for each factor.
52.5048 Color.
52.5049 Absence of defects.
52.5050 Flavor and odor.

LOT COMPLIANCE

52.5051 Ascertaining the grade of a lot.

SCORE SHEET

52.5052 Score sheet for tomato paste.

AUTHORITY: §§ 52.5041 to 52.5052 issued under secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627.

PRODUCT DESCRIPTION, CONCENTRATION, TEXTURES, GRADES

§ 52.5041 Product description.

(a) "Tomato Paste" is the clean, sound, wholesome product as defined in the Standard of Identity for Tomato Paste (21 CFR 53.30) issued pursuant to the Federal Food, Drug, and Cosmetic Act.

(b) The standards of this subpart cover canned tomato paste processed by heat to assure preservation in hermetically-sealed containers as well as tomato paste which may be preserved by other means.

§ 52.5042 Concentration.

Although the degree of concentration is not considered a factor of quality for the purpose of the standards in this subpart, tomato paste contains not less than 25 percent of salt-free tomato solids. Concentration is an important value in the marketing of the product and is normally expressed in such terms as "salt-free tomato solids", "total solids", or "specific gravity".

§ 52.5043 Texture.

(a) *General.* Texture is the degree of smoothness or pulpiness (coarseness) of the product which may be better classified when the product is diluted with water to between 8.4 percent and 9.4 percent total solids.

(b) *Kinds of texture.* (1) "Fine" texture means a smooth, finely-screened finish.

(2) "Coarse" texture means a coarsely screened, slightly granular or pulpy finish.

§ 52.5044 Grades of tomato paste.

(a) "U.S. Grade A" (or "U.S. Fancy") is the quality of tomato paste that (1) has a good color, (2) is practically free from defects, (3) has a good flavor and odor, and (4) scores not less than 90 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U.S. Grade C" (or "U.S. Standard") is the quality of tomato paste that (1) has at least a fairly good color, (2) is at least fairly free from defects, (3) has at least a fairly good flavor and odor, and (4) scores not less than 80 points when scored in accordance with the scoring system outlined in this subpart.

(c) "Substandard" is the grade of tomato paste that fails to meet the requirements of "U.S. Grade C".

FILL OF CONTAINER

§ 52.5045 Recommended fill of container.

It is recommended that containers of tomato paste be filled as full as practicable without impairment of quality; and that such fill is not less than 90 percent of the volume capacity of the container.

FACTORS OF QUALITY

§ 52.5046 Ascertaining the grade of a sample unit.

(a) *General.* The grade of a sample unit of tomato paste is ascertained by considering, in addition to other requirements in the standard, the ratings for the factors of color, absence of defects, and flavor and odor which are scored, the total score, and the limiting rules which apply.

(b) *Factors rated by score points.* The relative importance of each scoring factor is expressed numerically on the scale of 100. The maximum number of points that may be given each factor is:

Factors:	*Points*
Color	40
Absence of defects	40
Flavor and odor	20
Total score	100

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

§ 52.5047 Ascertaining the rating for the factors which are scored.

The essential variations within each factor which is scored are so described that the value may be ascertained numerically. The numerical range within each factor is inclusive. (For example, "36 to 40 points" means 36, 37, 38, 39, 40 points.)

§ 52.5048 Color.

(a) *General.* The amount of red in tomato paste is determined by comparing the color of the product, diluted with water to between 8.4 percent and 9.4 percent of total solids, with that produced by spinning a combination of the following Munsell color discs:

Disc 1—Red (5R 2.6/13) (glossy finish).
Disc 2—Yellow (25YR 5/12) (glossy finish).
Disc 3—Black (N1) (glossy finish).
Disc 4—Grey (N4) (mat finish).

Such comparison is made under a diffused light source of approximately 250 foot candle intensity and having a spectral quality approximating that of daylight under a moderately overcast sky, and a color temperature of 7500 degrees Kelvin ±200 degrees. With the light source directly over the disc and diluted product, observation is made at an angle of 45 degrees at a distance of 12 or more inches from the product.

(b) *Grade A classification.* Tomato paste that has a good color may be given a score of 36 to 40 points. "Good color" means a bright, typical, red tomato paste color. Such color, when the product is diluted and observed as specified in this section, is as red as, or more red than, that produced by spinning the specified Munsell color discs in the following combinations or an equivalent of such composite color:

65 percent of the area of Disc 1;
21 percent of the area of Disc 2; and
14 percent of the area of either Disc 3 or of Disc 4; or
7 percent of the area of Disc 3 and 7 percent of the area of Disc 4, whichever most nearly matches the appearance of the diluted sample.

(c) *Grade C classification.* Tomato paste that has at least a fairly good color may be given a score of 32 to 35 points. Tomato paste that falls into this classification shall not be graded above U.S. Grade C, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means a typical red tomato paste color which may be slightly dull or may have a slightly brownish cast. Such color, when the product is diluted and observed as specified in this section, is as red as, or more red than, that produced by spinning the specified Munsell color discs in the following combination or an equivalent of such composite color:

53 percent of the area of Disc 1;
28 percent of the area of Disc 2; and
19 percent of the area of either Disc 3 or of Disc 4; or
9½ percent of the area of Disc 3 and 9½ percent of the area of Disc 4, whichever most nearly matches the appearance of the diluted sample.

(d) *Substandard classification.* Tomato paste that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 31 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.5049 Absence of defects.

(a) *General.* This factor is concerned with the degree of freedom from defects such as dark specks or scale-like particles, seeds or objectionable particles of seeds, objectionable tomato peel, harmless extraneous material, or any other similar substances.

(b) *Grade A classification.* Tomato paste that is practically free from defects may be given a score of 36 to 40 points. "Practically free from defects" means that any defects present do not more than slightly affect the appearance or utility of the product.

(c) *Grade C classification.* Tomato paste that is fairly free from defects may be given a score of 32 to 35 points. Tomato paste that falls into this classification shall not be graded above U.S. Grade C, regardless of the total score of the product (this is a limiting rule). "Fairly free from defects" means that any defects present may be noticeable but are not so large, so numerous, nor of such contrasting color or nature as to seriously affect the appearance or utility of the product.

(d) *Substandard classification.* Tomato paste that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 31 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.5050 Flavor and odor.

(a) *General.* The flavor and odor of the product is evaluated on undiluted samples and after dilution with water to between 8.4 percent and 9.4 percent total solids.

(b) *Grade A classification.* Tomato paste that has a good flavor and odor may be given a score of 18 to 20 points. "Good flavor and odor" means a distinct tomato paste flavor characteristic of good quality tomatoes and inclusive of any optional ingredient which may have been added. To score in this classification, the flavor and odor is not adversely affected by stems, leaves, crushed seeds, cores; by immature, soured, or overripe tomatoes; from the effects of improper trimming, processing, or storage; nor from any other factor not specifically mentioned.

(c) *Grade C classification.* Tomato paste that has a fairly good flavor and odor may be given a score of 16 or 17 points. Tomato paste that falls into this classification shall not be graded above U.S. Grade C, regardless of the total score for the product (this is a limiting rule). "Fairly good flavor and odor" means a characteristic tomato paste flavor and inclusive of any optional ingredient which may have been added. To score in this classification, the flavor and odor may be affected adversely, but not to a serious degree, by stems, leaves, crushed seeds, cores; by immature, soured, or overripe tomatoes; from the effects of improper trimming, processing, or storage; or from any other factor not specifically mentioned.

(d) *Substandard classification.* Tomato paste that fails to meet the requirements of paragraph (c) of this section or that has an "off" flavor or "off" odor may be given a score of 0 to 15 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

LOT COMPLIANCE

§ 52.5051 Ascertaining the grade of a lot.

The grade of a lot of tomato paste covered by these standards is determined by the procedures set forth in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products (§§ 52.1 to 52.87).

SCORE SHEET

§ 52.5052 Score sheet for tomato paste.

Size and kind of container ____
Label ____
Container mark or identification ____
Net weight ____
Vacuum (inches) ____
Texture (fine or coarse) ____
Salt-free tomato solids (percent) ____

Factors		Score points
Color	40	(A) 36–40 (C) [1] 32–35 (SStd.) [1] 0–31
Defects	40	(A) 36–40 (C) [1] 32–35 (SStd.) [1] 0–31
Flavor and odor	20	(A) 18–20 (C) [1] 16–17 (SStd.) [1] 0–15
Total score	100	

Grade ____

[1] Indicates limiting rule.

Dated: August 10, 1963.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 63–8735; Filed, Aug. 14, 1963; 8:50 a.m.]

[7 CFR Part 52]

TOMATO PUREE (TOMATO PULP)

Proposed U.S. Standards for Grades [1]

Notice is hereby given that the United States Department of Agriculture is considering a revision to the United States Standards for Grades of Canned Tomato Puree pursuant to the authority contained in the Agricultural Marketing Act of 1946 (secs. 202–208, 60 Stat. 1087, as

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable state laws and regulations.

amended; 7 U.S.C. 1621–1627). This revision, if made effective, will be the fifth issue by the Department of grade standards for the product.

Statement of consideration leading to the proposed revision. The existing United States Standards for Grades of Canned Tomato Puree (Tomato Pulp) have been in effect since January 1, 1945 and have not been codified.

In addition to codifying the standards, an important reason for revising the standards is that sales and purchases of this product are usually made on the basis of specific concentrations, generally expressed in terms of specific gravity, which eliminate the need to classify ranges of concentration.

The following specific changes from the current standards are proposed:

(1) Recognition in the product description that the standards cover tomato puree which may be preserved by other means in addition to canned tomato puree processed by heat to assure preservation;

(2) Elimination of classifications of "Light", "Medium", and "Heavy" concentrations of tomato puree;

(3) Provisions for adjusting the product to a specified solids content to aid in classifying the product as to color, texture, and flavor;

(4) Realignment of score points to conform to current practice in most other U.S. grade standards for processed fruits and vegetables;

(5) Adjustment of score ranges for the factors of "color" and "absence of defects" to give these factors equal emphasis; and

(6) Provision for an additional scoring factor, "flavor and odor". (This would permit an evaluation of this factor whether or not salt is added which is the only seasoning permitted in tomato puree.)

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed revision should file the same with the Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C., 20250, not later than December 31, 1963.

The proposed revision is as follows:

PRODUCT DESCRIPTION, CONCENTRATION, TEXTURE, GRADES

Secs.
52.5081 Product description.
52.5082 Concentration.
52.5083 Texture.
52.5084 Grades of tomato puree.

FILL OF CONTAINER

52.5085 Fill of container.

FACTORS OF QUALITY

52.5086 Ascertaining the grade of a sample unit.
52.5087 Ascertaining the rating for each factor.
52.5088 Color.
52.5089 Absence of defects.
52.5090 Flavor and odor.

LOT COMPLIANCE

52.5091 Ascertaining the grade of a lot.

SCORE SHEET

52.5092 Score sheet for tomato puree.

AUTHORITY: §§ 52.5081 to 52.5092 issued under secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627.

PRODUCT DESCRIPTION, CONCENTRATION, TEXTURE, GRADES

§ 52.5081 Product description.

"Tomato Puree" (or "Tomato Pulp"), hereinafter referred to as "Tomato Puree", is the clean, sound, wholesome product as defined in the standard of Identity for Tomato Puree (Tomato Pulp) (21 CFR 53.20) issued pursuant to the Federal Food, Drug, and Cosmetic Act.

§ 52.5082 Concentration.

Although the degree of concentration is not considered a factor of quality for the purpose of the standards in this subpart, tomato puree contains not less than 8.37 percent, but less than 25.0 percent, of salt-free tomato solids. Concentration is an important value in the marketing of the product and is normally expressed as "salt-free tomato solids", "total solids", or "specific gravity".

§ 52.5083 Texture.

(a) *General.* Texture is the degree of smoothness or pulpiness (coarseness) of the product which may be better classified when the product is diluted with water to between 8.4 percent and 9.4 percent total solids.

(b) *Kinds of texture.*

(1) "Fine" texture means that the tomato puree has a smooth, finely screened finish.

(2) "Coarse" texture means that the tomato puree has a coarsely screened, slightly granular or pulpy finish.

§ 52.5084 Grades of Tomato Puree.

(a) "U.S. Grade A" (or "U.S. Fancy") is the quality of tomato puree that (1) has a good color, (2) is practically free from defects, (3) has a good flavor and odor, and (4) scores not less than 90 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U.S. Grade C" (or "U.S. Standard") is the quality of tomato puree that (1) has at least a fairly good color, (2) is at least fairly free from defects, (3) has at least a fairly good flavor and odor, and (4) scores not less that 80 points when scored in accordance with the scoring system outlined in this subpart.

(c) "Substandard" is the grade of tomato puree that fails to meet the requirements of "U.S. Grade C".

FILL OF CONTAINER

§ 52.5085 Recommended fill of container.

It is recommended that containers of tomato puree be filled as full as practicable without impairment of quality; and that such fill is not less than 90 percent of the volume capacity of the container.

FACTORS OF QUALITY

§ 52.5086 Ascertaining the grade of a sample unit.

(a) *General.* The grade of a sample unit of tomato puree is ascertained by considering, in addition to other requirements in the standard, the ratings for the factors of color, absence of defects, and flavor and odor which are scored; the total score; and the limiting rules which apply.

(b) *Factors rated by score points.* The relative importance of each scoring factor is expressed numerically on the scale of 100. The maximum number of points that may be given each factor is:

Factors:	Points
Color	40
Absence of defects	40
Flavor and odor	20
Total	100

§ 52.5087 Ascertaining the rating for the factors which are scored.

The essential variations within each factor which is scored are so described that the value may be ascertained numerically. The numerical range within each factor is inclusive (for example, "36 to 40 points" means 36, 37, 38, 39, or 40 points).

§ 52.5088 Color.

(a) *General.* (1) The amount of red in tomato puree is determined by comparing the color of the product, diluted with water to between 8.4 percent and 9.4 percent of total solids, with that produced by spinning a combination of the following Munsell color discs:

Disc 1—Red (5R 2.6/13) (glossy finish)
Disc 2—Yellow (25YR 5/12) (glossy finish)
Disc 3—Black (N1) (glossy finish)
Disc 4—Grey (N4) (mat finish)

(2) Such comparison is made under a diffused light source of approximately 250 foot candle intensity and having a spectral quality approximating that of daylight under a moderately overcast sky, and a color temperature of 7500 degrees Kelvin ±200 degrees.

(3) With the light source directly over the disc and diluted product, observation is made at an angle of 45 degrees at a distance of 12 or more inches from the product.

(b) (*A*) *classification.* Tomato puree that has a good color may be given a score of 36 to 40 points. "Good color" means a bright, typical, red tomato puree color, characteristic of well-ripened tomatoes. Such color, when the product is diluted and observed as specified in this section, is as red as, or more red than, that produced by spinning the specified Munsell color discs in the following combinations or an equivalent of such composite color: 65 percent of the area of Disc 1; 21 percent of the area of Disc 2; and 14 percent of the area of either Disc 3 or of Disc 4; or 7 percent of the area of Disc 3 and 7 percent of the area of Disc 4, whichever most nearly matches the appearance of the diluted sample.

(c) (*C*) *classification.* Tomato puree that has a fairly good color may be given a score of 32 to 35 points. Tomato puree that falls into this classification shall not be graded above U.S. Grade C, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means a typical red tomato puree which may have a slightly dull or slight yellow, yellow-orange, or brownish cast.

Such color, when the product is diluted and observed as specified in this section is as red as, or more red than, that produced by spinning the specified Munsell color discs in the following combinations or an equivalent of such composite color: 53 percent of the area of Disc 1; 28 percent of the area of Disc 2; and 19 percent of the area of either Disc 3 or of Disc 4; or 9½ percent of the area of Disc 3 and 9½ percent of the area of Disc 4, whichever most nearly matches the appearance of the diluted sample.

(d) (*SStd.*) *classification.* Tomato puree that fails to meet the requirements of paragraph (c) of this section or that is "off-color" for any reason may be given a score of 0 to 31 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.5089 Absence of defects.

(a) *General.* This factor refers to the degree of freedom of defects such as dark specks or scale-like particles, seeds or objectionable particles of seed, objectionable tomato peel, harmless extraneous material, or any other similar defect not specifically mentioned.

(b) (*A*) *classification.* Tomato puree that is practically free of defects may be given a score of 36 to 40 points. "Practically free of defects" means that any defects present do not more than slightly affect the appearance or utility of the product.

(c) (*C*) *classification.* Tomato puree that is at least fairly free of defects may be given a score of 32 to 35 points. Tomato puree that falls into this classification shall not be graded above U.S. Grade C, regardless of the total score of the product (this is a limiting rule). "Fairly free of defects" means that any defects present may be noticeable but are not so large, so numerous, nor of such contrasting color or nature as to seriously affect the appearance or utility of the product.

(d) (*SStd.*) *classification.* Tomato puree that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 31 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.5090 Flavor and odor.

(a) *General.* The flavor and odor of the product is evaluated on samples after dilution with water to between 8.4 percent and 9.4 percent of total solids and on undiluted samples of the product.

(b) (*A*) *classification.* Tomato puree that has a good flavor and odor may be given a score of 18 to 20 points. "Good flavor and odor" means a distinct tomato puree flavor characteristic of good quality tomatoes, and inclusive of salt which may have been added. To score in this classification, the flavor and odor is not adversely affected by stems, leaves, crushed seeds, cores; by immature, soured, or overripe tomatoes; from the effects of improper trimming, processing, or storage; nor from any other factor not specifically mentioned.

(c) (*C*) *classification.* Tomato puree that has a fairly good flavor and odor may be given a score of 16 or 17 points. Tomato puree that falls into this classification shall not be graded above U.S. Grade C, regardless of the total score for the product (this is a limiting rule). "Fairly good flavor and odor" means a characteristic tomato puree flavor, inclusive of salt which may be added as an optional ingredient. To score in this classification, the flavor and odor may be affected adversely, but not to a serious degree, by stems, leaves, crushed seeds, cores; by immature, soured, or overripe tomatoes; or from the effects of improper trimming, processing, or storage; nor from any other factor not specifically mentioned.

(d) (*SStd.*) *classification.* Tomato puree that fails to meet the requirements of paragraph (c) of this section or that has a definite "off" flavor or "off" odor may be given a score of 0 to 15 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

LOT COMPLIANCE

§ 52.5091 Ascertaining the grade of a lot.

The grade of a lot of tomato puree covered by these standards is determined by the procedures set forth in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products (§§ 52.1 to 52.87).

SCORE SHEET

§ 52.5092 Score sheet for tomato puree.

Size and kind of container		----
Label		----
Container mark or identification		----
Net weight		----
Vacuum (inches)		----
Texture (fine or coarse)		----
Specific gravity		----
Salt-free tomato solids (percent)		----
Factors		**Score points**
Color	40	(A) 36–40 (C) [1] 32–35 (SStd.) [1] 0–31
Defects	40	(A) 36–40 (C) [1] 32–35 (SStd.) [1] 0–31
Flavor and odor	20	(A) 18–20 (C) [1] 16–17 (SStd.) [1] 0–15
Total score	100	
Grade		----

[1] Indicates limiting rule.

Dated: August 10, 1963.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 63–8736; Filed, Aug. 14, 1963; 8:50 a.m.]

[7 CFR Part 1101]

MILK IN KNOXVILLE, TENN., MARKETING AREA

Notice of Proposed Suspension of Certain Provision of the Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of a certain provision of the order regulating the handling of milk in the Knoxville, Tennessee, marketing area is being considered for the period of September 1963 through February 1964.

The provision proposed to be suspended is: In § 1101.12 the words "(a) Any day during the months of March through August, or (b) on not more than 10 days during the month in any of the other months of the year", relating to the diversion of producer milk.

The proposed suspension was requested by the producer association which represents most of the producers on the market and which arranges for the disposition of milk in excess of handler's daily needs. The action would delete the ten-day limit on diversion of the milk of any producer during each of the months of September 1963 through February 1964, and thus allow the milk of any producer diverted more than 10 days in a month during this period to be priced and pooled under the order, and to be included in producer base computations.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington, D.C., 20250, not later than three days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

Signed at Washington, D.C., on August 9, 1963.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 63–8734; Filed, Aug. 14, 1963; 8:50 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71 [New]]

[Airspace Docket No. 63–CE–51]

CONTROL ZONE AND TRANSITION AREAS

Proposed Alteration and Designation

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

The following controlled airspace is presently designated in the Moline, Ill./Davenport, Iowa, terminal area:

1. The Moline control zone is presently designated within a 5-mile radius of the Quad City Airport (latitude 41°26′55″ N., longitude 90°30′30″ W.); within 2 miles either side of the Quad City ILS localizer west course extending from the 5-mile radius zone to 12 miles west of the outer marker, and within 2 miles either side of the Quad City ILS localizer east course extending from the 5-mile radius zone to 12 miles east of the inter-

section of the localizer east course and the Cordova, Ill., VOR 199° True radial.

2. The Moline control area extension is presently designated within a 15-mile radius of the Cordova VOR; that airspace bounded on the east by longitude 90°00'00" W., on the south by V–10 north alternate, on the southwest by V–63 and a line 12 miles southwest of and parallel to V–38, on the west by longitude 91°31'00" W., on the northwest by V–8; and within 5 miles either side of a direct line extending from the Polo, Ill., VORTAC to the intersection of the Quad City, Ill., ILS localizer east course and the 318° True radial of the Bradford, Ill., VOR.

The FAA, having completed a comprehensive review of the terminal airspace structure requirements in the Moline/Davenport area, including studies attendant to the implementation of the provisions of CAR Amendments 60–21/60–29, has under consideration the following airspace actions:

1. Alter the Moline control zone by redesignating it as that airspace within a 5-mile radius of the Quad City Airport (latitude 41°26'55" N., longitude 90°30'-30" W.), within 2 miles each side of the Quad City ILS localizer west course extending from the 5-mile radius zone to the outer marker, and within 2 miles each side of the Quad City ILS localizer east course extending from the 5-mile radius zone to the intersection of the Quad City ILS localizer east course and the Cordova VOR 199° True radial.

2. Designate a transition area at Moline to comprise that airspace extending upward from 700 feet above the surface within a 7-mile radius of the Quad City Airport; within 5 miles north and 8 miles south of the Quad City ILS localizer west course extending from one mile east to 12 miles west of the outer marker; within a 5-mile radius of the Davenport, Iowa, Municipal Airport (latitude 41°36'-40" N., longitude 90°35'20" W.); within 5 miles each side of the 224° and 044° True bearings from the Moline radio beacon extending from the airport to 12 miles southwest of the radio beacon; and that airspace extending upward from 1,200 feet above the surface bounded on the north by latitude 41°55'00" N., on the east by longitude 89°50'00" W., on the south by latitude 41°10'00" N., and on the west by longitude 91°00'00" W.

3. Designate a transition area at Clinton, Iowa, to comprise that airspace extending upward from 700 feet above the surface within a 5-mile radius of the Clinton Municipal Airport (latitude 41°-49'45" N., longitude 90°19'50" W.), within 2 miles each side of the Cordova VOR 338° True radial extending from the 5-mile radius area to the VOR, and within 8 miles southwest and 5 miles northeast of the 324° True bearing from the Clinton Municipal Airport, extending from the airport to 12 miles northwest of the airport.

The actions proposed herein would, in part, reduce the over-all size of the presently designated control zone at the Quad City Airport by abbreviating the extent of the east and west control zone extensions. The proposed designation of transition areas in the Moline/Davenport and Clinton areas would raise the floor of controlled airspace beyond the immediate vicinity of the primary airports serving these locations from 700 to 1,200 feet above the surface. The portions of controlled airspace released by the proposed actions would become available for other aeronuatical purposes. The portions of controlled airspace retained would provide protection for aircraft executing prescribed instrument holding, arrival, departure and radar vectoring procedures within these areas.

The floors of the airways which traverse the transition areas proposed herein and the floor of the portion of the Moline control area extension which coincides with the proposed transition areas would automatically assume floors coincident with the floors of the transition areas. The revocation of the Moline control area extension will be processed at a later date as a part of the CAR Amendments 60–21/60–29 implementation program proposed for the Chicago, Ill., terminal area.

Specific details of any changes to procedures and minimum instrument flight rules altitudes that would be required may be examined by contacting the Chief, Airspace Utilization Branch, Air Traffic Division, Central Region, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. 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 8, 1963.

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

[F.R. Doc. 63–8717; Filed, Aug. 14, 1963; 8:47 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63–SO–17]

CONTROL ZONE, TRANSITION AREA, AND CONTROL AREA EXTENSION

Proposed Alteration, Designation and Revocation

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

The following controlled airspace is presently designated in the Chattanooga, Tenn., terminal area:

1. The Chattanooga control zone is designated as that airspace within a 5-mile radius of Lovell Field.

2. The Chattanooga control area extension is designated as that airspace within a 30-mile radius of the Chattanooga VORTAC and within a 50-mile radius of the Chattanooga VORTAC, extending clockwise from Victor 115 southwest of Chattanooga to Victor 51 west alternate north of Chattanooga.

The FAA, having completed a comprehensive review of the terminal airspace structure requirements in the Chattanooga, Tenn., area as a result of the studies associated with the implementation of CAR Amendments 60–21/60–29, as under consideration the following airspace actions:

1. Redesignate the Chattanooga control zone as that airspace within a 5-mile radius of Lovell Field (latitude 35°02'05" N., longitude 85°12'10" W.); within 2 miles each side of the Chattanooga VORTAC 333° True radial, extending from the 5-mile radius zone to the VORTAC; within 2 miles each side of the Chattanooga ILS localizer northeast course, extending from the 5-mile radius zone to 8 miles northeast of the airport; and within 2 miles each side of the Chattanooga ILS southwest course, extending from the 5-mile radius zone to the intersection of the ILS southwest course and the 263° True radial of the Chattanooga VORTAC. This would provide protection for aircraft executing prescribed instrument approach and departure procedures at Lovell Field.

2. Revoke the Chattanooga control area extension and designate the Chattanooga transition area. The proposed transition area would be designated as that airspace extending upward from 700 feet above the surface within a 14-mile radius of Lovell Field, extending clockwise from the 020° to the 250° True bearings from the airport; within a 20-mile radius circle of Lovell Field, extending clockwise from the 250° to the 020° True bearings from the airport; within 5 miles each side of the Chattanooga VORTAC 263° True radial, extending between the arcs of a 14-mile and 25-mile radius circles centered at Lovell Field; within 8 miles east and 5 miles west of the 016° True bearing from the North Chattanooga, Tenn., radio beacon, extending from the radio beacon to 12 miles north; that airspace extending upward from 1,200 feet above the surface within a 25-mile radius of Lovell Field; within the area southeast of Chat-

tanooga, extending from the 25-mile radius area bounded on the east by the west boundary of Victor 5, on the south by a line through latitude 34°26'58" N., longitude 84°55'58" W., and latitude 34°25'30" N., longitude 84°59'30" W., and on the west by a line 9 miles west of and parallel to the Chattanooga VORTAC 152° True radial; within the area north, northeast and northwest of Chattanooga extending from the 25-mile radius area bounded by a line beginning at the intersection of the arc of a 25-mile radius circle centered at Lovell Field and a line 6 miles west of and parallel to the Chattanooga VORTAC 313° True radial; thence northwest along a line 6 miles west of and parallel to the Chattanooga VORTAC 313° True radial to and clockwise along the arc of a 50-mile radius circle centered on the Chattanooga VORTAC to the west boundary of Victor 51 west alternate; thence south along the west boundary of Victor 51 west alternate to latitude 35°24'45" N., longitude 85°09'15" W.; to latitude 35°22'45" N., longitude 84°54'00" W.; to latitude 35°17'30" N., longitude 84°45'10" W.; to latitude 35°08'20" N., longitude 84°45'35" W.; thence via latitude 35°08'20" N., to the arc of a 25-mile radius circle centered at Lovell Field; and that airspace extending upward from 3,000 feet MSL bounded on the north by Victor 54, on the northeast by the arc of a 25-mile radius circle centered at Lovell Field, on the southeast by Victor 115, and on the west by a line extending through latitude 34°32'00" N., longitude 85°52'15" W., and latitude 34°48'00" N., longitude 85°57'10" W., excluding the portion which would coincide with the proposed Rome, Ga., transition area (Airspace Docket No. 63–SO–8). The proposed transition area with a floor of 700 feet above the surface would provide protection for aircraft executing prescribed instrument approach and departure procedures at Lovell Field. The portion of the proposed transition area with a floor of 1,200 feet above the surface would provide protection for aircraft executing prescribed holding, arrival and departure procedures; the portion proposed with a floor of 3,000 feet MSL would provide protection for aircraft executing the higher altitude portion of these procedures at Lovell Field. Mountainous terrain within the Chatttanooga terminal area requires increased amounts of controlled airspace with lower floors to prevent excessive climb and descent maneuvers for aircraft arriving and departing Lovell Field.

The floors of the airways that would traverse the proposed transition area would automatically coincide with the floor of the transition area. Certain minor revisions to prescribed instrument procedures would accompany the actions proposed herein, but operational complexities would not be increased nor would aircraft performance characteristics or established landing minimums be adversely affected.

Specific details of the changes to procedures and minimum instrument flight rules altitudes that would be required may be examined by contacting the Chief, Airspace Utilization Branch, Air Traffic Division, Southern Region, Federal Aviation Agency, P.O. Box 20636, Atlanta, Ga., 30320.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Southern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 20636, Atlanta, Ga., 30320. 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 8, 1963.

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

[F.R. Doc. 63–8718; Filed, Aug. 14, 1963; 8:47 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

AUGUST 7, 1963.

The United States Department of Agriculture has filed an application, Serial Number 076331 for the withdrawal of the following described lands from prospecting, location, entry, and purchase under the mining laws, subject to existing valid claims. The applicant desires the land 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, Calif. 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, CALIFORNIA

ROGUE RIVER NATIONAL FOREST

Siskiyou County

STATELINE, LICKGULCH, AND ELLIOT CREEK CAMPGROUNDS

T. 48 N., R. 11 W.,
Sec. 17, Lots 3 and 4;
Sec. 19, E½SE¼NE¼, NE¼NE¼SE¼;
Sec. 22, S½NW¼NE¼, NW¼SW¼NE¼.

The afore-described area aggregates 127.73 acres of public land.

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

[F.R. Doc. 63-8727; Filed, Aug. 14, 1963; 8:49 a.m.]

UTAH

Amended Notice of Proposed Withdrawal and Reservation of Lands

AUGUST 8, 1963.

The United States Department of Agriculture has filed an amendment to their application, Utah 0115839 for the withdrawal of lands in the Ashley National Forest in the vicinity of the Flaming Gorge Reservoir. The notice of the proposed withdrawal was published as F.R. Doc. 63-7067 on Page 6886 of the issue for July 4, 1963.

The applicant desires to amend the application as follows:

SALT LAKE MERIDIAN, UTAH

CEDAR SPRINGS CAMPGROUND

T. 2 N., R. 22 E.,
Sec. 16;
Deleted: S½ Lot No. 6.
Added: S½SW¼NW¼.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections affecting the land added above 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, Darling Building, P.O. Box 777, Salt Lake City 10, Utah.

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.

Pursuant to the regulations contained in 43 CFR Part 295, the lands deleted above will be at 10:00 a.m., on August 26, 1963, relieved of the segregative effect of the above-mentioned application.

R. D. NIELSON,
State Director.

[F.R. Doc. 63-8728; Filed, Aug. 14, 1963; 8:49 a.m.]

[BLM 072176]

MINNESOTA

Notice of Filing of Plat of Survey and Order Providing for Opening of Public Lands

AUGUST 9, 1963.

The plats of limited dependent resurvey of lands and survey of islands described below, accepted May 29, 1963, under survey group No. 91, will be officially filed in this office effective 10 a.m. on September 23, 1963.

FOURTH PRINCIPAL MERIDIAN

T. 30 N., R. 20 W.,
Sec. 1, lot 7, 0.20 acres;
Lot 8, 0.39 acres;
Lot 9, 0.21 acres;
Lot 10, 30.09 acres;
Lot 11, 0.40 acres;
Lot 12, 0.26 acres;
Lot 13, 1.01 acres;
Lot 14, 0.43 acres;
Lot 15, 5.97 acres;
Lot 16, 5.19 acres;
Sec. 11, Lot 5, 0.56 acres;
Lot 8, 0.10 acres;
Sec. 12, Lot 7, 2.04 acres;
Lot 8, 1.85 acres;
Lot 9, 15.34 acres;
Lot 10, 1.92 acres;
Sec. 14, Lot 8, 3.29 acres;
Lot 9, 15.03 acres.

The area described aggregates 84.28 acres of public domain.

The survey of these lands was undertaken as an administrative measure pursuant to notices of their existence. The plats represent the survey of islands in the St. Croix River that were in existence in 1847, the date of the original survey; in 1858, when Minnesota was admitted to the Union and at all subsequent dates, and have the status of public domain.

The islands are over 50 percent upland in character within the interpretation of the Swamp Land Act; of sandy loam formation; level to gently rolling with scattered timber throughout, ranging in size from 4" to 40" in diameter and are similar to the bottom land included in the original survey of 1847.

These lands are open to application, location, selection, and petition under the public land laws, subject to valid existing rights, the provisions of existing withdrawals, and requirements of applicable laws, rules, and regulations. The lands will not be subject to occupancy or disposition until they have been classified.

All inquiries relating to the lands should be directed to the Manager, Land Office, Division of Field Services, Bureau of Land Management, Washington 25, D.C.

DORIS A. KOIVULA,
Manager, Land Office.

[F.R. Doc. 63-8729; Filed, Aug. 14, 1963; 8:49 a.m.]

[Bureau Order No. 684, Amdt. 3]

DISTRICT MANAGERS

Redelegation of Authority; Lands and Resources

AUGUST 8, 1963.

Section 3.9(g) of Part III of Bureau Order No. 684 dated August 28, 1961, is further amended to read as follows:

PART III—REDELEGATION OF AUTHORITY TO DISTRICT MANAGERS

SECTION 3.9 *Land use.*

* * * * *

(g) Material other than forest products not exceeding $2,000 unless authority to make sales in greater amounts is delegated by the State Director.

H. R. HOCHMUTH,
Associate Director.

[F.R. Doc. 63-8730; Filed, Aug. 14, 1963; 8:49 a.m.]

National Park Service

LINCOLN BOYHOOD NATIONAL MEMORIAL

Establishment

Notice is hereby given that 114.49 acres of land in Spencer County, Ind., have been donated to the United States by the State of Indiana for establishment

as a part of the Lincoln Boyhood National Memorial in accordance with the Act of February 19, 1962 (76 Stat. 9). Under authority provided in section 2 of that Act, I have determined that the donated lands constitute an initially administrable unit of the National Park System and, therefore, I hereby establish the Lincoln Boyhood National Memorial to comprise altogether not more than 200 acres as provided in such Act. The lands accepted by donation and which will constitute the initial unit of the Memorial, comprising 114.49 acres, more or less, were conveyed to the United States in that certain deed dated June 11, 1963, executed by Matthew E. Welsh, Governor of the State of Indiana, joined by Donald E. Foltz, Director, Indiana Department of Conservation, which deed is lodged for custody in the permanent land records of the National Park Service, Department of the Interior, Washington, D.C.

Within the 200-acre limitation prescribed in the aforesaid Act, this Department will continue to acquire lands needed for the Memorial which, when acquired, will be administered as a part of such Memorial.

In keeping with the purposes of the Act of February 19, 1962, supra, the Lincoln Boyhood National Memorial is hereby set aside in recognition of its historically significant associations with Abraham Lincoln and his family during the formative and impressionable years of his life, and such Memorial shall be administered by the National Park Service subject to the provisions of the Act entitled "An Act to establish a National Park Service, and for other purposes" (39 Stat. 535), as amended and supplemented.

This notice shall become effective upon publication thereof in the FEDERAL REGISTER.

STEWART L. UDALL,
Secretary of the Interior.

AUGUST 9, 1963.

[F.R. Doc. 63-8731; Filed, Aug. 14, 1963; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

CERTAIN STOCKYARDS AND SLAUGHTERING ESTABLISHMENTS

Notice of Specific Approval and of Withdrawal of Specific Approval

On September 19, 1962, February 1, 1963, March 19, 1963, April 26, 1963, May 28, 1963, July 11, 1963, and July 26, 1963, notices were published in the FEDERAL REGISTER (27 F.R. 9266; 28 F.R. 990, 2690, 4146, 5276, 7102, 7615), which contained lists of all stockyards and slaughtering establishments approved under §§ 78.14 (b), 78.15(b), and 78.16(b) of the regulations in Part 78, as amended, Title 9, Code of Federal Regulations, containing restrictions on the interstate movement of certain animals because of brucellosis, under the Acts of May 29, 1884, as amended, February 2, 1903, as amended, and March 3, 1905, as amended (21 U.S.C. 111–113, 114a–1, 115, 117, 120, 121, 125).

I. Pursuant to such authority, notice is hereby given that the following additional stockyards and slaughtering establishments are specifically approved under said regulations as indicated below:

SPECIFICALLY APPROVED STOCKYARDS

The following additional stockyards preceded by an asterisk are specifically approved for the purposes of § 78.5, Title 9, Code of Federal Regulations, concerning brucellosis reactors and of paragraphs (b) and (c) of § 78.12 of said Title 9, concerning cattle not known to be affected with brucellosis. The following stockyards not preceded by an asterisk are specifically approved for the purposes of paragraphs (b) and (c) of § 78.12 only.

ARKANSAS

*Chaney, Ray R., Auction Sale, Morrilton.
*Siloam Springs Sale Barn, Siloam Springs.

MISSISSIPPI

*West Point Livestock Auction, Inc., West Point.

MISSOURI

Palmyra Livestock Auction Market, Palmyra.

NORTH DAKOTA

*Ashley Livestock Sales Co., Ashley.

OKLAHOMA

*Antlers Livestock Auction, Antlers.

TEXAS

*Bowie Livestock Commission Co., Bowie.

SPECIFICALLY APPROVED SLAUGHTERING ESTABLISHMENTS

The following additional slaughtering establishments preceded by an asterisk are specifically approved for the purposes of § 78.5 of Title 9, Code of Federal Regulations, concerning brucellosis reactors and of paragraphs (b) and (c) of § 78.12 of said Title 9, concerning cattle not known to be affected with brucellosis, and those not preceded by an asterisk are specifically approved for the purposes of paragraphs (b) and (c) of § 78.12 only.

ILLINOIS

Little Egypt Processing Center, Olney.

MISSISSIPPI

Lang's, Sam, Meat Processing Plant, Magnolia.
*Quave's Meat Products, Wiggins.

NORTH CAROLINA

Williamston Packing Co., Williamston.

PENNSYLVANIA

Sharon Best Meats, Sharon.
Smith, William B., Titusville.

II. Notice is hereby given also that the following stockyards and slaughtering establishments have been deleted from the list of specifically approved stockyards and slaughtering establishments, respectively, as follows:

STOCKYARDS

MISSOURI

Marshfield Auction Co., Marshfield.

NORTH DAKOTA

Dobler Livestock Sales & Co., Ashley.

OKLAHOMA

Ranchers Livestock Commission Co., Antlers.

SLAUGHTERING ESTABLISHMENTS

IDAHO

Meridian Meat Packers, Meridian.

ILLINOIS

Noble Locker Co., Olney.

INDIANA

Clyde Packing Co., Angola.
Daniel Brothers Packing Co., Columbia City.
Lutz Packing Co., Indianapolis.

IOWA

Buffalo Pack, Davenport.

MICHIGAN

Pleasant Valley Packing Co., Schoolcraft.

MISSISSIPPI

Clay County Auction, Inc., West Point.
Willoughby, R. C., Slaughter House, Kokomo.

OHIO

Henderson Meats, Waterloo.
Lorain-Elyria Packing Co., Elyria.

Effective date: The foregoing notice shall become effective upon publication in the FEDERAL REGISTER.

Certain additional stockyards and slaughtering establishments have been added to the list of those heretofore specifically approved under the regulations in 9 CFR Part 78. It has been determined that the inspections and handling of livestock or carcasses or products thereof at such stockyards or establishments are adequate to effectuate the purposes of such regulations. Certain stockyards and slaughtering establishments have been removed from the list of those heretofore specifically approved under said regulations, because it has been determined that such stockyards and establishments no longer qualify for specific approval under the regulations. This action, therefore, imposes certain restrictions necessary to prevent the spread of brucellosis 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, 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 12th day of August 1963.

E. E. SAULMON,
Acting Director, Animal Disease Eradication Division, Agricultural Research Service.

[F.R. Doc. 63-8747; Filed, Aug. 14, 1963; 8:53 a.m.]

Office of the Secretary

IOWA

Designation of Areas 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 the hereinafter-named counties in the State of Iowa a natural disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

IOWA

Cerro Gordo. Winnebago.
Hancock.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties 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 12th day of August 1963.

CHARLES S. MURPHY,
Acting Secretary.

[F.R. Doc. 63-8749; Filed, Aug. 14, 1963; 8:53 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 15148]

D. J. RADIO & T.V.

Order To Show Cause

In the matter of Donald J. Jones d/b as D. J. Radio & T.V., Buffalo, N.Y.; order to show cause why there should not be revoked the license for Radio Station KIC2710 in the Citizens Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that, pursuant to § 1.76 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee at his address of record as follows:

Official Notice of Violation dated June 12, 1963, alleging violation of § 19.62 of the Commission's rules.

It further appearing, that said licensee did not reply to such communication or to a follow-up letter mailed June 26, 1963, to the licensee at his address of record; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated § 1.76 of the Commission's rules;

It is ordered, This 9th day of August 1963, pursuant to section 312 (a) (4) and (c) of the Communications Act of 1934, as amended, and § 0.291(b) (8) of Part 0 of the Commission's rules, that the said licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this Order by Certified Mail, Return Receipt Requested to the said licensee at his last known address of 63 Barton Street, Buffalo, New York.

Released: August 9, 1963.

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

[F.R. Doc. 63-8744; Filed, Aug. 14, 1963; 8:52 a.m.]

FEDERAL MARITIME COMMISSION

[No. 1119]

ALBERT L. THOMPSON

Application for Freight Forwarding License

On March 21, 1963, pursuant to section 44 of the Shipping Act, 1916 (P.L. 87-254, 46 U.S.C. 841b), Albert L. Thompson filed application for a license as an independent ocean freight forwarder. After consideration of the application, the Commission notified Albert L. Thompson by letter of May 22, 1963, that it intended to deny the application for a license because the applicant lacks the experience necessary to carry on the business of an independent ocean freight forwarder. The applicant has now requested the opportunity to show at a hearing that denial of the application would not be warranted.

Therefore it is ordered, Pursuant to sections 22 and 44 of the Shipping Act, 1916 (46 U.S.C. 821, 841b), that a proceeding is hereby instituted to determine whether the applicant qualifies for a license within the meaning of section 44 (a) of the Shipping Act, 1916.

It is further ordered, That Albert L. Thompson be made respondent in this proceeding and the matter 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.

It is further ordered, That notice of this order be published in the FEDERAL REGISTER and that a copy thereof and notice of hearing be served upon respondent, Albert L. Thompson.

It is further ordered, That any persons, other than respondent, who desire to become a party to this proceeding and to participate therein, shall file a petition to intervene with the Secretary, Federal Maritime Commission, Washington 25, D.C., on or before August 30, 1963, and;

It is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding, including notice of time and place of hearing or prehearing conference, shall be mailed directly to all parties of record.

By the Commission, July 3, 1963.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F.R. Doc. 63-8738; Filed, Aug. 14, 1963; 8:50 a.m.]

[Docket No. 1123]

MATSON NAVIGATION COMPANY

Pallets and Containers, Pacific Coast/Hawaii Trade, First Supplemental Order

It appearing, That by order dated June 28, 1963, the Commission instituted an investigation into and concerning the lawfulness of increased rates on pallets in tariff schedules designated therein and suspended the operation of said rates to and including October 31, 1963; and

It further appearing, That C. R. Nickerson, Agent for Oliver J. Olson & Co. has filed with the Federal Maritime Commission a new tariff schedule naming an increased rate on "pallets" to become effective July 25, 1963, designated as follows:

C. R. NICKERSON, AGENT, OLIVER J. OLSON & CO.

Local Freight Tariff No. 5, FMC-F No. 32, Item No. 500, 6th Revised Page 22.

and

It further appearing, that upon consideration of the said schedule and protests thereto, there is reason to believe that the said increased rate if permitted to become effective, would result in rates, and/or charges, which would be unjust, unreasonable, or otherwise unlawful in violation of the Shipping Act, 1916, as amended, or the Intercoastal Shipping Act, 1933, as amended; and

It further appearing, that, the Commission is of the opinion that the tariff revision should be made the subject of a public investigation and hearing to determine whether it is unjust, unreasonable, or otherwise unlawful under the Shipping Act, 1916, as amended, or the Intercoastal Shipping Act, 1933, as amended; and

It further appearing, that the effective date of the said revision should be suspended pending such investigation;

Now therefore it is ordered, That, this proceeding be, and it is hereby, expanded to include, in addition to matters now under investigation herein, an investigation into and a hearing concerning the Oliver J. Olson & Co. increased rate on pallets with a view to making such findings and orders in the premises as the facts and circumstances shall warrant; and

It is further ordered, That Item No. 500, on Sixth Revised Page 22 of the aforementioned tariff be, and it is hereby suspended and that the use thereof be, and it is hereby deferred to and including October 31, 1963, unless otherwise authorized by the Commission, and that the rates, and/or charges, heretofore in effect, and which were to be changed by the suspended matter, shall remain in effect during the period of suspension; and

It is further ordered, That no change shall be made in the matter hereby suspended nor the matter which is continued in effect as a result of such suspension until the period of suspension or any extension thereof has expired, or until this investigation and suspension proceeding has been disposed of, whichever first occurs unless otherwise authorized by the Commision; and

It is further ordered, That there shall be filed immediately with the Commission by C. R. Nickerson, Agent for Oliver J. Olson & Co. a consecutively numbered supplement to the aforesaid tariff, which supplement shall bear no effective date, shall reproduce the portion of this order where in the suspended matter is described, and shall state that the aforesaid rates are suspended and may not be used until the 1st day of November 1963, unless otherwise authorized by the Commission; and that the rate heretofore in effect, and which was to be changed by the suspended rate shall remain in effect during the period of suspension, and neither the matter suspended, nor the matter which is continued in effect as a result of such suspension, may be changed until the period of suspension or any extension thereof has expired, or until this investigation and suspension proceeding has been disposed of, whichever first occurs, unless otherwise authorized by the Commission; and

It is further ordered, That copies of this order shall be filed with the said tariff schedule in the Bureau of Domestic Regulation of the Federal Maritime Commission; and

It is further ordered, That (I) the investigation herein ordered be assigned for public hearing by the Chief Examiner, before an examiner of the Commission's Office of Hearing Examiners, at a date and place to be announced; (II) Oliver J. Olson & Co. be and it is hereby made respondent in this proceeding; (III) a copy of this order shall forthwith be served upon all respondents and all protestants herein; (IV) the said respondents and protestants be duly notified of the time and place of the hearing herein ordered; and (V) this order and notice of the said hearing be published in the FEDERAL REGISTER.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(n) (46 CFR 201.74).

By the Commission, July 23, 1963.

[SEAL] GEO A. VIEHMANN,
Assistant Secretary.

[F.R. Doc. 63-8739; Filed, Aug. 14, 1963; 8:51 a.m.]

[Docket No. 1134]

IINO KAIUN KAISHA, LTD., AND MITSUI STEAMSHIP CO., LTD.

Investigation of Practices in Great Lakes/Japan Trade

This Commission has approved FMC Agreement No. 8670 pursuant to which Iino Kaiun Kaisha, Ltd. (Iino) and Mitsui Steamship Co., Ltd. (Mitsui) have issued Joint Tariff No. 1 listing rates applying from ports in Japan to Great Lakes ports in the United States excluding Lake Superior ports. This Commission has also approved FMC Agreement 8595 whereby Iino and Mitsui issued FMC No. 1 Tariff listing rates from Great Lakes ports of the United States except Lake Ontario to Japan. This latter tariff includes Duluth as a port of call. The Commission has received information that these carriers refuse to deliver inbound cargo to Duluth and discharge such cargo at a Lake Michigan port even though they are subsequently calling at Duluth with the same vessels to load outbound cargo .

Therefore, it is ordered, That an investigation is hereby instituted pursuant to sections 15 and 22 of the Shipping Act, 1916, to determine whether Mitsui and Iino have effectuated an agreement not to serve Duluth on inbound traffic in violation of section 15 and to determine whether Agreement 8670 is the complete agreement of the parties thereto as required by section 15; and to determine whether Agreement No. 8670 should be cancelled pursuant to section 15 because Iino and Mitsui are effectuating that agreement in a manner which is unjustly discriminatory or unfair as between shippers, exporters, importers, or ports, or which is detrimental to the commerce of the United States or contrary to the public interest, by not quoting rates inbound to Duluth and by not serving Duluth for inbound traffic; and to determine whether the refusal of Mitsui and Iino to serve Duluth on inbound traffic subjects any particular person, locality or description of traffic to any undue or unreasonable prejudice or disadvantage in violation of section 16 First; and

It is further ordered, That Mitsui Steamship Co., Ltd., and Iino Kaiun Kaisha, Ltd. be made respondents to this proceeding; and

It is further ordered, That this proceeding be assigned for public hearing before an examiner of the Commission's Office of Hearing Examiners and that the hearing be held at a date and place to be determined and announced by the presiding examiner;

It is further ordered, That notice of this order be published in the FEDERAL REGISTER and that a copy thereof and notice of hearing be served upon respondents;

It is further ordered, That any persons, other than respondents, who desire to become party to this proceeding and to participate therein, shall file a petition to intervene with the Secretary, Federal Maritime Commission, Washington 25, D.C., on or before August 30, 1963, with copy to respondents;

And it is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding, including notice of time and place of hearing or prehearing conference, shall be mailed directly to all parties of record.

By the Commission, August 8, 1963.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F.R. Doc. 63-8740; Filed, Aug. 14, 1963; 8:51 a.m.]

[Docket No. 1135]

CARRIERS OPERATING IN TRADES BETWEEN GREAT LAKES PORTS AND FOREIGN PORTS

Notice of Investigation

On January 21, 1963, there was served upon the carriers and conferences of carriers serving in the trades between Great Lakes ports and foreign ports a copy of the Report and Findings of the Investigative Officer in Fact Finding Investigation No. 2. The findings therein stated indicate that there may exist violations of sections 15, 16 First, 17 and 18(b) of the Shipping Act, 1916, in that: (1) Ports in Lake Superior may be unduly or unreasonably prejudiced because of the practice of certain carriers in quoting rates to and from Great Lakes ports other than those in Lake Superior, which rates include, without so stating, terminal charges, while quoting rates to Lake Superior ports which do not include such terminal charges; (2) such carriers may not have established, observed and enforced just and reasonable regulations and practices relating to the receiving, handling, storing, or delivering of freight at Great Lakes ports; (3) such carriers have not stated in their tariffs on file with this Commission, such terminal or other charge, privilege or facility under the control of the carriers or conferences of carriers which is granted or allowed, and any rules or regulations respecting such terminal services or charges which in anywise affect or determine the rates or charges applicable to and from such ports; and (4) such regulations and practices may be unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, detrimental to the commerce of the United States, or contrary to the public interest.

Therefore, it is ordered, That an investigation is hereby instituted pursuant to sections 15 and 22 of the Shipping Act, 1916, to determine whether such carriers are in violation of sections 15, 16 First, 17 or 18(b) of the Shipping Act, 1916, as amended; and

It is further ordered, That the carriers and conferences of carriers listed in Appendix A below, be made respondents in this proceeding; and

It is further ordered, That this proceeding be assigned for public hearing before an examiner of the Commission's Office of Hearing Examiners and that the hearing be held at a date and place to be determined and announced by the presiding examiner;

It is further ordered, That notice of this order be published in the FEDERAL REGISTER and that a copy thereof and notice of hearing be served upon respondents;

It is further ordered, That any persons, other than respondents, who desire to become party to this proceeding and to participate therein, shall file a petition to intervene with the Secretary, Federal Maritime Commission, Washington 25, D.C., on or before August 30, 1963, with copy to respondents;

And it is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding, including notice of time and place of hearing or prehearing conference, shall be mailed directly to all parties of record.

By the Commission, August 8, 1963.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

APPENDIX A

CONFERENCES

MEDITERRANEAN-U.S.A. GREAT LAKES WESTBOUND FREIGHT CONFERENCE (8260)

Eric G. Brown, Secretary, 72 Rue de la Republique (Bouches-du-Rhone), Marseille, France.

Member Lines

American Export Lines, Inc., 26 Broadway, New York 4, N.Y.
Britain Steamship Company Limited (Watts Watts Line), c/o United States Navigation Co., 17 Battery Place, New York 4, N.Y.
Compagnie de Navigation Fraissinet et Cyprien Fabre, c/o Commander Shipping Co., Inc., 17 State Street, New York 4, N.Y.
Concordia Line—Great Lakes Service—Joint Service, c/o Boise-Griffin Steamship Co., 90 Broad Street, New York 4, N.Y.
Hellenic Lines Limited, 39 Broadway, New York 6, N.Y.
Montship-Capo Great Lakes Service—Joint Service, c/o Phelps Agency, Inc., 333 North Michigan, Chicago, Ill.
Niagara Line—Joint Service, c/o Boise-Griffin Steamship Co., 90 Broad Street, New York 4, N.Y.
Zim Israel Navigation Co., Ltd., c/o American-Israel Shipping Co., Inc., 42 Broadway, New York 4, N.Y.

UNITED STATES GREAT LAKES-BORDEAUX/HAMBURG RANGE WESTBOUND CONFERENCE (7830)

L. S. Bissell, Executive Officer, 44–46 Leadenhall Street, London E.C. 3, England.

Member Lines

A. Kirsten, c/o Kerr Steamships, Ltd., 468 St. John Street, Montreal, Quebec.
Canadian Pacific Railway Company, 581 Fifth Avenue, New York 17, N.Y.
Compagnie Generale Transatlantique (French Line), 17 State Street, New York 4, N.Y.
Ernst Russ, c/o United States Navigation Co., 17 Battery Place, New York 4, N.Y.
Fjell Line—Joint Service, 80 Broad Street, New York 4, N.Y.
Furness, Withy & Co., Ltd., 34 Whitehall Street, New York 4, N.Y.
Hamburg-Amerika Linie, c/o United States Navigation Co., 17 Battery Place, New York 4, N.Y.
Lea Linie, c/o Kerr Steamships, Ltd., 468 St. John Street, Montreal, Quebec.
Norddeutscher Lloyd, c/o United States Navigation Co., 17 Battery Place, New York 4, N.Y.
Oranje Lijn (Maatschappij Zeetransport) N.V., 11 Westplein, Rotterdam, Netherlands.
Poseidon Schiffahrt Gesellschaft mit beschrankter Haftung (Poseidon Lines), c/o Compass Agencies, Inc., 24 State Street, New York 4, N.Y.
Sartori & Berger, c/o Kerr Steamships, Ltd., 468 St. John Street, Montreal, Quebec.
Cunard Steam-Ship Company, Ltd. (The), 25 Broadway, New York 4, N.Y.

GREAT LAKES-UNITED KINGDOM EASTBOUND CONFERENCE (8130)

Raymond P. DeGroote, Secretary, 108 North State Street, Chicago 2, Ill.

Member Lines

Fjell Line—Joint Service, 80 Broad Street, New York 4, N.Y.
Liverpool Liners, Ltd., c/o Great Lakes Overseas, Inc., 3400 Prudential Building, Chicago, Ill.
Oranje Lijn (Maatschappij Zeetransport) N.V., 11 Westplein, Rotterdam, Netherlands.
Swedish Chicago Line—Joint Service, c/o Great Lakes Overseas, Inc., 3400 Prudential Building, Chicago, Ill.

GREAT LAKES-UNITED KINGDOM WESTBOUND CONFERENCE (8140)

Raymond P. DeGroote, Secretary, 108 North State Street, Chicago 2, Ill.

Member Lines

Fjell Line—Joint Service, 80 Broad Street, New York 4, N.Y.
Liverpool Liners, Ltd., c/o Great Lakes Overseas, Inc., 3400 Prudential Building, Chicago 1, Ill.
Oranje Lijn (Maatschappij Zeetransport) N.V., 11 Westplein, Rotterdam, Netherlands.
Swedish Chicago Line—Joint Service, c/o Great Lakes Overseas, Inc., 3400 Prudential Building, Chicago, Ill.

SCANDINAVIA BALTIC GREAT LAKES WESTBOUND FREIGHT CONFERENCE (8360)

Lars Inge Carlsio, Secretary, Packhusplatsen 6, Gothenburg, Sweden.

Member Lines

Aktiebolaget Svenska Amerika Linien (Swedish American Line), c/o Furness, Withy & Co., Ltd., 17 State Street, New York 4, N.Y.
Den Norske Amerikalinje A/S, c/o Norwegian America Line Agency, Inc., 24 State Street, New York 4, N.Y.
Fjell Line—Joint Service, 80 Broad Street, New York 4, N.Y.
Swedish Chicago Line—Joint Service, c/o Great Lakes Overseas, Inc., 3400 Prudential Building, Chicago, Ill.

THE AMERICAN GREAT LAKES MEDITERRANEAN EASTBOUND FREIGHT CONFERENCE (8250)

William H. Smith, Secretary, 333 North Michigan Avenue, Chicago 1, Ill.

Member Lines

American Export Lines, Inc., 26 Broadway, New York 4, N.Y.
Britain Steamship Company Limited (Watts Watts Line), c/o U.S. Navigation Co., 17 Battery Place, New York 4, N.Y.

GREAT LAKES MEDITERRANEAN EASTBOUND (8250)

Compagnie de Navigation Fraissinet et Cyprien Fabre, c/o Commander Shipping Co., Inc., 17 State Street, New York 4, N.Y.
Concordia Line—Great Lakes Service—Joint Service, c/o Boise-Griffin SIS Co., Inc., 90 Broad Street, New York 4, N.Y.
Hellenic Lines, Ltd., 39 Broadway, New York 6, N.Y.
Montship-Capo Great Lakes Service—Joint Service, c/o Phelps Agency, Inc., 333 North Michigan Avenue, Chicago, Ill.
Nedlloyd Line—Joint Service, c/o Java Pacific Line, Inc., 25 Broadway, New York 4, N.Y.
Niagara Line—Joint Service, c/o Boise-Griffin Steamship Co., 90 Broad Street, New York 4, N.Y.
Orient-Mid East—Great Lakes Service, c/o Eagle Ocean Transport, Inc., 29 Broadway, New York 6, N.Y.
Zim Israel Navigation Co., Ltd., c/o American-Israel Shipping Co., Inc., 42 Broadway, New York 4, N.Y.
United Arab Maritime Company (Canada Orient Line), c/o Walter A. DeLeppe, Agency Corp., 17 Battery Place, New York 4, N.Y.

U.S. GREAT LAKES, SCANDINAVIAN AND BALTIC EASTBOUND CONFERENCE (8180)

Raymond P. DeGoote, Secretary, 108 North State Street, Chicago 2, Ill.

U.S. GREAT LAKES, SCANDINAVIAN AND BALTIC (8180)

Member Lines

Aktiebolaget Svenska Amerika Linien (Swedish American Line), c/o Furness, Withy & Co., Ltd., 34 Whitehall Street, New York 4, N.Y.
Fjell Line—Joint Service, 80 Broad Street, New York 4, N.Y.
Swedish Chicago Line—Joint Service, c/o Great Lakes Overseas, Inc., 3400 Prudential Building, Chicago, Ill.
Den Norske Amerikalinje A/S (Norwegian America Line), 24 State Street, New York 4, N.Y.

UNITED STATES GREAT LAKES-BORDEAUX/HAMBURG RANGE EASTBOUND CONFERENCE (7820)

Raymond P. DeGroote, Secretary, 108 North State Street, Chicago 2, Ill.

Member Lines

AB R. Nordstrom & Co. OY (Nordlake Line), c/o Jagus Marine Corp., 26 Broadway, New York 4, N.Y.
A. Kirsten, c/o Kerr Steamships Ltd., 468 St. John Street, Montreal, Quebec.
Aktiebolaget Svenska Amerika Linien (Swedish American Line), c/o Furness, Withy & Co., Ltd., 17 State Street, New York 4, N.Y.
Canadian Pacific Railway Co., 581 Fifth Avenue, New York 17, N.Y.
Compagnie Generale Transatlantique (French Line), 17 State Street, New York 4, N.Y.
Cunard Steam-Ship Company, Ltd. (The), 25 Broadway, New York 4, N.Y.

U.S. GREAT LAKES–BORDEAUX/HAMBURG (7820)

Ernst Russ c/o United States Navigation Co., 17 Battery Place, New York 4, N.Y.
Fjell Line—Joint Service, 80 Broad Street, New York 4, N.Y.
Hamburg-Amerika Linie, c/o United States Navigation Co., 17 Battery Place, New York 4, N.Y.
Lea Linie, c/o Kerr Steamships, Ltd., 468 St. John Street, Montreal, Quebec.
Norddeutscher Lloyd, c/o United States Navigation Co., 17 Battery Place, New York 4, N.Y.
Oranje Lijn (Maatschappij Zeetransport) N.V., 11 Westplein, Rotterdam, Netherlands.
Poseidon Schiffahrt Gesellschaft mit beschrankter Haftung (Poseidon Lines), c/o Compass Agencies, Inc., 24 State Street, New York 4, N.Y.
Sartori & Berger c/o Kerr Steamships, Ltd., 468 St. John Street, Montreal, Quebec.

RIVER PLATE AND BRAZIL CONFERENCES (59)

Wilbur Van Emburgh, Jr., Chairman, 17 Battery Place, New York 4, N.Y.

Member Lines

Aktieselskapet Ivarans Rederi, c/o Stockard Shipping Co., Inc., 17 Battery Place, New York 4, N.Y.

RIVER PLATE AND BRAZIL (59)

Booth Steamship Company, Ltd. (The), 17 Battery Place, New York 4, N.Y.
Brodin Line—Joint Service, c/o Thor Eckert & Co., Inc., 19 Rector Street, New York 6, N.Y.
Dampskibsselskabet Torm (Torm Line), 24 State Street, New York 4, N.Y.

Empresa Lineas Maritimas Argentinas, c/o Boyd Weir & Sewell, Inc., 24 State Street, New York 4, N.Y.
Hamburg - Sudamerikanische Damfschiffahrts-Gesellschaft Eggert & Amsinck, c/o Columbus Line, Inc., 26 Broadway, New York 4, N.Y.
Lamport & Holt Line, Ltd., c/o Booth American Shipping Corp., 17 Battery Place, New York 4, N.Y.
Lloyd Brasileiro (Patrimonio Nacional), 17 Battery Place, New York 4, N.Y.
Mississippi Shipping Company, Inc. (Delta Line), 17 Battery Place, New York 4, N.Y.
Moore-McCormack Lines, Inc. (American Republics Line), 2 Broadway, New York 4, N.Y.
Northern Pan-America Lina, A/s (The), c/o Oivind Lorentzen, Inc., 21 West Street, New York 6, N.Y.
Norton Line—Joint Service, c/o Norton, Lilly & Co., Inc., 26 Beaver Street, New York 4, N.Y.

RIVER PLATE AND BRAZIL (59)

Van Nievelt, Gludriaan & Co's Stoomvaart-Maatschappij (Hamburg) G.m.b.n. (Holland Pan-American Line), c/o Black Diamond Steamship Corp., 2 Broadway, New York 4, N.Y.
Montemar S.A. Commercial Y Maritima, c/o Amerind Shipping Corp., 17 Battery Place, New York 4, N.Y.

INDEPENDENT LINES

A. B. Atlanttrafik, Gothenburg, Sweden, Garcia & Diaz, Inc., Agents, 25 Broadway, New York 4, N.Y.
Ahlmann Transcaribbean Line, Midwest Steamship Agency, Inc., Agents, 327 South La Salle Street, Chicago, Ill.
America-Australia Line, International Tariff Services, Inc., Agents, 239 Wyatt Building, Washington 5, D.C.
American Export and Isbrandtsen Lines, 26 Broadway, New York 4, N.Y.
Argonaut Shipping Co., Inc., Compass Agencies, Agents, 24 State Street, New York 4, N.Y.
Baltimore Ocean Carriers, Inc., International Tariff Services, Inc., Agents, 239 Wyatt Building, Washington, D.C.
Black Star Line, Ltd., Mediterranean Agencies, Inc., Agents, 42 Broadway, New York 4, N.Y.
Bristol City Line Limited (United States Great Lakes Service), One Broadway, New York 4, N.Y.
Canadian Pacific Steamships, Board of Inode Building, Montreal, Quebec, Canada.
Columbus Line, 26 Broadway, New York 4, N.Y.
The Cunard Steam-Ship Co., Ltd., 23 Broadway, New York 4, N.Y.
Erikson Reefer Line, Gustof Erikson, Marietamn, Finland.
Farrell Lines Inc., One Whitehall Street, New York 4, N.Y.
Federal & Atlantic Lakes Line, Federal Commerce & Navigation Co., Ltd., Agents, 451 St. John Street, Montreal, Quebec, Canada.
Great Lakes Bengal Lines, J. J. Georgelis, Inc., Agents, One Whitehall Street, New York 4, N.Y.
Hamburg American Line, U.S. Navigation Co., Inc., Agents, 17 Battery Place, New York 4, N.Y.
Hellenic Lines, Ltd., 39 Broadway, New York 6, N.Y.
Hycer Lines, S.A., G. Rybier, Kahn's Schiipvaart, 8 Glashaven, Rotterdam, Netherlands.
Iino Kaiun Kaisha, Ltd., United States Navigation Co., Inc., Agents, 17 Battery Place, New York 4, N.Y.
Isthmian Lines, Inc., 90 Broad Street, New York 4, N.Y.
Jadranska Slobodna Plovidba, Split, Yugoslavia.
Kawasaki Kiser Kaisha, Ltd., Kerr Steamship Co., Inc., Agents, Clegg Building, 350 California Street, San Francisco 4, Calif.
Kulukundis Maritime Industries, Inc., W. R. Crowell, Special Representative, 115 Broad Street, New York 4, N.Y.
Manchester Liners, Ltd., St. Anne's Square, Manchester 2, England.
Michigan Ocean Line, Mgrs. Sartori & Berger, 39 Vorsetzer, Hamburg 11, Germany.
Midcontinent Line, Midland Overseas Shipping Corp., Agents, Lake Calumet Harbor Drive, Chicago 33, Ill.
Midwest Mediterranean Line, Inc., Midwest Steamship Agency, Inc., Agents, 327 South La Salle Street, Chicago 4, Ill.
Mitsui Steamship Co., Ltd., Mitsui Line Agencies, Inc., Agents, 17 Battery Place, New York 4, N.Y.
Moore-McCormack Lines, Inc., Two Broadway, New York 4, N.Y.
Nedlloyd Line, Java Pacific Line, Inc., General Agents, 25 Broadway, New York 4, N.Y.
Nordship Continental Line, Nordship Agencies, Inc., Agents, 333 North Michigan Avenue, Chicago 1, Ill.
Nordship United Kingdom Line, Nordship Agencies, Inc., Agents, 333 North Michigan Avenue, Chicago 1, Ill.
Oceanica of America, Inc., International Tariff Services, Inc., Agents, 239 Wyatt Building, Washington 5, D.C.
Orient Mid-East Great Lakes Service, Eagle Ocean Transport Agency, Inc., Agents, 735 North Water Street, Milwaukee, Wis.
Osaka Shosen Kaisha, Ltd., 17 Battery Place, New York 4, N.Y.
Peralta Shipping Corp., Torm Lines, General Agents, 85 Broad Street, New York 4, N.Y.
Sabre Steamship Corp., 19 Rector Street, New York 6, N.Y.
Scindia Steam Navigation Co., Ltd., U.S. Navigation Co., Inc., Agents, 17 Battery Place, New York 4, N.Y.
States Marine Lines, W. R. Greiner, Agent, 90 Broad Street, New York 4, N.Y.
Swedish Chicago Line, Great Lakes Overseas, Inc., Agent, Prudential Building, Chicago, Ill.
Tica Line, 24 State Street, New York 4, N.Y.
The Ulster Steamship Company, Ltd., (Herd Line and Lord Line), McLeon Kennedy Ltd., Coristine Building, Montreal, Quebec, Canada.
Wallenius Line Great Lakes Service, Colley Motorships, Ltd., Agents, 455 Craig Street West, Montreal, Quebec, Canada.
Waterman Steamship Corp., L. A. Parish, Agent, 61 St. Joseph Street, Mobile, Ala.
Westwind Shipping Corp., Southern Star Shipping Co., Inc., General Agents, 29 Broadway, New York 4, N.Y.
Zim Israel Navigation Company, Ltd., Mediterranean Agencies, Inc., General Agents, 42 Broadway, New York 4, N.Y.

[F.R. Doc. 63-8741; Filed, Aug. 14, 1963; 8:51 a.m.]

STATES STEAMSHIP CO. AND PACIFIC STRAITS CONFERENCE

Notice of Filing of Agreement

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

Agreement No. 5680-L, between States Steamship Company and Pacific Straits Conference (Agreement No. 5680, as amended) provides for the admission of the States Steamship Company as an associate member of the Conference.

As an associate member, States Steamship Company will engage in transportation services within the scope of the conference agreement; it will be obligated to abide by all rates, rules, regulations and decisions of the conference, but it will have no vote in the affairs of the conference nor share in the expenses of the conference except as may be specifically agreed upon between the parties thereto.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington 25, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: August 12, 1963.

By order of the Federal Maritime Commission.

GEO. A. VIEHMANN,
Assistant Secretary.

[F.R. Doc. 63-8742; Filed, Aug. 14, 1963; 8:52 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP63-338]

LATERAL GAS PIPELINE CO.

Notice of Application and Date of Hearing

AUGUST 7, 1963.

Take notice that on June 7, 1963, Lateral Gas Pipeline Company (Applicant) with its principal place of business in Cedar Rapids, Iowa, filed in Docket No. CP63-338 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain pipeline and appurtenant facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant's proposed facilities will be employed to transport for the account of Iowa Electric Light and Power Company (Iowa Electric) natural gas to be purchased by Iowa Electric from Natural Gas Pipeline Company of America which will be distributed at retail in the Town Fontanelle, Iowa. The facilities proposed to be constructed are approximately 6.0 miles of 2-inch transmission line and appurtenant facilities located in Adair County, Iowa, extending from a point on Applicant's existing line near Greenfield, Iowa, in a westerly direction to the Town of Fontanelle.

The construction cost of the proposed facilities is estimated at $56,191, including engineering expenses. Applicant proposes to finance the project from funds on hand, sales of common stock

to its parent Iowa Electric, or through temporary advances.

It is estimated that the peak-day requirements of Fontanelle will be 205 Mcf in the first year of operation and increasing to 422 Mcf during the third year with the annual volumes being 27,212 Mcf and 51,199 Mcf, respectively.

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 17, 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 1.8 or 1.10) on or before September 3, 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.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 63-8719; Filed, Aug. 14, 1963; 8:47 a.m.]

[Docket No. CP62-196]

MONSON GAS CO.

Notice of Application

AUGUST 7, 1963.

Take notice that on February 16, 1962, as supplemented on June 26, 1963, Monson Gas Company, of Monson, Massachusetts (Applicant) filed an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Tennessee Gas Transmission Company (Tennessee Gas) to establish physical connection of its transmission facilities with the proposed facilities of the Applicant and to sell natural gas to Applicant for resale and distribution in the towns of Monson and Palmer, and their environs and also to sell gas to the Diamond National Corporation at Thorndike, located in Massachusetts, all as more fully described in the application.

The estimated third year peak day and annual requirements of the Applicant are stated to be 2244 Mcf daily and 488,835 annually. The industrial customer's firm requirement will approximate 90 percent of the total volumes.

On March 13, 1962 Tennessee Gas filed an answer to the application and thereafter on June 14, 1963 a supplement was filed stating in substance that it had no objection to supplying Applicant's gas requirements.

The estimated cost of Applicant's proposed facilities to serve the towns and areas above described is $396,891, for which costs adequate and satisfactory financial arrangements have been made.

Protests, petitions to intervene or requests for hearing in this proceeding may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 5, 1963.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 63-8720; Filed, Aug. 14, 1963; 8:47 a.m.]

[Docket No. G-17625 etc.]

SOCONY MOBIL OIL CO., INC., ET AL.

Order Conditionally Approving Proposed Settlement, Conditionally Issuing Certificates of Public Convenience and Necessity and Imposing Reporting Requirements

AUGUST 7, 1963.

Socony Mobil Oil Company, Inc., Docket No. G-17625, Continental Oil Company, Docket No. G-17649, Newmont Oil Company, Docket No. G-17765, Tennessee Gas Transmission Company, Docket No. RP64-4.

On October 29, 1962, Socony Mobil Oil Company, Inc., Continental Oil Company and Newmont Oil Company (hereafter collectively referred to as MCN) filed an offer of settlement in the above-captioned dockets which was rejected by our order of April 10, 1963 [1] for the reasons therein set out. On June 19, 1963, MCN filed an amended settlement proposal [2] and a motion for severance and issuance of certificates upon shortened procedures. No answers to this latter settlement proposal and motion have been received.

The major defects in the original proposal (i.e. ambiguities and failure to provide for permanent certificates as to some of the properties) have been cured.

A settlement rate of 19.0 cents per Mcf [3] is proposed for all three sales. Escrow provisions for an additional 1.5 cents per Mcf are to provide for the contingency of the producing acreage's being finally adjudicated as lying within the taxing jurisdiction of the State of Louisiana. Similar provisions were approved in the Commission's order of August 24, 1962 in Socony-Mobil Oil Company, Inc., 28 FPC 357. and other settlements. MCN represent that they are not now nor have they been paying Louisiana State taxes referable to the properties in question. The buyer in each case is Tennessee Gas Transmission Company (TGT).

MCN's offer applies to all properties (a 160-acre tract [4] and a 2340-acre tract [5] in the Block 62 Field, East Cameron Area, offshore Louisiana) covered under the rate schedules proposed to be settled.[6] It provides for: (1) A reduction in rate for the 160-acre tract sales from 22.9 cents per Mcf (includes 1.5 cents per Mcf tax reimbursement) now being collected to 19.0 cents per Mcf, and a reduction for the 2340-acre tract from 19.5 cents per Mcf to 19.0 cents per Mcf.[7] In addition, 1.5 cents per Mcf will be paid to an escrow agent pending final adjudication of the proper taxing jurisdiction for the subject properties; (2) a moratorium on further rate increases from October 1, 1962 to June 30, 1967, inclusive; (3) extension of make-up periods for take-or-pay gas to 48 months; (4) refunds of all amounts heretofore collected as reimbursement for Louisiana State taxes for deposit in the escrow account; (5) refund of two-thirds of the difference between 21.4 cents per Mcf (referable to the 160-acre tract) and 19.0 cents per Mcf collected from the date of initial delivery through September 30, 1962; and (6) refund of two-thirds of the difference between 19.5 cents per Mcf (referable to the 2340-acre tract) and 19.0 cents per Mcf collected from the date of initial delivery through September 30, 1962; (7) refunds of all amounts above the settlement rates collected subsequent to September 30, 1962.

Changes upward or downward in the settlement prices may be made during the moratorium period according to any specifically applicable area rate determined in the Area Rate Proceeding, Docket No. AR61-2, or other proceeding of similar nature. If MCN becomes obligated to pay any tax levied by the United States for which reimbursement is contractually provided, a rate increase equal to one-half of such tax may be filed. If the existing five-month suspension period of section 4 of the Natural Gas Act is lengthened, the July 1, 1967 moratorium date for increased filings shall be moved up correspondingly.

Generally, the terms of the settlement are similar to those previously accepted by the Commission in recent settlements.[8] As noted above, interested interveners participated in negotiations for settlement and have signed the set-

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[1] Union Texas Petroleum, et al., Docket Nos. G-13321, et al., Order Denying Motions to Sever and Rejecting Settlement Proposal.

[2] Other parties to the proposal are Consolidated Edison Co. of New York, Inc., Long Island Lighting Co. and Public Service Electric and Gas Co.

[3] All volumes at 15.025 psia.

[4] MCN contracts dated Dec. 12, 31, and 30, 1958, respectively.

[5] MCN contracts dated Sept. 6, Sept. 6 and Sept. 14, 1961, respectively.

[6] Socony's FPC Gas Rate Schedule No. 177, Continental's FPC Gas Rate Schedule No. 165 and Newmont's FPC Gas Rate Schedule No. 4.

[7] The original proposal of Oct. 29, 1962, provided for the continuance of the temporary authorization at 19.5 cents per Mcf for the 2340-acre tract.

[8] See Orders issued June 24, 1963 in Union Texas Petroleum, et al., Docket Nos. G-13221, et al., concerning Union Oil Co. of Calif. and Tenneco Corporation.

tlement proposal, and no comments have been received opposing the settlement. Refunds to TGT are estimated to be $300,000[9] (exclusive of interest) and under TGT's latest rate settlement in Docket Nos. G–11980, et al. such refunds will flow through to its customers.

Interest on refunds is proposed to be paid at a rate of 6 percent per annum, and no interest is proposed to accrue subsequent to April 30, 1963. However, in keeping with the present Commission policies of (1) requiring refunds to accrue until the last day of the month in which the proposal is received and (2) requiring interest to be paid at the rate of 6 percent per annum for refunds referable to sales made prior to March 1, 1960, with 7 percent interest for refunds made for sales after that date, our order below grants the certificates in these dockets upon the condition that interest on refunds accrue through June 30, 1963, the last day of the month in which the proposal was filed, and upon the further condition that interest attributable to volumes delivered prior to March 1, 1960 be computed at a rate of 6 percent per annum and for volumes delivered thereafter at a rate of 7 percent per annum.

In previous settlements involving another pipeline purchaser, where escrow arrangements have been necessary to account for monies pending final adjudication of the proper taxing jurisdiction for properties involved, we have required the pipeline company to make certain filings with us in order that we might be properly apprised of developments.[10] We believe that a similar requirement should be imposed upon TGT, an intervener party in these proceedings, at this time. Accordingly, in Docket No. RP64–4, TGT will file its escrow agreement with the agent selected and will file a special report of the amounts initially paid into escrow, special annual reports of the status of the escrow account, and special reports whenever the escrow agent makes disbursements therefrom.

We have approved of two other settlements involving TGT as purchaser in which similar escrow arrangements were provided.[11] In order to keep the Commission and interested parties informed as to the status of all of TGT's escrow accounts, we shall require TGT to file with the Commission in Docket No. RP64–4 the same reports for those other two escrow arrangements.

The settlement provisions for adjustments in rates according to our order or orders in Area Rate Proceeding, Docket No. AR61–2, seeks to anticipate in part the nature of our final determinations in that matter. It is clear that we shall make no determinations in this matter which will control our conclusions in Docket No. AR61–2. The settlement proposal also provides that adjustments in price growing out of the Area Rate Proceeding, Docket No. AR61–2, should go into effect upon conclusion of judicial review of our final order. However, we cannot now commit the Commission to conditionally staying the effectiveness of its final order in Docket No. AR61–2. These matters should be decided at the conclusion of that proceeding and our approval of the settlement will be so conditioned.

Pursuant to due notice, a hearing was held concerning the above-captioned matters on July 23, 1963. Staff Counsel moved for the omission of the intermediate decision pursuant to § 1.30(c)(1) of the rules of practice and procedure and the record including the settlement agreement was certified to us by the presiding examiner. No party opposed the omission of the intermediate decision in these proceedings.

The Commission finds:

(1) Socony Mobil Oil Company, Inc., Continental Oil Co., and Newmont Oil Co. are natural-gas companies within the meaning of the Natural Gas Act, and are engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission.

(2) The proposed sales of natural gas are subject to the jurisdiction of the Commission, and such sales, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) MCN are able and willing properly to do the acts and to perform the services proposed, and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(4) The proposed sales, together with the construction and operation of any facilities subject to the jurisdiction of the Commission and necessary therefor, are required by the public convenience and necessity and are in the public interest upon the conditions set forth below, and certificates should be issued as ordered below.

(5) The conditions attached to the certificates herein issued are required by the public convenience and necessity.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that TGT be required to report to the Commission on its escrow arrangements, as ordered below.

(7) No party has opposed the waiver of the intermediate decision in these proceedings.

The Commission orders:

(A) The motion for waiver of the intermediate decision procedure is granted.

(B) Certificates of public convenience and necessity are hereby issued upon the conditions set forth herein to Socony Mobil Oil Company, Inc., Continental Oil Co., and Newmont Oil Co. for the sale of natural gas in interstate commerce for resale as proposed, and for the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, as more fully described in the MCN's applications and settlement proposal herein.

(C) The certificates issued by paragraph (B) above, are granted upon the express condition that MCN comply fully with the terms of the settlement proposal referred to above and which was entered into evidence in this proceeding, which settlement is expressly approved, as conditioned herein.

(D) Within 30 days after making the refunds required by the terms and conditions of this order and the settlement proposals, the MCN shall report to the Commission, in triplicate, the amount of the refunds made to TGT, showing separately the amount of principal and interest so paid and the bases used for such determinations, together with releases from the purchaser showing receipt of the refunds in conformity to the settlement as approved.

(E) Upon full compliance of MCN with all the terms of this order and of the settlement proposals, MCN shall be relieved of any further refund obligations in these proceedings and said proceedings shall terminate.

(F) The certificates herein issued are not transferable and shall be effective only so long as MCN continue the acts and operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations and orders of the Commission.

(G) The grant of the certificates herein shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act, or Part 154 of the regulations thereunder; *Provided, however,* That the 30-day notice provision of § 154.94(b) and the detailed submittal requirements of § 154.94(f) are hereby waived insofar as they apply to the filing of reductions in rate as required by this order and the settlement proposal.

(H) The grant of certificates herein and approval of the settlement proposal is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against MCN particularly any proceeding under section 5 of the Natural Gas Act or section 5(c) of the Outer Continental Shelf Lands Act and is without prejudice to claims or contentions which may be made by the Commission, Applicant, the Commission staff, or any affected party herein in any other proceeding.

(I) Within 30 days after it has executed an agreement with an escrow agent, pursuant to this order, TGT shall file with the Commission a conformed copy of such agreement and a special report of the amounts paid into escrow. In addition, within 30 days of the date of this order TGT shall file with the Commission conformed copies of the escrow agreements entered into pursuant to our orders of December 21, 1962, and January 2, 1963, supra, and special reports of the amounts paid into escrow thereunder. Each year thereafter and until the escrow agreements terminate,

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[9] Includes full tax refund paid to escrow account.

[10] See Socony Mobil Oil Company, Inc., 28 FPC 357; footnote 8, supra.

[11] See Continental Oil Co., et al., Docket Nos. G–11024, et al., Order Conditionally Approving Rate Settlement Proposal, Severing and Terminating Proceedings, issued Dec. 21, 1962, and Tennessee Gas Transmission Co., et al., Docket Nos. G–14562, et al. Order Granting Motion to Omit the Intermediate Decision, Approving Proposed Settlement and Issuing Certificates of Public Convenience and Necessity, issued Jan. 2, 1963.

TGT shall file contemporaneously with its Form 2 Annual Report a report of the amounts in the escrow accounts as of the last day of the reporting year. In addition, whenever the escrow agent pays out monies from the escrow accounts, TGT shall file a special report of the principal and interest so paid out, the reason for such payments, and the manner of distribution and basis therefor. Whenever the escrow agent pays out monies, TGT shall serve a copy of its special report on each interested State Commission. All filings and reports required by this paragraph shall be made by a responsible corporate official in Docket No. RP64–4 and shall include a statement of the amounts attributable to each rate schedule and field.

By the Commission.

[SEAL] GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 63–8721; Filed, Aug. 14, 1963; 8:47 a.m.]

[Docket No. G–13221 etc.]

UNION TEXAS PETROLEUM ET AL.

Order Severing Proceedings, Conditionally Approving Proposed Settlement and Conditionally Issuing Certificates of Public Convenience and Necessity

AUGUST 7, 1963.

Union Texas Petroleum, et al., Docket No. G–13221, et al.; Graridge Corporation (Operator), et al., Docket No. G–19246, et al.; Humble Oil & Refining Company, Docket Nos. G–14967, G–15227, G–17349, G–17570, G–17772, G–18547, G–18714, G–18715, G–18716, G–19800, G–20019, CI60–96, CI60–177, CI60–531, CI60–623, CI61–397, CI61–425, CI61–1176, CI62–69, CI63–635, CI62–70, CI63–455, and CI63–755.

Humble Oil & Refining Company (Humble) and certain interested interveners,[1] submitted on April 11, 1963, a settlement agreement and a motion for severance of twenty-two of the Humble dockets listed above from the consolidated certificate proceeding, Union Texas Petroleum, et al. Docket Nos. G–13221, et al. and one Humble docket (CI63–455) from the consolidated proceeding, Graridge Corporation (Operator), et al. Docket Nos. G–19246, et al. The motion also requested the expeditious issuance of permanent certificates of public convenience and necessity according to the applications as modified by the settlement agreement in each of the dockets except Docket No. CI63–635. The agreement proposed that the sale in Docket No. CI63–635 continue under temporary authorization.

Answers in opposition to this motion were filed on April 22, 1963, by the Pennsylvania Public Utility Commission (Pennsylvania), Alabama Gas Corporation (Alabama Gas) and the Memphis Gas, Light and Water Division of the City of Memphis, Tenn. (Memphis). Transcontinental Gas Pipeline Corporation (Transco), a purchaser from Humble, on May 13, 1963, filed a statement objecting to the date on which the proposed moratorium would end and on the same date, the Philadelphia Electric Company filed a letter with the Secretary objecting to the treatment proposed for Docket No. CI63–635. The Public Service Commission of New York, on April 26, 1963, filed a response to the motion. Because of the opposition by parties and without passing on the merits of the settlement proposal, on May 21, 1963, we issued an order denying the motion.[2]

On May 31, 1963, Memphis filed a withdrawal of objection and on June 6, 1963, Pennsylvania filed an "Amended Answer" to the Humble, et al. motion withdrawing its objection. Alabama Gas, on June 10, 1963, filed a letter with the Secretary requesting that its Answer of April 22, 1963, be considered a statement of position and not be considered an objection to the settlement proposal of Humble, et al.

On June 7, 1963, Humble filed an application for rehearing and reconsideration of our order of May 21, 1963,[3] and on June 12, 1963, the Eastern Seaboard Interveners[4] filed a motion for reconsideration of the same order.

Since we could not approve of the entire package settlement proposal as submitted because of its failure to provide for the issuance of a permanent certificate of public convenience and necessity in Docket No. CI63–635 and its failure to provide for the accrual of interest on the amounts to be refunded through the last day of the month in which the settlement was filed, we granted the motions for reconsideration on July 8, 1963,[5] for the limited purpose of allowing the parties an opportunity to consider our proposal to approve of the settlement upon condition that a permanent certificate be issued at a settlement rate of 20.625 cents per Mcf[6] in Docket No. CI63–635 subject to the moratorium and the take-or-pay make-up provisions of the agreement. On July 22, 1963, Humble filed a letter with the Secretary advising "* * * that Humble will accept the settlement conditioned as proposed in the Commission's said order issued July 8, 1963." No objections to our proposed disposition of these matters have been filed.

The settlement agreement as now modified provides the following:

(1) In respect to the Humble Rate Schedules listed in paragraphs (2), (3), (4), and (5) below, a moratorium on rate increase filings from April 1, 1963, through March 31, 1968; except that such filings may be made (1) prior to April 1, 1968, to the extent that the maximum statutory suspension period under section 4(e) of the Natural Gas Act may be extended beyond 5 months or the Commission may hereafter be authorized to lengthen such suspension period, and (2) at any time for reimbursement of one-half the amount of increased State or Federal taxes or payments in lieu of taxes, provided that such increase does not exceed the reimbursement to which Humble is entitled by contract.

(2) Permanent certification at settlement rates of 20.625 cents per Mcf inclusive of tax reimbursement, for gas delivered pursuant to Humble's Rate Schedules Nos. 136 (G–15227), 148 (G–17349), 152 (G–17772), 158 (G–18547), 163 (G–18714), 164 (G–18715), 165 (G–18716), 168 (G–19800), 169 (G–20019), 234 (CI60–177), 238 (CI60–623), 246 (CI61–397), 247 (CI61–425), 269 (CI61–1176), 274 (CI60–531), 280 (CI62–70) and 317 (CI63–635).

(3) Permanent certification at settlement rates of 19 cents per Mcf, inclusive of reimbursement for payments under section 6(a)(9) of the Outer Continental Shelf Lands Act,[7] for gas delivered pursuant to Humble's Rate Schedule Nos. 241 (CI60–96) and 304 (CI62–69).

(4) Permanent certification at a rate of 19.5 cents per Mcf inclusive of tax reimbursement for gas delivered pursuant to Humble's FPC Gas Rate Schedule No. 323 (CI63–755).

(5) Permanent certification at contractual initial rates of 18.70 cents, 20.25 cents and 14.25 cents per Mcf, inclusive of tax reimbursement, for gas delivered pursuant to Humble's Rate Schedules Nos. 135 (G–14967), 149 (G–17570) and 314 (CI63–455), respectively.

(6) Prospective upward or downward adjustment of settlement rates according to any applicable area rate or rates determined in Area Rate Proceeding, Docket No. AR61–2.

(7) Collection of the increased rates now in effect subject to refund in Docket Nos. RI62–82,[8] RI62–393,[9] RI63–94,[10] to be continued and the increased rate filed for but under suspension in Docket No. RI63–172[11] to be collected, subject to further orders of the Commission in those suspension dockets.

(8) Extension of the make-up period for gas paid for but not taken to 4 years in any case where the contract provides a lesser make-up period.

(9) Full refunds to be paid on all amounts collected by Humble in excess of the proposed settlement rate of 20.625

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[1] The Brooklyn Union Gas Co., Consolidated Edison Co. of N.Y., Inc., Long Island Lighting Co., Philadelphia Gas Works Division of the United Gas Improvement Co., Public Service Electric and Gas Co., South Jersey Gas Co., The United Gas Improvement Co., the New England Distributors group, the East Ohio Gas Co., Hope Natural Gas Co., Lake Shore Pipe Line Co., New York State Natural Gas Corp., The Peoples Natural Gas Co., and The River Gas Co.

[2] Humble Oil & Refining Co., et al., Docket Nos. G–14967, et al., Order Denying Motion For Severance, For Approval of Settlement Agreement and For Issuance of Permanent Certificates and Request for Prompt Determination.

[3] This application was treated as a motion for reconsideration. Our Order of May 21, 1963, supra, was not a final order.

[4] See footnote 1.

[5] Union Texas Petroleum, et al., Docket Nos. G–13221, et al., Order Granting Motions For Reconsideration.

[6] All volumes expressed at 15.025 psia.

[7] 67 Stat. 462.

[8] Related to Supplement No. 5 to Humble's FPC Gas Rate Schedule No. 135.

[9] Related to Supplement No. 4 to Humble's FPC Gas Rate Schedule No. 149.

[10] Related to Supplement No. 6 to Humble's FPC Gas Rate Schedule No. 135.

[11] Related to Supplement No. 6 to Humble's FPC Gas Rate Schedule No. 314.

cents per Mcf for gas purchased under Humble's Rate Schedules Nos. 274 and 269. In both instances sales are being made to Tennessee Gas Transmission Company (Tennessee) under temporary authorizations subject to refund of amounts above the rate required by public convenience and necessity down to a floor of 20 cents.

(10) Full refunds of all amounts above the settlement rates collected by Humble since April 1, 1963, the effective date of the rate reductions.

(11) Interest on the refundable amounts at 7 percent per annum to accrue through April 30, 1963.

The pipeline purchasers which will receive refunds and rate reductions under the settlement are Tennessee, United Gas Pipeline Company (United), Transcontinental Gas Pipe Line Corporation (Transco), Southern Natural Gas Company (Southern), and Trunkline Gas Company (Trunkline).

Tennessee, which will receive the greatest share of the refunds (approximately $400,000) will, in accordance with its rate settlement in Docket Nos. G–11980, et al., pass the refunds on to its customers and also reflect Humble's reduced rates in its rates. Subject to the various conditions in their respective rate settlements, Tennessee's jurisdictional customers will in turn reflect Tennessee's refunds and rate adjustments.

United's rate case in Docket No. RP63–1 is presently before the Commission. Any adjustments necessary to reflect Humble's reduced rates will be considered in that proceeding.

The refunds to Transco (approximately $10,000) will be passed on and the Humble rate reductions will be reflected by Transco, subject to the accumulation provision of its rate settlement in Docket No. RP61–13.

Southern, whose refund will be approximately $2,000, is under a similar obligation. The dollar effect of this settlement on Trunkline is de minimis.

Transco, as we noted in our order of July 8, 1963, objects to the date of the end of the moratorium period because it fears that since the moratoria in other settlement agreements concerning its suppliers end less than six months prior to the date proposed by Humble, et al., Transco may not be in a position to pass on Humble's prospective rate increases immediately. We stated in that order that we feel that an otherwise acceptable settlement agreement should not be rejected because of these circumstances. Should the circumstances which Transco fears actually occur it would be free to make application for special permission at that time to file rate changes during a suspension period.

The settlement provisions for adjustments in rates according to our order or orders in Area Rate Proceeding, Docket No. AR61–2, seek to anticipate in part the nature of our final determinations in that matter. It is clear that we shall make no determinations in this matter which will control our conclusions in Docket No. AR61–2. The settlement proposal also provides that adjustments in price growing out of the Area Rate Proceeding, Docket No. AR61–2, should go into effect upon conclusion of judicial review of our final order. However, we cannot now commit the Commission to conditionally staying the effectiveness of its final order in Docket No. AR61–2. These matters should be decided at the conclusion of that proceeding and our approval of the settlement will be so conditioned.

We find the settlement proposal as modified to be in the public interest. Accordingly, we shall sever the above-captioned Humble dockets from the consolidated proceedings in Union Texas Petroleum et al., Docket Nos. G–13221, et al. and Graridge Corporation (Operator), et al., Docket Nos. G–19246, et al., omit the intermediate decisions in regard to these dockets [12] and conditionally issue certificates of public convenience and necessity.

The Commission finds:

(1) Humble Oil & Refining Company is a natural-gas company within the meaning of the Natural Gas Act, and is engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission.

(2) The proposed sales of natural gas are subject to the jurisdiction of the Commission, and such sales, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

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

(4) The proposed sales, together with the construction and operation of any facilities subject to the jurisdiction of the Commission and necessary therefor, are required by the public convenience and necessity and are in the public interest upon the conditions set forth below, and certificates should be issued as ordered below.

(5) The conditions attached to the certificates herein issued are required by the public convenience and necessity.

(6) No party has opposed the waiver of the intermediate decision in these proceedings.

The Commission orders:

(A) The motion for waiver of the intermediate decision is granted.

(B) The matters in the Humble dockets listed in the caption to this order, except Docket No. CI63–455, are hereby severed from the consolidated proceeding, Union Texas Petroleum, et al., Docket Nos. G–13221, et al. and Docket No. CI63–455 is hereby severed from the consolidated proceeding, Graridge Corporation (Operator), et al., Docket Nos. G–19246, et al.

(C) Certificates of public convenience and necessity are hereby issued upon the conditions set forth herein to Humble Oil & Refining Company for the sales of natural gas in interstate commerce for resale as proposed and as modified by the settlement proposal and this order, and for the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefore, as more fully described in Humble's applications and settlement proposal herein.

(D) The certificates issued by paragraph (C) above, are granted upon the express condition that Humble comply fully with the terms of the settlement proposal as modified which settlement is expressly approved, as modified by this order.

(E) Within 30 days after making the refunds required by the terms and conditions of this order and the settlement proposal as modified, Humble shall report to the Commission, in triplicate, the amount of the refunds made to its pipeline purchasers, showing separately the amount of principal and interest so paid and the bases used for such determination, together with releases from the purchasers showing receipt of the refunds in conformity to the settlement as approved.

(F) Upon full compliance of Humble with all the terms of this order and of the settlement proposal as modified, Humble shall be relieved of any further refund obligations in these certificate proceedings and said proceedings shall terminate.

(G) The certificates herein issued are not transferable and shall be effective only so long as Humble continues the acts and operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations and orders of the Commission.

(H) The grant of the certificates herein shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act, or Part 154 of the regulations thereunder; *Provided, however,* That the 30-day notice provision of §154.94(b) and the detailed submittal requirements of § 154.94(f) are hereby waived insofar as they apply to the filing of reductions in rate as required by this order and the settlement proposal.

(I) The grant of certificates herein and approval of the settlement proposal is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against Humble, particularly any proceeding under section 5 of the Natural Gas Act or section 5(c) of the Outer Continental Shelf Lands Act and is without prejudice to claims or contentions which may be made by the Commission, Applicant, the Commission staff, or any affected party herein in any other proceeding.

By the Commission.

[SEAL] GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 63–8723; Filed, Aug. 14, 1963; 8:48 a.m.]

[12] The hearings in the Union Texas Petroleum, et al. consolidated proceeding concluded July 25, 1963, and the hearing in the Graridge Corp. (Operator), et al., consolidated proceeding concluded on May 14, 1963.

[Docket Nos. RI64–75, RI64–76]

TENNECO CORP. ET AL.

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

AUGUST 1, 1963.

Tenneco Corporation (Operator), et al., Docket No. RI64–75; Tenneco Corporation, Docket No. RI64–76.

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 15.025 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	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI64–75	Tenneco Corp. (Operator), et al., P.O. Box 2511, Houston, Tex.	16	1	El Paso Natural Gas Co. (Blanco Mesa Verde Field, San Juan County, N. Mex.) (San Juan Basin Area).	$19	7–11–63	[1] 8–11–63	[2] 8–12–63	12.0	[3] [4] 13.0495	G–19983
	do	38	1	El Paso Natural Gas Co. (Blanco Field, San Juan and Rio Arriba County, N. Mex.) (San Juan Basin Area).	34	7–11–63	[1] 8–11–63	[2] 8–12–63	12.0	[3] [4] 13.0495	G–19983
RI64–76	do	18	1	El Paso Natural Gas Co. (Blanco Mesa Verde Field, Rio Arriba County, N. Mex.) (San Juan Basin Area).	37	7–11–63	[1] 8–11–63	[2] 8–12–63	12.0	[3] [4] 13.0495	G–19983

[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] Includes 1.0 cent per Mcf minimum guarantee for liquids.

Tenneco Corporation and Tenneco Corporation (Operator), et al. (both referred to herein as Tenneco) request waiver of notice to make their proposed rate increases effective as of July 1, 1963. Good cause has not been shown for waiving the 30-day notice requirement provided in Section 4(d) of the Natural Gas Act to permit an earlier effective date for the 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.

Tenneco's proposed rate increases reflect partial reimbursement for the 0.55 percent increase from 2.0 to 2.55 percent in the New Mexico Oil and Gas Emergency School Tax.

Tenneco's presently effective rates are involved in suspension proceedings in Docket No. G–19983. On March 6, 1963, Tenneco filed an offer of settlement, as amended on April 10, 1963, relating to the suspension proceedings in said docket which were originally instituted when Tenneco's parent company, Tennessee Gas Transmission Company, filed, among other things, "producer-type" rate increases pertaining to 17 off-system sales to various pipeline companies. The Commission by its order issued August 2, 1963, conditionally accepted Tenneco's offer of settlement and provided in said order, among other things, that the settlement rates be made effective as of the date of the issuance of such order.

On July 11, 1963, Tenneco filed three proposed rate increases, from 11.0 cents to 11.0454 cents per Mcf, at 15.025 psia, which have been designated as Supplement No. 1 to Tenneco Corporation (Operator), et al. FPC Gas Rate Schedules Nos. 2 and 15, respectively, and Supplement No. 1 to Tenneco Corporation's FPC Gas Rate Schedule No. 17, for sales of natural gas from various fields in San Juan and Rio Arriba Counties, N. Mex., to El Paso Natural Gas Company. These three proposed rate increases fall below the 13.0 cents per Mcf 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, and should be accepted for filing to become effective as of the date of the issuance of the Commission's order accepting Tenneco's offer of settlement of the suspension proceedings in Docket No. G–19983.

Tenneco's rate increases contained in Supplement No. 1 to Tenneco's FPC Gas Rate Schedules Nos. 16, 18 and 38, respectively, and more fully described in the tabulation herein, include 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 1.0 cent per Mcf minimum guarantee to the base rate of 12.0 cents per Mcf plus tax reimbursement results in total proposed rates in excess of the 13.0 cents per Mcf 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 (18 CFR, Ch. I, Part 2, § 2.56).

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

The Commission finds:

(1) Good cause has been shown that the 11.0454 cents per Mcf rate contained in Supplement No. 1 to Tenneco Corporation (Operator), et al. FPC Gas Rate Schedules Nos. 2 and 15, respectively, and Supplement No. 1 to Tenneco Corporation's FPC Gas Rate Schedule No. 17, should be accepted for filing and permitted to become effective as of August 2, 1963.

(2) 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 rates and charges contained in Supplement No. 1 to Tenneco Corporation (Operator), et al., FPC Gas Rate Schedules Nos. 16 and 38, respectively, and Supplement No. 1 to Tenneco Corporation's FPC Gas Rate Schedule No. 18, and that said supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Supplement No. 1 to Tenneco Corporation (Operator), et al. FPC Gas Rate Schedules Nos. 2 and 15, respectively, and Supplement No. 1 to Tenneco Corporation's FPC Gas Rate Schedule No. 17, are hereby accepted for filing and permitted to become effective as of August 2, 1963.

(B) 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 a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplement No. 1 to Tenneco Corporation (Operator), et al. FPC Gas Rate Schedules Nos. 16 and 38, respectively, and Supplement No. 1 to Tenneco Corporation's FPC Gas Rate Schedule No. 18.

(C) Pending hearings and decisions thereon, the rate supplements designated in the above tabulation, 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 Tenneco, as set forth in the above tabulation, 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

[1] This order does not provide for the consolidation for hearing or disposition of the matters covered herein, nor should it be so construed.

of this order, Tenneco shall execute and file under its above-designated docket numbers with the Secretary of the Commission its agreements and undertakings 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 Tenneco is advised to the contrary within 15 days after the filing of its agreements and undertakings (an agreement and undertaking to be filed in each docket number shown above) such agreements and undertakings shall be deemed to have been accepted.

(D) 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.

(E) 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 27, 1963.

By the Commission.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 63-8722; Filed, Aug. 14, 1963; 8:48 a.m.]

OFFICE OF EMERGENCY PLANNING

MORRIS A. LIEBERMAN

Appointee's Statement of Changes in Business Interests

The following statement lists the names and concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

Allied Stores.
American Telephone & Telegraph.
Chicago, Rock Island & Pacific Railroad.
Columbia Gas Co.
Consolidated Foods.
Canadian Delhi Oil Co.
LaClede Gas Co.
Maremont Automotive Products.
Mississippi River & Fuel Co.
Ohio Edison Co.
Standard Oil of Calif.
Real Estate Research Corp.

This amends statement previously published in the FEDERAL REGISTER January 18, 1963 (28 F.R. 506).

Dated: June 17, 1963.

MORRIS A. LIEBERMAN.

[F.R. Doc. 63-8704; Filed, Aug. 14, 1963; 8:45 a.m.]

ROBERT J. HARBISON, III

Appointee's Statement of Changes in Business Interests

The following statement lists the names and concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

Add to previous holdings: Aluminum Co. of America.

Delete from previous holdings: Reynolds Metals.

No other changes from previously reported holdings.

This amends statement previously published in the FEDERAL REGISTER January 18, 1963 (28 F.R. 506).

Dated: June 19, 1963.

ROBERT J. HARBISON, III.

[F.R. Doc. 63-8705; Filed, Aug. 14, 1963; 8:45 a.m.]

BREVARD E. CRIHFIELD

Appointee's Statement of Changes in Business Interests

The following statement lists the names and concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

Eversharp, Inc.
Hoover Ball & Bearing Co.
Dynalectron Corp.
Oklahoma Oil Co.
Stein, Roe & Farnham Stock Fund.
Universal Controls.

This amends statement previously published in the FEDERAL REGISTER March 16, 1963 (28 F.R. 2609).

Dated: June 20, 1963.

BREVARD E. CRIHFIELD.

[F.R. Doc. 63-8706; Filed, Aug. 14, 1963; 8:45 a.m.]

GERHARD D. BLEICKEN

Appointee's Statement of Changes in Business Interests

The following statement lists the names and concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

Senior Vice President and Secretary, John Hancock Mutual Life Insurance Co., Boston 17, Mass.

Director, Robinson Technical Products, Inc., Teterboro, N.J.

Director, High Vacuum Equipment Corp., Hingham, Mass.

Trustee, B & M Real Estate Trust, Hingham, Mass.

This amends statement previously published in the FEDERAL REGISTER January 18, 1963 (28 F.R. 505).

Dated: June 27, 1963.

GERHARD D. BLEICKEN.

[F.R. Doc. 63-8707; Filed, Aug. 14, 1963; 8:46 a.m.]

DAVID C. HOLUB

Appointee's Statement of Changes in Business Interests

The following statement lists the names and concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

The Holub Iron & Steel Co., president and substantial stockholder.

No other significant financial interests.

This amends statement previously published in the FEDERAL REGISTER March 15, 1963 (28 F.R. 2533).

Dated: June 30, 1963.

DAVID C. HOLUB.

[F.R. Doc. 63-8708; Filed, Aug. 14, 1963; 8:46 a.m.]

JOSEPH D. KEENAN

Appointee's Statement of Changes in Business Interests

The following statement lists the names and concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

Bought:
Kay Foods.
Exchanges:
Schlembager received in exchange for Daystrom.
Chicago Nuclear received in exchange for Radiation Institute Lab.

This amends statement previously published in the FEDERAL REGISTER January 18, 1963 (28 F.R. 506).

Dated: July 31, 1963.

JOSEPH D. KEENAN.

[F.R. Doc. 63-8709; Filed, Aug. 14, 1963; 8:46 a.m.]

CARLTON S. DARGUSCH

Appointee's Statement of Changes in Business Interests

The following statement lists the names and concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

The following are the corporations or organizations in which I was an officer or director, or trustee, within sixty days preceding my appointment: Mount Carmel Hospital, The Clark Grave Vault Co., The Ohio Tuberculosis & Health Association, Midwest Foundation for Education and Research, The Ohio State University—all of Columbus, Ohio; Henrite Products Corp., Ironton, Ohio, Morristown Molding, Inc., Morristown, Tenn.

I own stock in the following companies: The Clark Grave Vault Co., Henrite Products Corp.

I am the senior partner in the law firm of Dargusch & Dargusch, of 218 East State Street, Columbus, Ohio. The firm represents a large number of clients located throughout the country. The firm represents these clients, on a retainer basis, in the capacity of counsel. See volume III, Martindale-Hubbell (1963), at pages 4884-4885 for listing of these clients.

This amends statement previously published in the FEDERAL REGISTER January 18, 1963 (28 F.R. 506).

Dated: June 21, 1963.

CARLTON S. DARGUSCH,
Brig. General,
U.S. Army Reserve.

[F.R. Doc. 63-8710; Filed, Aug. 14, 1963; 8:46 a.m.]

OTTO L. NELSON

Appointee's Statement of Changes in Business Interests

The following statement lists the names and concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

Vice President in charge of Housing, New York Life Insurance Co.
Director, American Arbitration Association
Member, Board of Governors, and Vice President, Building Research Institute
Trustee, Carnegie Endowment for International Peace
Trustee, Excelsior Savings Bank
Director, Governmental Affairs Institute
Trustee, Institute of International Education
Trustee, Institute of Public Administration
Member, Board of Governors, New York Building Congress, Inc.
Director, Regional Plan Association of New York, Inc.
Stockholder in the following corporations:
Bethlehem Steel Co.
Blaw Knox Co.
General Motors Co.
Monsanto Chemical Co.
Robinson Technical Products
Standard Oil of Ind.
Standard Oil of N.J.
Union Pacific Railroad
United Fruit Co.
Also owner of various municipal bonds, school bonds, and public authority bonds.
Also retired Army officer: Major General, U.S. Army (retired).

This amends statement previously published in the FEDERAL REGISTER January 18, 1963 (28 F.R. 507).

Dated: June 19, 1963.

OTTO L. NELSON.

[F.R. Doc. 63-8711; Filed, Aug. 14, 1963; 8:46 a.m.]

GEOFFREY BAKER

Appointee's Statement of Changes in Business Interests

The following statement lists the names and concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

Ralston Purina Co.—vice president.
First Investors Corp., Wellington Fund, Inc.
The First Pennsylvania Banking & Trust Co., custodian-stockholder.

This amends statement previously published in the FEDERAL REGISTER January 18, 1963 (28 F.R. 505).

Dated: June 21, 1963.

GEOFFREY BAKER,

[F.R. Doc. 63-8712; Filed, Aug. 14, 1963; 8:46 a.m.]

H. BURKE HORTON

Appointee's Statement of Changes in Business Interests

The following statement lists the names and concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

Teletrak Corp.: Stockholder (incorporated in State of Delaware). Address—law office of Mr. Howard Spering, President, K St. NW., Washington, D.C.

Capital Realty Co.: Parent organization for a group of limited partnerships formed for the purpose of investing in real estate in the Washington, D.C. area. I have invested in several of these limited partnerships. Address: c/o Dr. Joseph D. Coker, Falls Church, Va.

Sperry Rand Corp., 30 Rockefeller Plaza, New York 20, N.Y. I hold an option to purchase a stipulated number of shares at a fixed price during the next 2 to 7 years.

This amends statement previously published in the FEDERAL REGISTER March 15, 1963 (28 F.R. 2533).

Dated: July 1, 1963.

H. BURKE HORTON.

[F.R. Doc. 63-8713; Filed, Aug. 14, 1963; 8:46 a.m.]

JAMES B. ROSSER

Appointee's Statement of Changes in Business Interests

The following statement lists the names and concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

Transport Leasing, a division of Pullman Inc.—Officer.
National Lead Co.—Stockholder.
American Bakeries Co.—Stockholder.
Commonwealth Edison Co.—Stockholder.
Northern Illinois Gas Co.—Stockholder.
Evans Products Co.—Stockholder.
Pullman Inc.—Stockholder.

This amends statement previously published in the FEDERAL REGISTER January 18, 1963 (28 F.R. 507).

Dated: June 17, 1963.

JAMES B. ROSSER.

[F.R. Doc. 63-8714; Filed, Aug. 14, 1963; 8:46 a.m.]

SAM M. EWING

Appointee's Statement of Changes in Business Interests

The following statement lists the names and concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

No change since last report published January 18, 1963 (28 F.R. 506).

Dated: June 26, 1963.

SAM M. EWING.

[F.R. Doc. 63-8715; Filed, Aug. 14, 1963; 8:46 a.m.]

OSCAR F. RENZ

Appointee's Statement of Changes in Business Interests

The following statement lists the names and concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

No change from statement published January 18, 1963 (28 F.R. 507).

Dated: June 22, 1963.

OSCAR F. RENZ.

[F.R. Doc. 63-8716; Filed, Aug. 14, 1963; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 12, 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. 38474: *Charcoal Within Southern Territory.* Filed by O. W. South, Jr., agent (No. A4363), for interested rail carriers. Rates on charcoal, as described in the application, in carloads, between points in southern territory, also Ohio and Mississippi River crossings, Virginia cities, Washington, D.C., St. Louis, Mo., and intermediate points on lines of southern rail carriers.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Supplement 19 to Southern Freight Association, agent, tariff I.C.C. S-328.

FSA No. 38475: *Clay from Boaz, Ky., to Southwestern Territory.* Filed by O. W. South, Jr., agent (No. A4362), for interested rail carriers. Rates on clay, noibn, crude or ground, as described in the application, in carloads, from Boaz, Ky., to points in southwestern territory.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Supplement 20 to Southern Freight Association, agent, tariff I.C.C. S-206.

By the Commission.

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

[F.R. Doc. 63-8737; Filed, Aug. 14, 1963; 8:50 a.m.]

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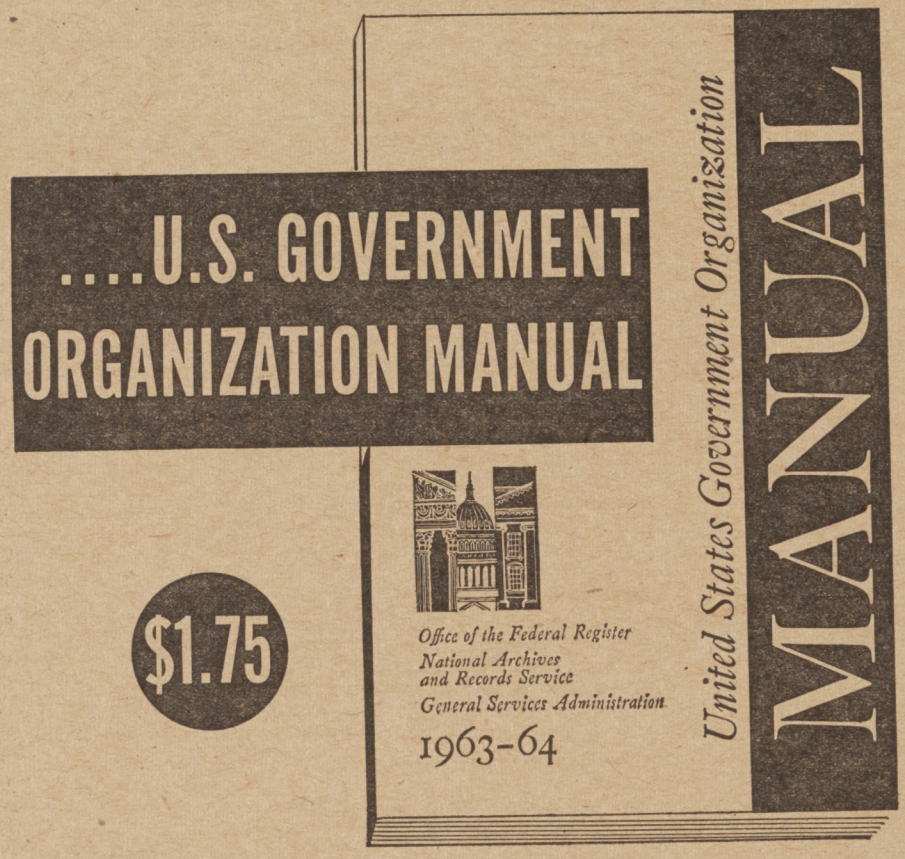
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