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Presidential Documents

Title 3—THE PRESIDENT

Executive Order 11123

AMENDMENT OF EXECUTIVE ORDER NO. 10853,¹ RELATING TO VARIOUS ALLOWANCES TO CERTAIN GOVERNMENT PERSONNEL ON FOREIGN DUTY

By virtue of the authority vested in me by Section 235(a) of title 38 of the United States Code, and as President of the United States, it is ordered as follows:

SECTION 1. Executive Order No. 10853 of November 27, 1959, headed "Delegating the authority of the President with respect to various allowances to certain Government personnel on foreign duty," as amended, is hereby amended by substituting for Section 2(c) thereof the following:

"(c) The authority vested in the President by Section 235(a) of title 38 of the United States Code to prescribe rules and regulations, to the extent that such authority is in respect of the following:

"(1) Section 235(a)(5) of title 38, except as that section pertains to allowance similar to that provided for in Section 911(9) of the Foreign Service Act of 1946, as amended (22 U.S.C. 1136(9)),

"(2) Section 235(a)(6) of title 38, and

"(3) Section 235(a)(8) of that title."

SEC. 2. The rules and regulations prescribed by the Secretary of State pursuant to Section 2(c) of the said Executive Order No. 10853, or pursuant thereto as amended, shall be effective from such date or dates as he shall determine, but not in any case earlier than October 15, 1962, in respect of Europe (38 U.S.C. 230(c)) or earlier than January 9, 1961, in respect of territory of the Republic of the Philippines (38 U.S.C. 230(b)).

JOHN F. KENNEDY

THE WHITE HOUSE,
October 18, 1963.

[F.R. Doc. 63-11236; Filed, Oct. 21, 1963; 11:09 a.m.]

¹ 24 F.R. 9565; 3 CFR, 1959 Supp., p. 144.

Notice of October 19, 1963

NOTICE OF PROPOSED TRADE AGREEMENT NEGOTIATIONS AND ARTICLES TO BE CONSIDERED FOR NEGOTIATION

In conformity with section 221 of the Trade Expansion Act of 1962, 76 Stat. 874, 19 U.S.C. 1841, and as President of the United States, I hereby direct publication in the FEDERAL REGISTER of this notice of proposed trade agreement negotiations, including the list of articles to be considered for trade agreement concessions under Title II of the Trade Expansion Act.

I. Proposed negotiations.

It is intended that the trade agreements authority conferred by the Trade Expansion Act of 1962 will be employed primarily in multi-lateral trade agreement negotiations under the General Agreement on Tariffs and Trade (GATT). That authority may also be employed to conclude other trade agreements including but not limited to, agreements for the purpose of obtaining mutually advantageous tariff or other trade concessions, consolidating trade agreement concessions, or compensating other nations for modifications or withdrawals of United States trade agreement concessions such as those required to compensate for increases in United States rates of duty incidental to the promulgation of the Tariff Schedules of the United States.

II. List of articles to be considered for trade agreement concessions.

(A) Every article provided for in the Tariff Schedules of the United States (28 F.R. 8599, as corrected 28 F.R. 9131)¹ will be considered for modification or continuance of the existing duty to the extent permitted by sections 201(b) and 254 of the Trade Expansion Act (19 U.S.C. 1821, 1884), continuance of duty-free or excise treatment, continuance or modification of any other import restriction applicable thereto, or imposition of any additional import restriction, pursuant to authority vested in me by section 201 of the Trade Expansion Act (19 U.S.C. 1821); *Provided that,*

(1) The articles identified in part 2 of the Appendix to the Tariff Schedules of the United States, which I hereby determine to be articles presently meeting the criteria of section 225(a) of the Trade Expansion Act (19 U.S.C. 1845), will not be considered for reduction of any duty or other import restriction, or elimination of any duty;

(2) The articles consisting of crude petroleum and certain products thereof and subject to import quotas under Presidential Proclamation 3279, as modified by Presidential Proclamations 3290, 3328, 3386, 3389, 3509, 3531, and 3541, which I determine to be articles presently meeting the criteria of section 225(a) of the Trade Expansion Act, will not be considered for reduction of any duty or other import restriction, or elimination of any duty;

(3) Pursuant to section 257(h) of the Trade Expansion Act (19 U.S.C. 1887), the articles identified in part 3 of the Appendix to the Tariff Schedules of the United States will not be considered for modification of any import restriction imposed under section 22 of the Agricultural Adjustment Act (64 Stat. 261, as amended, 7 U.S.C. 624).

(B) All articles dutiable under the Tariff Schedules of the United States item numbers or designated parts thereof contained in the following lists will also be considered for reduction of duty to a rate below fifty per cent of the rate existing on July 1, 1962, including elimination of duty:

(1) The following articles, as to which I hereby determine that the rate of duty which existed on July 1, 1962, was not more than 5 per cent ad valorem (or ad valorem equivalent, as determined by the Tariff Commission in accordance with section 256(7) of the Trade Expansion Act (19 U.S.C. 1886(7)) and pursuant to authority delegated by section 5(a) of Executive Order 11075, as amended), will be

¹ "Tariff Schedules of the United States" or "Tariff Schedules of the United States Annotated (1963)", Division of Public Documents, Government Printing Office, Washington, D.C., 20402, available for inspection at any field office of the Bureau of Customs or the Department of Commerce.

considered for reduction or elimination of duty pursuant to the authority vested in me by section 201 and section 202 of the Trade Expansion Act (19 U.S.C. 1821, 1822) :

100.07	126.81	175.15	252.45	452.68	608.05
100.09	126.85	175.36	252.55	452.80	608.06
100.81	126.87	175.45	252.63	461.20	608.10
105.30	126.95	176.42	253.25	470.23	608.30
105.82	127.01	177.04	254.05	470.65	608.70
106.40	130.15	177.32	256.13	472.40	609.42
106.50	130.20	177.34	270.35	472.42	609.80
106.60	130.30	182.30	270.45	472.46	609.96
106.85	130.40	182.55	273.15	473.04	610.20
107.15	130.45	182.58	273.50	473.32	610.25
107.30	130.65	184.10	273.75	473.36	610.32
107.35	131.15	184.20	273.80	474.20	610.39
107.80	131.35	184.25	274.15	474.26	610.65
110.15	131.72	184.30	274.65	474.60	620.02
110.20	131.75	184.35	274.80	485.10	620.32
110.25	135.20	184.40	274.85	493.04	622.04
110.30	136.10	184.45	300.20	493.20	632.10
110.33	137.66	184.47	300.45	493.56	632.14
110.35	140.35	184.61	301.01	494.22	632.64
110.40	140.38	184.70	301.02	494.60	642.35
110.47	145.04	186.30	304.10	495.15	642.93
110.57	145.07	186.40	304.12	511.11	642.96
110.60	145.14	188.18	304.16	511.14	646.06
111.10	145.24	188.20	304.22	511.21	646.15
111.15	145.26	188.24	306.50	512.11	646.20
111.18	145.30	188.36	306.51	512.14	646.25
111.22	145.42	188.50	306.52	512.24	646.26
111.28	145.44	190.57	309.41	513.11	646.28
111.32	145.52	190.90	309.66	513.71	646.40
111.40	145.53	191.15	335.40	514.51	646.54
111.56	146.10	192.50	356.50	515.21	646.56
111.64	146.12	192.55	361.52	515.51	646.58
111.68	146.52	192.60	380.48	516.11	646.70
111.72	146.54	193.15	390.12	516.41	651.23
111.76	146.56	200.45	390.50	517.11	651.25
111.80	146.58	200.55	415.15	517.31	651.45
112.10	146.60	200.90	416.30	518.44	652.06
113.08	146.62	202.03	417.50	519.37	652.27
113.40	146.90	202.06	418.60	519.95	652.30
113.56	147.29	202.09	418.62	520.38	652.33
113.58	147.60	202.12	418.76	520.39	652.40
119.50	147.62	202.15	419.22	521.17	652.93
120.11	148.72	202.18	420.18	521.41	653.07
120.13	149.20	202.21	420.86	521.54	653.10
125.01	149.22	202.24	420.96	521.61	657.09
125.05	149.24	202.27	421.08	521.81	660.50
125.10	155.40	202.30	421.16	521.84	661.80
125.15	155.50	202.36	421.18	522.31	674.51
125.20	155.55	202.39	421.44	522.71	690.30
125.40	156.20	202.41	421.46	523.31	692.24
125.60	156.25	202.43	421.54	523.35	696.05
126.05	156.47	202.45	425.88	523.51	700.20
126.09	156.55	202.48	426.28	531.27	700.27
126.11	160.20	202.50	428.36	532.11	703.80
126.15	160.65	202.52	428.38	533.11	730.73
126.17	161.29	202.53	435.10	534.31	741.05
126.19	161.49	202.57	435.40	540.14	741.06
126.21	161.94	202.63	437.22	543.61	741.15
126.25	165.15	204.25	437.30	543.63	755.10
126.37	165.55	222.25	437.58	601.06	755.40
126.39	166.10	245.90	437.84	603.10	760.32
126.41	166.20	251.05	439.30	607.11	760.54
126.51	166.30	251.35	445.20	607.15	771.15
126.57	166.40	251.40	452.14	607.31	793.00
126.65	167.15	251.51	452.48	607.50	
126.73	175.06	252.05	452.58	608.02	

(2) The following articles, which I hereby determine to be articles referred to in Agricultural Handbook No. 143, United States Department of Agriculture, as issued in September 1959, will be considered subject to the further requirements of section 212 of the Trade Expansion Act (19 U.S.C. 1832) for reduction or elimination of duty pursuant to the authority vested in me by section 201 and section 212 of the Trade Expansion Act:

100.07	117.05	126.91	137.63	146.22	148.86
100.09	117.10	126.93	137.66	146.24	148.90
100.20	117.15	126.95	137.70	146.30	148.93
100.35	117.20	127.01	138.00	146.42	148.96
100.40	117.25	127.10	140.09	146.44	148.98
100.43	117.30	130.10	140.10	146.50	149.15
100.45	117.35	130.15	140.11	146.52	149.20
100.50	117.40	130.20	140.14	146.54	149.22
100.53	117.45	130.30	140.16	146.56	149.24
100.55	117.50	130.35	140.20	146.58	149.26
100.60	117.55	130.40	140.21	146.60	149.28
100.63	117.60	130.45	140.25	146.62	149.50
100.65	117.65	130.50	140.30	146.64	149.60
100.73	117.67	130.55	140.35	146.66	150.00
100.75	117.70	130.60	140.38	146.68	150.50
100.77	117.75	130.65	140.40	146.70	152.00
100.79	117.80	130.70	140.45	146.72	152.05
100.81	118.10	131.10	140.46	146.80	152.14
100.85	118.15	131.12	140.50	146.90	152.18
100.95	118.25	131.15	140.55	146.91	152.22
105.10	118.30	131.20	140.60	146.93	152.26
105.20	119.50	131.25	140.65	146.95	152.30
105.30	119.55	131.27	140.70	146.96	152.34
105.40	119.65	131.30	140.75	146.98	152.38
105.50	119.70	131.33	141.05	147.02	152.42
105.55	120.11	131.35	141.10	147.10	152.46
105.60	120.13	131.38	141.15	147.13	152.50
105.70	125.01	131.40	141.20	147.16	152.54
105.82	125.05	131.45	141.25	147.20	152.58
105.84	125.10	131.85	141.30	147.22	152.62
106.10	125.15	132.15	141.35	147.26	152.70
106.20	125.20	132.20	141.40	147.29	153.00
106.30	125.25	132.25	141.45	147.31	153.04
106.40	125.30	132.30	141.50	147.33	153.08
106.50	125.40	132.50	141.55	147.36	153.16
106.55	125.50	132.55	141.60	147.40	153.24
106.60	125.60	135.10	141.65	147.42	153.28
106.70	125.65	135.12	141.66	147.44	153.32
106.75	125.70	135.14	141.70	147.46	154.05
106.80	125.80	135.16	141.75	147.48	154.10
106.85	126.01	135.20	141.80	147.50	154.15
107.10	126.05	135.30	144.10	147.52	154.20
107.15	126.07	135.40	144.12	147.54	154.25
107.20	126.09	135.50	144.20	147.60	154.30
107.25	126.11	135.51	145.02	147.62	154.35
107.30	126.15	135.60	145.04	147.64	154.40
107.35	126.17	135.61	145.07	147.66	154.45
107.40	126.19	135.70	145.08	147.68	154.55
107.45	126.21	135.75	145.09	147.70	154.60
107.50	126.23	135.80	145.12	147.72	155.10
107.55	126.25	135.90	145.14	147.75	155.12
107.60	126.27	135.92	145.16	147.77	155.15
107.65	126.29	135.94	145.18	147.80	155.20
107.70	126.31	136.00	145.20	147.85	155.30
107.75	126.33	136.10	145.22	147.90	155.35
107.80	126.35	136.20	145.24	148.10	155.40
115.00	126.37	136.22	145.26	148.15	155.50
115.05	126.39	136.30	145.28	148.20	155.55
115.10	126.41	136.40	145.30	148.25	155.60
115.15	126.51	136.50	145.40	148.30	155.65
115.20	126.53	136.60	145.41	148.35	155.70
115.25	126.55	136.61	145.42	148.40	155.75
115.30	126.57	136.70	145.44	148.42	156.20
115.35	126.59	136.80	145.46	148.44	156.25
115.40	126.61	136.90	145.48	148.46	156.30
115.45	126.63	136.91	145.50	148.48	156.35
115.50	126.65	137.00	145.52	148.50	156.40
115.55	126.67	137.01	145.53	148.52	156.45
115.60	126.71	137.10	145.54	148.54	156.47
116.00	126.73	137.20	145.55	148.56	160.20
116.05	126.77	137.21	145.58	148.60	160.30
116.10	126.79	137.25	145.60	148.70	160.35
116.15	126.81	137.28	145.90	148.72	160.40
116.20	126.83	137.40	146.10	148.74	160.65
116.25	126.85	137.50	146.12	148.76	161.05
116.30	126.87	137.60	146.14	148.80	161.07
117.00	126.89	137.62	146.20	148.83	161.15

THE PRESIDENT

161.19	167.35	176.36	182.58	306.21	450.40
161.23	167.37	176.38	182.91	306.22	450.50
161.29	167.40	176.40	184.10	306.23	452.14
161.31	167.42	176.42	184.20	306.24	452.20
161.37	167.50	176.45	184.25	306.30	452.22
161.41	170.01	176.46	184.30	306.31	452.24
161.43	170.05	176.47	184.35	306.32	452.28
161.45	170.10	176.49	184.40	306.33	452.34
161.49	170.15	176.50	184.45	306.34	452.44
161.53	170.20	176.52	184.47	306.40	452.48
161.57	170.25	176.54	184.50	306.41	452.52
161.59	170.30	176.55	184.52	306.42	452.54
161.61	170.35	176.70	184.61	306.43	452.58
161.65	170.40	177.04	184.65	306.44	452.64
161.69	170.45	177.12	184.70	306.50	452.68
161.71	170.60	177.16	184.75	306.51	452.80
161.75	175.03	177.20	186.10	306.52	455.04
161.79	175.06	177.22	186.15	306.53	455.16
161.81	175.09	177.24	186.30	306.54	455.18
161.84	175.10	177.26	190.10	306.60	455.20
161.88	175.12	177.30	191.15	306.61	455.22
161.92	175.15	177.32	192.15	306.62	455.24
161.94	175.18	177.34	192.20	306.63	455.30
161.96	175.21	177.36	192.25	306.64	455.32
162.03	175.24	177.40	192.30	306.70	455.34
162.07	175.27	177.50	192.35	306.71	455.40
162.11	175.30	177.52	192.45	306.72	455.42
162.15	175.33	177.56	192.55	306.73	465.25
165.25	175.36	177.58	192.60	306.74	465.30
165.30	175.39	177.62	192.75	306.80	465.35
165.35	175.45	177.70	192.90	306.81	465.40
165.40	175.48	177.72	193.10	306.82	465.45
165.44	175.49	178.05	193.15	306.83	465.50
165.46	175.51	178.10	222.25	306.84	490.05
165.50	176.02	178.25	300.15	425.30	490.10
165.55	176.03	178.30	300.20	426.12	490.12
165.65	176.04	182.10	304.08	435.10	490.30
165.70	176.07	182.11	304.10	435.40	490.32
166.20	176.10	182.15	304.14	435.45	490.44
166.30	176.11	182.20	304.16	435.70	490.46
166.40	176.18	182.30	304.22	437.22	490.48
167.05	176.22	182.35	304.24	437.30	490.50
167.10	176.24	182.36	306.10	437.47	493.04
167.15	176.26	182.40	306.11	437.58	493.42
167.20	176.29	182.45	306.12	437.84	493.56
167.25	176.30	182.46	306.13	439.30	493.65
167.30	176.32	182.52	306.14	450.20	493.66
167.32	176.33	182.55	306.20	450.30	748.25
167.34					

(3) The following articles, which I hereby determine after receipt and consideration of findings by the Tariff Commission made pursuant to section 213 (c) of the Trade Expansion Act of 1962 (19 U.S.C. 1833 (c)) to be tropical agricultural or forestry commodities of a kind not produced in significant quantities in the United States, will be considered subject to the further requirements of section 213 of the Trade Expansion Act for reduction or elimination of duty pursuant to authority vested in me by section 201 and section 213 of the Trade Expansion Act:

136.00	146.80	175.10	175.30	193.10	452.20
145.08	147.80	175.11	176.36	193.15	452.22
145.14	147.85	175.12	188.18	202.36	452.52
145.16	148.60	175.24	188.22	222.15	452.64
145.42	148.65	175.27	188.36	435.40	452.68
145.44	175.09				

(C) (1) Listing of an article for negotiation anywhere in this paragraph does not preclude the possibility of negotiation pursuant to notice given elsewhere herein.

(2) The term "rate existing on July 1, 1962" is used in this paragraph as defined by section 256(4) of the Trade Expansion Act of 1962 (19 U.S.C. 1886(4)), and section 203 of the Tariff Classification Act of 1962 (76 Stat. 75, as amended, 76 Stat. 882).

III. Supplemental notices.

From time to time as may be appropriate, other notices may be published for the purpose of giving notice of proposed actions under the Trade Expansion Act not announced in this notice.

IV. *Public hearings of the Trade Information Committee.*²

I have designated the Special Representative for Trade Negotiations to perform the functions prescribed by the second sentence of section 223 of the Trade Expansion Act of 1962 (section 3(g) of Executive Order No. 11075 of January 15, 1963, as amended). Accordingly, the Trade Information Committee of the Office of the Special Representative will hold public hearings for the purpose of affording an opportunity for any interested person to present views concerning any article on the list published in paragraph II of this notice, any article which should be so listed, any tariff or other trade concession which should be sought by the United States, or any other matter relevant to the trade agreements proposed in Part I of this notice.

V. *Public hearings of the Tariff Commission.*³

In accordance with section 221(a) of the Trade Expansion Act of 1962, I have furnished the Tariff Commission with the list of articles published in paragraph II of this notice, for the purpose of securing from the Tariff Commission its judgment as to the probable economic effect of modifications of duties or other import restrictions on United States industries producing like or directly competitive articles.

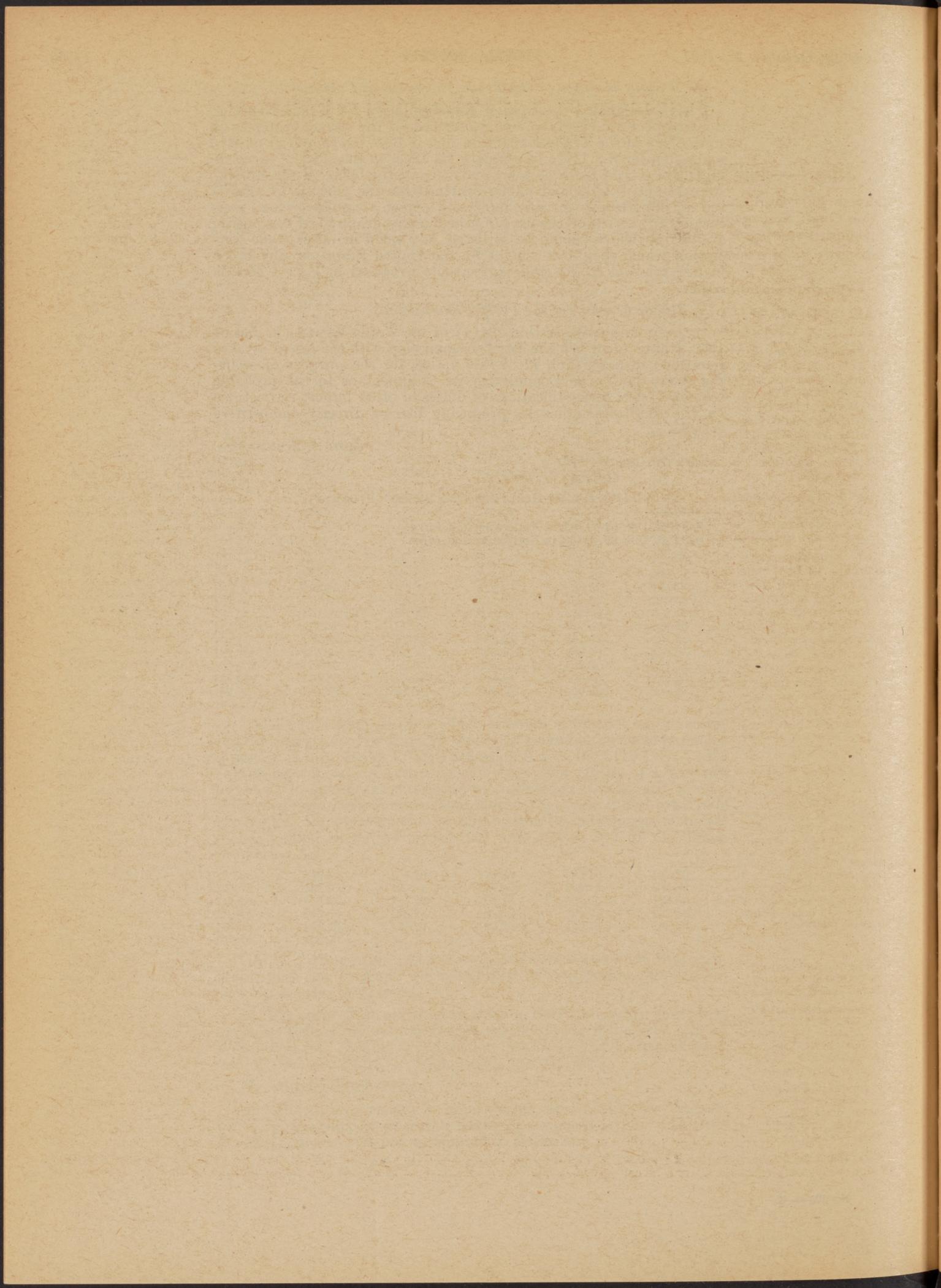
JOHN F. KENNEDY

THE WHITE HOUSE,
October 21, 1963.

[F.R. Doc. 63-11242; Filed, Oct. 21, 1963; 5:00 p.m.]

² See F.R. Doc. 63-11183, in Notices section, *infra*.

³ See F.R. Doc. 63-11132, in Notices section, *infra*.



Rules and Regulations

Title 7—AGRICULTURE

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

SUBCHAPTER H—DETERMINATION OF WAGE RATES

[Sugar Determination 864.10]

PART 864—WAGES; SUGARCANE; LOUISIANA

Pursuant to the provisions of section 301(c) (1) of the Sugar Act of 1948, as amended, and as further amended by Public Law 87-535 and Public Law 87-539 (herein referred to as "act"), after investigation, and consideration of the evidence obtained at the public hearing held in Houma, Louisiana, on July 18, 1963, the following determination is hereby issued:

§ 864.10 Fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugarcane in Louisiana.

(a) *Requirements.* A producer of sugarcane in Louisiana shall be deemed to have complied with the wage provisions of the act if all persons employed on the farm in production, cultivation, or harvesting work shall have been paid in accordance with the following:

(1) *Wage rates.* All such persons shall have been paid in full for all such work and shall have been paid wages in cash therefor at rates as agreed upon between the producer and the worker, but not less than the following:

(i) *For work performed on a time or piecework basis.*

CLASS OF WORKER OF OPERATION	Rate per hour
Harvest work	
Operators of mechanical loading or harvesting equipment.....	\$1.05
Tractor drivers, truck drivers, and harvester bottom blade operators...	1.00
Loaders, spotters, ropemen, grabmen, and teamsters.....	.95
Cutters, toppers, strippers, scrappers, behind loaders, cutters and loaders, pilers, and hoist operations.....	.90
All other harvesting workers.....	.85

	Rate per ton
Cutting top and bottom:	
Large barrel varieties ¹	\$1.35
Small barrel varieties ²	1.55

¹ Large barrel varieties: Co. 290; C.P. 29/103; C.P. 29/116; C.P. 32/243; C.P. 36/13; C.P. 36/105; C.P. 29/120; C.P. 43/47; C.P. 44/101; C.P. 44/155; N. Co. 310; C.P. 47/193; C.P. 48/103; C.P. 52/68; and C.P. 55/30.

² Small barrel varieties: All other.

Production and cultivation work	Rate per hour
Tractor drivers.....	\$0.95
All other production and cultivation workers.....	.85

(ii) *Workers between 14 and 16 years of age when employed on a time basis.*

For workers between 14 and 16 years of age, the wage rate per hour (maximum employment is 8 hours per day for such workers without deduction from Sugar Act payments to the producers) shall be not less than three-fourths of the applicable hourly wage rates for adults provided under subdivision (i) of this subparagraph.

(iii) *Bonus payment for work performed on a time basis.* The rates per hour under subdivision (i) of this subparagraph for harvest work shall be increased by 1.5 cents per hour for each full one-tenth cent per pound by which the season's average price for raw cane sugar as defined in SD 874.16 (28 F.R. 11049) exceeds the average price per pound for raw cane sugar for the three-year period, 1957-59 (determined to be 6.21 cents per pound), as adjusted by the relationship of the average parity indexes for the five-month period, October 1963 through February 1964, to the average parity indexes for the three-year period, 1957-59: *Provided*, That, if the Secretary announces on or before February 27, 1964, that the 1963 Louisiana sugarcane crop was so substantially damaged by weather that the total output of sugar from the crop was less than 500,000 tons the increase in wage rates provided for in this subparagraph shall not become effective. The definition of the term "parity index" in section 201 of the act shall apply to the determinations made hereunder.

(iv) *Other piecework rates.* For any piecework performed on a unit basis for which a rate is not specified in subdivision (i) of this subparagraph, the rate shall be as agreed upon between the producer and worker: *Provided*, That the hourly rate of earnings of each worker employed on piecework during each pay period (such pay period not to be in excess of two weeks), shall average for the time worked at piecework rates during such pay period not less than the applicable hourly rate prescribed in subdivisions (i) and (ii) of this subparagraph.

(2) *Compensable working time.* For work performed under subparagraph (1) of this paragraph, compensable working time includes all time which the worker spends in the performance of his duties except time taken out for meals during the work day. Compensable working time commences at the time the worker is required to start work and ends upon completion of work in the field. However, if the producer requires the operator of mechanical equipment, driver of animals, or any other class of worker to report to a place other than the field, such as an assembly point or a tractor shed, located on the farm, the time spent in transit from such place to the field and from the field to such place is compensable working time. Any time spent in performing work directly related to the principal work performed by the worker, such as servicing equipment, is

compensable working time. Time of the worker while being transported from a central recruiting point or labor camp to an assembly point located on the farm, or from a central recruiting point to the field, is not compensable working time.

(3) *Equipment necessary to perform work assignment.* The producer shall furnish without cost to the worker any equipment required in the performance of any work assignment. However, the worker may be charged for the cost of such equipment in the event of its loss or destruction through negligence of the worker. Equipment includes, but is not limited to hand and mechanical tools and special wearing apparel, such as boots and raincoats, required to discharge the work assignment.

(b) *Workers not covered.* The requirements of this section are not applicable to workers performing services which are indirectly connected with the production, cultivation, or harvesting of sugarcane, including but not limited to mechanics, welders, and other maintenance workers and repairmen.

(c) *Proof of compliance.* The producer shall furnish, upon request to the appropriate Agricultural Stabilization and Conservation County Committee acceptable and adequate proof which satisfies the Committee that all workers have been paid in accordance with the requirements of this section.

(d) *Subterfuge.* The producer shall not reduce the wage rates to workers below those determined in accordance with the requirements in this section through any subterfuge or device whatsoever.

(e) *Claim for unpaid wages.* Any person who believes he has not been paid in accordance with this section may file a wage claim with the local County Agricultural Stabilization and Conservation Committee against the producer on whose farm the work was performed. Such claim must be filed within two years from the date the work with respect to which the claim is made was performed. Detailed instructions and wage claim forms are available at the local County ASCS office. Upon receipt of a wage claim the County office shall thereupon notify the producer against whom the claim is made concerning the representation made by the worker. The County ASC Committee shall arrange for such investigation as it deems necessary and the producer and worker shall be notified in writing of its recommendation for settlement of the claim. If either party is not satisfied with the recommended settlement, an appeal may be made to the State Agricultural Stabilization and Conservation Committee, 3737 Government Street, Alexandria, Louisiana, which shall likewise consider the facts and notify the producer and worker in writing of its recommendation for settlement of the claim. If the recommendation of the State ASC Committee is not acceptable, either party may file

an appeal with the Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington 25, D.C. All such appeals shall be filed within 15 days after receipt of the recommended settlement from the respective committee, otherwise such recommended settlement will be applied in making payments under the act. If a claim is appealed to the Deputy Administrator, State and County Operations, his decision shall be binding on all parties insofar as payments under the act are concerned.

(f) *Effective period.* The provisions of this section applicable to harvest work shall become effective on the date of filing this section with the FEDERAL REGISTER and the provisions for production and cultivation work shall become effective on January 1, 1964, and the provisions of this section shall remain in effect until amended, superseded, or terminated.

Statement of bases and considerations.

(a) *General.* The foregoing determination establishes fair and reasonable wage rates to be paid for work performed by persons employed on the farm in the production, cultivation, or harvesting of sugarcane in Louisiana as one of the conditions with which producers must comply to be eligible for payments under the act.

(b) *Requirements of the act and standards employed.* Section 301(c)(1) of the act requires that all persons employed on the farm in the production, cultivation, or harvesting of sugarcane with respect to which an application for payment is made shall have been paid in full for all such work, and shall have been paid wages therefor at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing; and in making such determinations the Secretary shall take into consideration the standards therefor formerly established by him under the Agricultural Adjustment Act, as amended (i.e., cost of living, prices of sugar and by-products, income from sugarcane, and cost of production), and the differences in conditions among various producing areas.

(c) *Wage determination.* This determination differs from the prior determination in the following respects; it increases the minimum time rates for each operation 15 cents per hour; increases the minimum piecework rates for cutting large and small barrel varieties of sugarcane 25 cents per ton; provides for the payment of a bonus to harvest workers if the season's average price of raw sugar for the 1963 crop exceeds the average of the raw sugar price objective of the Act during the same period; and lists a new large barrel variety of sugarcane for piecework rate purposes.

A public hearing was held in Houma, Louisiana on July 18, 1963, at which interested persons were afforded the opportunity to present testimony as to whether the wage rates established by the determination which became effective October 26, 1962, continue to be fair and reasonable or whether the determi-

nation should be amended. The notice of hearing specifically requested information and recommendations on the elimination of the differential in wage rates between harvest work and production and cultivation work for tractor drivers.

An agricultural economist with the Louisiana State University testified regarding economic studies of the costs and returns from the operation of sugarcane farms in Louisiana. He stated that returns and costs data indicated that large sugarcane farms realized a net profit of \$1.44 per ton of cane of the 1961 crop, compared with a net income of 42 cents a ton for the 1960 crop and a loss of 38 cents a ton for the 1959 crop; that family-type (small) sugarcane farms realized a net income of \$2.86 per ton of cane of the 1961 crop compared with a net income of 79 cents per ton in 1960 and a loss of 86 cents a ton in 1959; that for the large sugarcane farms direct labor costs during the 5-year period 1954-58 accounted for 48 percent of the total direct costs for growing and harvesting sugarcane compared with 51 percent for the 25-year period 1937-61 and 47 percent for the 3-year period 1959-61; that for family-type farms for the 5-year period 1954-58, direct labor costs accounted for 39 percent of the total costs compared with 45 percent for the 24-year period 1938-61 and 36 percent for the 3-year period 1959-61; that labor costs have not decreased proportionately with man hours; and that labor has received a larger share of the benefits of improved technology than the grower. The witness made no recommendations regarding wage rates.

The chairman of the Employee Relations Committee of the American Sugar Cane League recommended that the minimum wage rates for harvest workers and for production and cultivation workers be increased 10 cents per hour and that the piecework rates for cutting sugarcane be increased 10 cents per ton, if at the time the determination is made it is the judgment of the Department that the price of raw sugar will be 7.40 cents per pound, or more, during the Louisiana sugarcane pricing period; that the harvesting wage rates for the 1963 crop be determined separately from the production and cultivation wage rates for the 1964 crop; and that these determinations be issued as late as possible, prior to the commencing of the respective operations.

A representative of the Louisiana Farm Bureau Federation concurred in the wage rate recommendations made by the representative of the American Sugar Cane League, for the 1963 crop, but for subsequent crops he recommended that beginning March 1, 1964, a continuing determination be established on the basis of a 3-year moving average of the average price received for raw sugar during the Louisiana pricing period; that for each one percent increase reflected by this 3-year average price above \$6.50 per hundredweight the determination wage rates be increased one percent above their present level; and that once a year minimum determination wage rates be adjusted immediately after the

Louisiana pricing period ends. The witness stated further that Louisiana sugarcane producers had not participated in the high sugar prices which occurred in April and May of 1963 because the pricing period for Louisiana sugarcane ended February 28, 1963 at which time the raw sugar price was 6.92 cents per pound, the highest price reached during the 1962-63 Louisiana pricing period, and that he opposed the elimination of the differential in wage rates for tractor drivers because working conditions during harvesting are so much more difficult and the pressure to finish before cold weather is so great that, to obtain labor, producers would have to offer to pay workers a higher wage than for similar work performed during the production and cultivation season. No testimony was presented by representatives of workers.

Consideration has been given to the recommendations made at the public hearing, to data on the returns, costs, and profits of producing sugarcane obtained by field survey in a prior year and recast to reflect prospective conditions for the 1963 crop, and to other pertinent factors. Analysis of these data indicate that the basic minimum wage rates established in this determination are fair and reasonable and are within the producer's ability to pay at raw prices within the range of the price objective of the Act. Recently prices have risen above that level by more than 2 cents per pound. Under these circumstances it is desirable and reasonable that harvest workers also share in the high level of sugar prices unless adverse harvest weather seriously curtails production. Accordingly, provision is made for a bonus payment of one and one-half cents per hour for harvest workers for each one-tenth of a cent per pound by which the average price of raw sugar during the sugarcane pricing period exceeds the average price per pound for raw cane sugar for the three-year period, 1957-59, as adjusted as provided in this determination.

The bonus will become effective simultaneously with the increase in the basic minimum hourly rates applicable to harvest work. The bonus payment is not applicable to work performed on a piecework basis.

The production of sugarcane in Louisiana has been a profitable operation during recent years due largely to favorable yields of sugarcane and sugar, increases in raw sugar and molasses prices, and improvements in production practices which have resulted in greater labor productivity. Producers realized favorable profits from the 1960, 1961, and 1962 crops, and present prospects indicate another record crop in 1963. In view of current prospects for the 1963 crop and the trends in labor productivity gains during recent years, the increased wage rates of this determination are deemed equitable.

The increase of 15 cents per hour results in minimum rates ranging from 85 cents per hour for unskilled workers to \$1.05 per hour for operators of mechanical loading or harvesting equipment. The increase in minimum rates for all classes of workers averages approxi-

mately 18 percent as compared to the rates which were effective under the prior determination. The increase of 25 cents per ton in piecework rates results in about the same percentage increase as the increase in hourly rates. However, since a very small percentage of the crop is cut by hand the increase in piecework rates will have little effect on total labor costs.

Consideration has also been given to the other recommendations made at the hearing but except as reflected in this determination such recommendations have not been adopted.

This determination is issued on a continuing basis and will be effective until amended, superseded or terminated. The Department will keep the wage situation under review and will conduct such investigations and hold such hearings as may be necessary.

Accordingly, I hereby find and conclude that the foregoing wage determination will effectuate the wage provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies sec. 301, 61 Stat. 929, as amended; 7 U.S.C. 1132, Act of Congress approved July 13, 1962)

Signed at Washington, D.C., on October 17, 1963.

CHARLES S. MURPHY,
Acting Secretary.

[F.R. Doc. 63-11159; Filed, Oct. 18, 1963; 1:01 p.m.]

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

[Lemon Reg. 84, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such lemons as will provide, in the interest of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

2. It is hereby further found that it is impracticable and contrary to the

public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b) (1) (ii) and (iii) of § 910.384 (Lemon Regulation 84, 28 F.R. 10966) are hereby amended to read as follows:

- (ii) District 2: Unlimited movement.
- (iii) District 3: Unlimited movement.

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

Dated: October 17, 1963.

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

[F.R. Doc. 63-11122; Filed, Oct. 21, 1963; 8:46 a.m.]

[947.321 Amdt. 1]

PART 947—IRISH POTATOES GROWN IN MODOC AND SISKIYOU COUNTIES IN CALIFORNIA AND IN ALL COUNTIES IN OREGON EXCEPT MALHEUR COUNTY

Limitation of Shipments

Findings. (a) Pursuant to Marketing Agreement No. 114 and Order No. 947, both as amended (7 CFR Part 947), regulating the handling of Irish potatoes grown in the production area defined therein, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of recommendations and information submitted by the Oregon-California Potato Committee, established pursuant to the said marketing agreement and order, it is hereby found that the amendment to the limitation of shipments regulation as hereinafter established, limiting the grade, size, and quality of such potatoes will maintain orderly marketing conditions tending to increase returns to producers of such potatoes.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, and engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003) in that (1) shipments of 1963 crop potatoes grown in the production area are now being made, and (2) to maximize benefits to growers, this regulation should apply to as many shipments as possible during the remainder of the season, (3) producers and handlers have operated under said marketing order since 1948 so special preparation on the part of handlers is not required, (4) in-

formation regarding the committee's recommendation has been disseminated to producers and handlers in the production area, and (5) the amendment relieves restrictions.

Order, as amended. In § 947.321 (28 F.R. 6731) delete paragraph (f) and in lieu thereof substitute a new paragraph (f) as set forth below.

§ 947.321 Limitation of shipments.

(f) *Inspection.* For the purpose of operation under this part, and (1) unless exempted from inspection by the provisions of this section, or (2) unless handled for potato chipping or peeling in accordance with paragraph (c) of this section, each required inspection certificate is hereby determined, pursuant to § 947.60(c), to be valid for a period of not to exceed 14 days following completion of inspection as shown on the certificate. The period of validity on an inspection certificate covering inspected and certified potatoes that are stored in refrigerated storage within 14 days of the inspection shall be the entire period such potatoes remain in such storage.

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

Dated: October 17, 1963, to become effective October 28, 1963.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division.

[F.R. Doc. 63-11154; Filed, Oct. 21, 1963; 8:48 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 115—PROCEDURES FOR REVIEW OF CERTAIN NUCLEAR REACTORS EXEMPTED FROM LICENSING REQUIREMENTS

Provisional Construction Authorizations

On July 27, 1963, the Commission published in the FEDERAL REGISTER (28 F.R. 7677) proposed amendments to 10 CFR Part 115 designed to identify more explicitly the principal elements of the safety determination which the Commission makes when it issues a provisional construction authorization. These amendments are parallel to corresponding provisions adopted (27 F.R. 12915, dated December 29, 1962) for Part 50, "Licensing of Production and Utilization Facilities."

All interested persons were invited to submit written comments and suggestions for consideration in connection with the proposed amendments within thirty days after publication of the notice in the FEDERAL REGISTER. No comments were received.

Pursuant to the Atomic Energy Act of 1954, as amended, and the Administrative Procedure Act, the following amendments are published as a docu-

ment subject to codification to be effective thirty (30) days after publication in the FEDERAL REGISTER.

Section 115.24 of Part 115, 10 CFR, is amended to read as follows:

§ 115.24 Issuance of provisional construction authorizations.

(a) When an applicant has not supplied initially all of the technical information required to complete the application and support the issuance of a construction authorization which approves all proposed design features, the Commission may issue a provisional construction authorization if the Commission finds that (1) the applicant has described the proposed design of the facility, including, but not limited to, the principal architectural and engineering criteria for the design, and has identified the major features or components on which further technical information is required; (2) the omitted technical information will be supplied; (3) the applicant has proposed, and there will be conducted, a research and development program reasonably designed to resolve the safety questions, if any, with respect to those features or components which require research and development; and that (4) on the basis of the foregoing, there is reasonable assurance that (i) such safety questions will be satisfactorily resolved at or before the latest date stated in the application for completion of construction of the proposed facility and (ii) taking into consideration the site criteria contained in Part 100 of this chapter, the proposed facility can be constructed and operated at the proposed location without undue risk to the health and safety of the public.

(b) A provisional construction authorization will authorize the applicant to proceed with construction but will not constitute Commission approval of the safety of any design feature or specification unless the applicant specifically requests such approval and such approval is incorporated in the authorization. The applicant, at his option, may request such approvals in the provisional construction authorization or, from time to time, by amendment of his construction authorization. The Commission may, in its discretion, incorporate in any provisional construction authorization provisions requiring the applicant to furnish periodic reports of the progress and results of research and development programs designated to resolve safety questions.

(c) Any construction authorization will be subject to the limitation that an operating authorization for the facility will not be issued by the Commission until (1) the applicant has submitted to the Commission, by amendment to the application, the complete final hazards summary report, portions of which may be submitted and evaluated from time to time, and (2) the Commission has found that the final design provides reasonable assurance that the health and safety of the public will not be endangered by operation of the facility in accordance with the requirements of the

operating authorization and the regulations in this chapter.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Washington, D.C., this 8th day of October 1963.

For the Atomic Energy Commission.

WOODFORD B. MCCOOL,
Secretary.

[F.R. Doc. 63-11085; Filed, Oct. 21, 1963;
8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 63-SW-59]

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

Alteration of Federal Airway and Control Area Extension

On August 6, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 7996) stating that the Federal Aviation Agency proposed to revoke the south alternate to VOR Federal airway No. 20 between Lake Charles, La., and Lafayette, La., and to redescribe the north boundary of the New Iberia, La., control area extension.

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

The substance of the proposed amendments having been published and for the reasons stated in the notice, the following actions are taken:

1. In § 71.123 (27 F.R. 220-6, November 10, 1962, 28 F.R. 907, 2229, 4126, 4506) V-20 "radials and also an S alternate via INT of Lake Charles 119° and Lafayette 255° radials;" is deleted and "radials;" is substituted therefor.

2. In § 71.165 (27 F.R. 220-59, November 10, 1962) New Iberia, La., "S of V-20S alternate." is deleted and "S of a line 5 miles S of and parallel to the Lafayette, La., VOR 115° and 255° radials." is substituted therefor.

These amendments shall become effective 0001 e.s.t., December 12, 1963.

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

Issued in Washington, D.C., on October 16, 1963.

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

[F.R. Doc. 63-11090; Filed, Oct. 21, 1963;
8:45 a.m.]

[Airspace Docket No. 63-EA-38]

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

Akron, Ohio; Correction

On September 28, 1963, there was published in the FEDERAL REGISTER (28 F.R.

10473) an amendment to § 71.181 of the Federal Aviation regulations, effective November 14, 1963, designating a transition area at Akron, Ohio. During publication, a longitudinal coordinate, used in the description of this transition area, was transposed from 80°50'00" W. to 80°56'40" W. Accordingly, action is taken herein to correct this discrepancy.

Since this amendment is editorial in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and the effective date of the Final Rule as initially adopted may be retained.

In consideration of the foregoing, effective immediately, Airspace Docket No. 63-EA-38 (28 F.R. 10473) is hereby modified as follows:

In the description of the Akron, Ohio, transition area "longitude 80°56'40" W." is deleted and "longitude 80°50'00" W." is substituted therefor.

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

Issued in Washington, D.C., on October 15, 1963.

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

[F.R. Doc. 63-11091; Filed, Oct. 21, 1963;
8:45 a.m.]

[Airspace Docket No. 63-EA-41]

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

Modification of Amendment

On September 28, 1963, there was published in the FEDERAL REGISTER (28 F.R. 10474) an amendment to § 71.181 of the Federal Aviation Regulations, effective November 14, 1963, designating a transition area at Youngstown, Ohio.

Subsequent to publication of the amendment, precise cartographic measurements, attendant to the production of aeronautical charts, have revealed that one of the sets of coordinates (latitude 41°28'20" N., longitude 81°09'10" W.) used in describing the boundary of the Youngstown transition area will not permit this boundary to properly coincide with the Akron, Ohio, transition area boundary (28 F.R. 10473). Therefore, action is taken herein to substitute latitude 41°28'00" N., longitude 81°10'00" W., for latitude 41°28'20" N., longitude 81°09'10" W., in the description of the Youngstown transition area.

Since this change is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and the effective date of the Final Rule as initially adopted may be retained.

In consideration of the foregoing, effective immediately, Airspace Docket No. 63-EA-41 (28 F.R. 10474) is hereby modified as follows:

In the description of the Youngstown, Ohio, transition area "latitude 41°28'20" N., longitude 81°09'10" W." is deleted and "latitude 41°28'00" N., longitude 81°10'00" W., is substituted therefor.

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

Issued in Washington, D.C., on October 15, 1963.

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

[F.R. Doc. 63-11092; Filed, Oct. 21, 1963; 8:45 a.m.]

[Airspace Docket No. 63-CE-63]

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

Designation of Transition Area

On August 3, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 7955) stating that the Federal Aviation Agency proposed to designate a transition area at Keokuk, Iowa.

Interested persons were afforded an opportunity to participate in the rule-making through submission of comments, but no comments were received.

The substance of the proposed amendments having been published and for the reasons stated in the notice, § 71.181 (27 F.R. 220-139, November 10, 1962) is amended by adding the following:

Keokuk, Iowa.

That airspace extending upward from 700 feet above the surface within a 4-mile radius of Keokuk Municipal Airport (latitude 40°27'35" N., longitude 91°25'50" W.), within 2 miles each side of the 311° bearing from the Keokuk RBN (latitude 40°27'45" N., longitude 91°26'00" W.), extending from the 4-mile radius area to 8 miles NW of the RBN; and that airspace extending upward from 1,200 feet above the surface within 8 miles SW and 5 miles NE of the 311° bearing from the Keokuk RBN, extending from the RBN to 12 miles NW of the RBN, and within 5 miles each side of the 131° bearing from the Keokuk RBN, extending from the RBN to 12 miles SE of the RBN.

This amendment shall become effective 0001 e.s.t., January 9, 1964.

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

Issued in Washington, D.C., on October 15, 1963.

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

[F.R. Doc. 63-11093; Filed, Oct. 21, 1963; 8:45 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

GIBBERELIC ACID AND ITS POTASSIUM SALT FOR INCREASING ENZYMATIC ACTIVITY OF MALT

The Commissioner of Food and Drugs, having evaluated data in a petition (FAP 1181) filed by Elanco Products Company, a division of Eli Lilly and Company, Indianapolis 6, Indiana, and other

relevant material, has concluded that § 121.1010 should be amended to authorize other acceptable diluents of gibberellic acid and its potassium salt. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), paragraph (a) (6) of § 121.1010 *Gibberellic acid and its potassium salt for increasing enzymatic activity of malt* is amended to read as follows:

(6) The gibberellic acid or potassium gibberellate may be diluted with substances generally recognized as safe in foods or with salts of fatty acids conforming to § 121.1071.

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

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

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

Dated: October 15, 1963.

JOHN L. HARVEY,
Deputy Commissioner
of Foods and Drugs.

[F.R. Doc. 63-11110; Filed, Oct. 21, 1963; 8:46 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

CHLORINATED POLYETHER RESINS

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition (FAP 867) filed by Hercules Powder Company, Inc., 910 Market Street, Wilmington 99, Delaware, and other relevant material, has concluded that the food additive regulations should be amended to provide for the use of chlorinated polyether resins as articles or components of articles intended for repeated use in contact with food. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21

U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the food additive regulations (21 CFR Part 121) are amended by adding to Subpart F the following new section:

§ 121.2581 Chlorinated polyether resins.

Chlorinated polyether resins may be safely used as articles or components of articles intended for repeated use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food, in accordance with the following prescribed conditions:

(a) The chlorinated polyether resins are produced by the catalytic polymerization of 3,3-bis(chloromethyl)oxetane, and shall contain not more than 2 percent residual monomer.

(b) In accordance with good manufacturing practice, finished articles containing the chlorinated polyether resins shall be thoroughly cleansed prior to their first use in contact with food.

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

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

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

Dated: October 15, 1963.

JOHN L. HARVEY,
Deputy Commissioner
of Foods and Drugs.

[F.R. Doc. 63-11111; Filed, Oct. 21, 1963; 8:46 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

4,4'-ISOPROPYLIDENEDIPHENOL-EPICHLOROHYDRIN RESINS

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by Union Carbide Corporation, 270 Park Avenue, New York 17, New York, and other relevant material, has concluded that the following regulation should issue with respect to food ad-

ditives resulting from the use of 4,4'-isopropylidenediphenol - epichlorohydrin resins (minimum molecular weight 10,000) as articles or components of articles intended for use in contact with food. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the food additive regulations (21 CFR Part 121) are amended by adding to Subpart F the following new section:

§ 121.2579 4,4'-Isopropylidenediphenol-epichlorohydrin resins minimum molecular weight 10,000.

4,4'-Isopropylidenediphenol-epichlorohydrin resins having a minimum molecular weight of 10,000 may be safely used as articles or components of articles intended for use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food in accordance with the following prescribed conditions:

(a) 4,4' - Isopropylidenediphenol-epichlorohydrin resins consist of basic resins produced by the condensation of equimolar amounts of 4,4'-isopropylidenediphenol and epichlorohydrin terminated with phenol, to which may have been added certain optional adjuvant substances required in the production of the resins.

(b) The optional adjuvant substances required in the production of the resins may include substances generally recognized as safe in food, substances used in accordance with a prior sanction or approval, and the following:

List of substances	Limitations
Butyl alcohol.....	Not to exceed 300 p.p.m. as residual solvent in finished resin.
Ethyl alcohol.....	Not to exceed 1,000 p.p.m. as residual solvent in finished resin.
Toluene.....	

(c) 4,4'-Isopropylidenediphenol - epichlorohydrin resins shall meet the following nonvolatile extractives limitations:

(1) Maximum extractable nonvolatile fraction of 2 parts per million when extracted with distilled water at 70° C. for 2 hours, using a volume-to-surface ratio of 2 milliliters per square inch.

(2) Maximum extractable nonvolatile fraction of 3 parts per million when extracted with *n*-heptane at 70° C for 2 hours, using a volume-to-surface ratio of 2 milliliters per square inch.

(3) Maximum extractable nonvolatile fraction of 6 parts per million when extracted with 10 percent (by volume) ethyl alcohol in distilled water at 70° C for 2 hours, using a volume-to-surface ratio of 2 milliliters per square inch.

(d) The provisions of this section are not applicable to 4,4'-isopropylidenediphenol-epichlorohydrin resins listed in other sections of this Subpart F.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGIS-

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

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

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

Dated: October 15, 1963.

JOHN L. HARVEY,
Deputy Commissioner
of Food and Drugs.

[F.R. Doc. 63-11112; Filed, Oct. 21, 1963; 8:46 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

RESINOUS AND POLYMERIC COATINGS

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition (FAP 1085) filed by the Dow Chemical Company, P.O. Box 467, Midland, Michigan, and other relevant material, has concluded that § 121.2514 (21 CFR 121.2514) of the food additive regulations should be amended to provide for the use of ethylene-acrylic acid copolymer, containing not more than 8 percent by weight of acrylic acid, in the formulation of resinous and polymeric coatings intended for use in contact with food. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), paragraph (b)(3) of § 121.2514 *Resinous and polymeric coatings* is amended by inserting, alphabetically, in subdivision (xviii) the new item:

Ethylene-acrylic acid copolymer containing not more than 8 percent by weight of acrylic acid.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order

deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

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

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

Dated: October 15, 1963.

JOHN L. HARVEY,
Deputy Commissioner
of Food and Drugs.

[F.R. Doc. 63-11113; Filed, Oct. 21, 1963; 8:46 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

RUBBER ARTICLES INTENDED FOR REPEATED OR CONTINUOUS USE; UNSATURATED POLYESTER-STYRENE COPOLYMER RESINS; RESINOUS AND POLYMERIC COATINGS

Sections 121.2562 and 121.2576 of the food additive regulations prescribe safe conditions for the use of rubber articles and unsaturated polyester-styrene copolymer resins, respectively, as articles intended for repeated or continuous use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food. The use of these substances was limited to articles intended for "repeated or continuous use" in contact with food to preclude their use in articles designed for one-time use in contact with a single quantity of food, since the determination of safe use of the subject rubber articles and unsaturated polyester-styrene copolymer resins was based upon evaluation by the Commissioner of Food and Drugs of available data that demonstrated lack of any significant migration of these substances to food from articles, such as food-processing equipment, that are used in accordance with good manufacturing practice in repeated or continuous contact with large volumes of food during the service life of the articles.

Based upon further review of §§ 121.2562 and 121.2576, the Commissioner finds that the references to "repeated or continuous use" in these regulations are ambiguous and do not clearly preclude use of the subject substances in articles designed for one-time use in contact with a single quantity of food, since any packaging or holding of food in single-service articles may be properly described as continuous use of the single-service article in contact with food. The Commissioner also finds that the continuous use food-contact articles originally contemplated within the scope of §§ 121.2562 and 121.2576, such as pipes lined with rubber or unsaturated polyester-styrene copolymer resins and used

for continuous holding and/or transporting of large volumes of water employed in food-processing operations, may be considered for the purpose of §§ 121.2562 and 121.2576 as articles intended for repeated use in contact with food as opposed to articles intended for one-time use in contact with food.

For reasons similar to those listed above, the Commissioner finds that the references to "repeated use or continuous service" in paragraph (c) (3) and (4) of § 121.2514 *Resinous and polymeric coatings* are also ambiguous and do not preclude one-time use as intended.

Accordingly, the Commissioner has concluded that the conditions under which the subject resinous and polymeric coatings, rubber articles, and unsaturated polyester-styrene copolymer resins may be safely used require that §§ 121.2514, 121.2562, and 121.2576 be amended by changing all references to "repeated use or continuous service" and "repeated or continuous use" to read "repeated use." Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(d), 52 Stat. 1055 as amended, 72 Stat. 1787; 21 U.S.C. 348(d)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the food additive regulations are amended as follows:

1. In § 121.2514 *Resinous and polymeric coatings*, paragraph (c) (3) and (4) is amended by changing the phrase "repeated use or continuous service" to read "repeated use".

2. Section 121.2562 is amended:

a. By changing the section heading to read: "§ 121.2562 *Rubber articles intended for repeated use.*"

b. By changing the phrase "continuous service or repeated use" in paragraph (d) to read "repeated use."

c. By changing the phrase "repeated or continuous use" in paragraphs (b), (e), and (f) to read "repeated use".

3. Section 121.2576 *Unsaturated polyester-styrene copolymer resins* in the introduction to the section is amended by changing the words "repeated or continuous use" to read "repeated use."

These amendments are made solely for interpretation and clarification of existing regulations, and therefore notice and public procedure are not necessary in this instance.

Effective date. This order shall become effective 30 days from its date of publication in the FEDERAL REGISTER.

Dated: October 15, 1963.

JOHN L. HARVEY,
Deputy Commissioner
of Food and Drugs.

[F.R. Doc. 63-11114; Filed, Oct. 21, 1963; 8:46 a.m.]

SUBCHAPTER C—DRUGS

PART 132—REGISTRATION OF PRODUCERS OF DRUGS

Miscellaneous Amendments

Pursuant to section 701(a) of the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a)),

and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the following amendments to Part 132 (28 F.R. 3195) are ordered:

§ 132.1 [Amendment]

1. In § 132.1 *Definitions*, paragraph (b) is amended to read as set forth below, paragraph (c) is deleted and reserved, and paragraph (d) is amended by deleting the words "or new." As amended, the affected portions of § 132.1 read:

(b) "Initial registration" means the first registration of a drug establishment under the act as a producer of drugs.

(c) [Reserved]

(d) "Reregistration" means the registration procedure that must be complied with on or before each December 31 following the initial registration.

2. Sections 132.3, 132.4, 132.5, 132.6, 132.7, 132.8, 132.10, and 132.11 are revised to read as follows:

§ 132.3 Times for registration.

The owner or operator of an establishment entering into an operation defined in § 132.1(f) must register such establishment within 5 days after the beginning of such operation. Owners or operators of all establishments so engaged must register annually between November 15 and December 31.

§ 132.4 How and where to register.

Initial registration will be by Form FD-1581 obtainable on request from the Food and Drug Administration, Department of Health, Education, and Welfare, Washington, D.C., 20201, or at any of the Food and Drug Administration district offices listed below:

- Food and Drug Administration, 60 Eighth Street NE, Atlanta, Ga., 30309.
- Food and Drug Administration, Room 800, U.S. Appraisers Stores Building, 103 South Gay Street, Baltimore, Md., 21202.
- Food and Drug Administration, 585 Commercial Street, Boston, Mass., 02189.
- Food and Drug Administration, 599 Delaware Avenue, Buffalo, N.Y., 14202.
- Food and Drug Administration, Room 1222, Main Post Office Building, 433 West Van Buren Street, Chicago, Ill., 60607.
- Food and Drug Administration, 1141 Central Parkway, Cincinnati, Ohio, 45202.
- Food and Drug Administration, 3032 Bryan Street, Dallas, Tex., 75204.
- Food and Drug Administration, Room 573, New Customhouse Building, Nineteenth and Stout Streets, Denver, Colo., 80202.
- Food and Drug Administration, 1560 East Jefferson Avenue, Detroit, Mich., 48207.
- Food and Drug Administration, 1009 Cherry Street, Kansas City, Mo., 64106.
- Food and Drug Administration, 1521 West Pico Boulevard, Los Angeles, Calif., 90015.
- Food and Drug Administration, Room 201, Federal Office Building, Washington and Third Avenue South, Minneapolis, Minn., 55401.
- Food and Drug Administration, Room 222, U.S. Customhouse Building, 423 Canal Street, New Orleans, La., 70130.
- Food and Drug Administration, Room 1200, U.S. Appraisers Stores Building, 201 Varlick Street, New York, N.Y., 10014.
- Food and Drug Administration, Room 1204, U.S. Customhouse Building, Second and Chestnut Streets, Philadelphia, Pa., 19106.

- Food and Drug Administration, Room 1007, U.S. Courthouse and Customhouse Building, 1114 Market Street, St. Louis, Mo., 63101.
- Food and Drug Administration, Room 518, Federal Office Building, 50 Fulton Street, San Francisco, Calif., 94102.
- Food and Drug Administration, Room 501, Federal Office Building, 909 First Avenue, Seattle, Wash., 98104.

Reregistration will be by Form FD-1597 which will be furnished by the Food and Drug Administration before November 15 of each year to establishments whose drug registration for that year was validated pursuant to § 132.8. The completed form should be mailed to the Food and Drug Administration, Department of Health, Education, and Welfare, Washington, D.C., 20201, in an envelope plainly marked "Registration."

§ 132.5 Notification of registration requirements.

The Commissioner of Food and Drugs will take steps to publicize the procedure and the need for registration. Failure to receive such notification, however, will not constitute acceptable reason for failure to register.

§ 132.6 Information required.

Both the initial registration form FD-1581 and the reregistration form FD-1597 will require furnishing or confirming information required by the act. This information includes the name and street address of the drug establishment, including post office Zip code; the kind of ownership or operation (e.g. individually owned, partnership, or corporation), and the name of the owner or operator of such establishment. The term "name of owner" or "operator" shall include in the case of a partnership the name of each partner and in the case of a corporation the name and title of each corporation officer and director, and the name of the State of incorporation. The information required shall be given separately for each establishment as defined in § 132.1(e).

§ 132.7 Additional information requested.

For more efficient operation, additional information not required by statute is being requested on the initial registration form FD-1581. This additional information consists of the trade names used by the establishment, the classes of drugs handled by the establishment, the kind of business operation, the approximate gross sales of drugs during the last fiscal year (or for a new firm an estimate of expected gross receipts), and whether the output of the firm enters interstate commerce. This additional information is not being requested on reregistration form FD-1597.

§ 132.8 Notification of registrant; drug establishment registration number.

The Commissioner of Food and Drugs will provide to the registrant a validated copy of the registration form as evidence of registration. A permanent registration number will be assigned to each drug establishment registered in accordance with these regulations.

* * * * *

§ 132.10 Amendments to registration.

Changes in individual ownership, corporate or partnership structure, or of street address shall be submitted by letter or on Form FD-1597 as amendment to registration within 5 days of such changes. Changes in the names of officers and directors of corporations do not require such amendment but must be shown at the time of annual reregistration.

§ 132.11 Misbranding by reference to registration or to registration number.

Registration of a drug establishment or assignment of a drug establishment registration number does not in any way denote approval of the firm or its products. Any representation that creates an impression of official approval because of registration or possession of registration number will be considered misleading.

§ 132.51 [Amendment]

3. In § 132.51 *Exemption for domestic establishments*, paragraph (d) is amended by deleting the phrase "a number of".

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since the amendments ordered are merely procedural in nature.

Effective date. This order shall become effective on November 15, 1963.

(Sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a))

Dated: October 15, 1963.

JOHN L. HARVEY,
Deputy Commissioner
of Food and Drugs.

[F.R. Doc. 63-11115; Filed, Oct. 21, 1963;
8:46 a.m.]

PART 141a—PENICILLIN AND PENICILLIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

Sodium Oxacillin

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for tests and methods of assay and certification of penicillin and penicillin-containing drugs are amended as set forth below:

§ 141a.104 [Amendment]

1. Section 141a.104 *Sodium oxacillin* is amended by adding the following new paragraphs thereto:

(h) *Sterility.* Proceed as directed in § 141a.2 adding sufficient penicillinase to inactivate the penicillin (approximately 6,000 Levy units of penicillinase per tube) in the test for bacteria.

(i) *Pyrogens.* Proceed as directed in § 141a.3, except use sodium chloride injection as the diluent, and inject 1.0 mil-

liliter per kilogram of a solution containing 20 milligrams per milliliter.

2. Part 141a is amended by adding thereto the following new section:

§ 141a.110 Sodium oxacillin for aqueous injection.

(a) *Potency.* Reconstitute the drug as directed in the labeling. Using a syringe and 22-gage needle, 1 inch in length, transfer a representative aliquot of the drug equivalent to one dose to a 100-milliliter volumetric flask; make to volume with 1 percent phosphate buffer, pH 6.0. Proceed as directed in § 141a.104(a). Its potency is satisfactory if it contains not less than 90 percent and not more than 115 percent of the number of milligrams that it is represented to contain.

(b) *Sterility.* Proceed as directed in § 141a.104(h).

(c) *Pyrogens.* Proceed as directed in § 141a.104(i).

(d) *Toxicity.* Proceed as directed in § 141a.104(b).

(e) *Moisture.* Proceed as directed in § 141a.26(e).

(f) *pH.* Proceed as directed in § 141a.5(b), using the solution resulting when the amount of diluent recommended in the labeling is added and then further diluting to a concentration of 30.0 milligrams per milliliter.

(g) *Identity.* Accurately weigh 250 milligrams of sample; add sufficient 5N sodium hydroxide to give a total volume of 100 milliliters. Place in a boiling water bath for 30 minutes. Cool, acidify 1.0 milliliter with 1.0 milliliter of dilute sulfuric acid (1 in 2), add 8.0 milliliters of water, and extract with 25.0 milliliters of ethyl ether. Extract the ether with 25.0 milliliters of 0.1N sodium hydroxide and dilute the alkaline extract to 100.0 milliliters with carbon dioxide-free water. Record the absorbency from 220 millimicrons to 360 millimicrons. The spectrum should be basically identical to that of the sodium oxacillin standard, similarly treated, and should show maxima at 232 and 282, and a minimum at 265 (± 2) millimicrons.

3. Part 146a is amended by adding thereto the following new section.

146a.8 Sodium oxacillin for aqueous injection.

(a) *Standards of identity, strength, quality, and purity.* Sodium oxacillin for aqueous injection is a dry mixture of sodium oxacillin and one or more buffer substances, with or without one or more suitable and harmless preservatives. It is sterile. It is nonpyrogenic. Its moisture content is not more than 6.0 percent. When reconstituted as directed in the labeling, the pH is not less than 6.0 and not more than 8.5. The sodium oxacillin used conforms to the requirements of § 146a.12(a). Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* In all cases the immediate container shall be a tight container as defined by the U.S.P., shall be sterile at the time of filling and closing, shall be so sealed that the contents can-

not be used without destroying the seal, and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused that are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. The immediate container shall be of a substance through which a hypodermic needle may be introduced and withdrawn without removing the closure or destroying its effectiveness. Each such container shall contain not less than 250 milligrams and not more than 3.0 grams of sodium oxacillin.

(c) *Labeling.* In addition to the labeling requirements prescribed by § 1.106(b) of this chapter (regulations issued under section 502(f) of the act), each package shall bear on its label or labeling, as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container, the statement "Expiration date _____" the blank being filled in with the date that is 12 months after the month during which the batch was certified, except that the blank may be filled in with the date that is 18 months, 24 months, 30 months, or 36 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section.

(2) On the circular or other labeling within or attached to the package, a statement to the effect that reconstituted solutions may be stored for not more than 3 days at room temperature or not more than 7 days under refrigeration.

(d) Request for certification; samples.

(1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch of sodium oxacillin for aqueous injection shall submit with his request a statement showing the batch marks, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the sodium oxacillin used in making such batch was completed, the number of milligrams in each of such packages, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and a statement that each ingredient used in making the batch conforms to the requirements prescribed therefor, if any, by this section.

(2) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch: Potency, sterility, pyrogens, toxicity, moisture, pH, and identity.

(ii) The sodium oxacillin used in making the batch: Potency, crystallinity, and sodium oxacillin content.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

- (i) The batch:
- (a) For all tests except sterility: One immediate container for each 5,000 immediate containers in such batch, but in no case less than 10 immediate containers.
- (b) For sterility testing: 10 immediate containers.

Such samples shall be collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The sodium oxacillin used in making the batch: 5 packages containing approximately equal portions of not less than 500 milligrams each, packaged in accordance with the requirements of § 146a.12(b).

(iii) In case of an initial request for certification, each other ingredient used in making the batch: One package of each containing approximately 5 grams.

(4) No result referred to in subparagraph (2) (i) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or sample has been previously submitted.

(e) Fees. The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) \$5.00 for each immediate container in the samples submitted in accordance with paragraph (d) (3) (i) (a) and (ii) of this section; \$4.00 for each immediate container submitted in accordance with paragraph (d) (3) (iii) of this section; \$10.00 for all containers submitted in accordance with paragraph (d) (3) (i) (b) of this section.

(2) If the Commissioner considers that investigations, other than examination of such immediate containers, are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fees prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fees are covered by an advance deposit maintained in accordance with § 146.8(d) of this chapter.

§ 146a.12 [Amendment]

4. Section 146a.12 *Sodium oxacillin* is amended as follows:

a. Paragraph (a) is changed to read:

(a) *Standards of identity, strength, quality, and purity.* Sodium oxacillin is the crystalline monohydrated sodium salt of 5-methyl-3-phenyl-isoxazolyl penicillin. It is not purified and dried that:

- (1) It contains not less than 815 micrograms of the free acid of oxacillin per milligram.
- (2) It is sterile.

- (3) It is nonpyrogenic.
- (4) It is nontoxic.
- (5) Its moisture content is not more than 6.0 percent.
- (6) Its pH in an aqueous solution containing 30 milligrams per milliliter is not less than 4.5 and not more than 7.5.
- (7) Its sodium oxacillin content is not less than 90 percent.

b. Paragraph (c) (4) is amended to read:

(c) *Labeling.* * * *
(4) The statement "For manufacturing use only."

c. Paragraph (d) is amended by changing the paragraph heading and subparagraphs (1) and (2) to read as set forth below, and by adding thereto a new subparagraph (3), as follows:

(d) *Request for certification, check tests and assays; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in the batch, and the date on which the latest assay of the drug comprising such batch was completed. Such request shall be accompanied or followed by the results of tests and assays made by him on the batch for potency, sterility, pyrogens, toxicity, moisture, pH, sodium oxacillin content, crystallinity, and identity.

(2) Such person shall submit in connection with his request an accurately representative sample of the batch, consisting of the following:

- (i) For all tests except sterility: Nine packages, each containing approximately 300 milligrams, plus one package containing approximately 2 grams.
- (ii) For sterility testing: 10 packages each containing approximately 300 milligrams.

Each such sample shall be taken from a different part of the batch and packaged in accordance with the requirements of paragraph (b) of this section.

(3) In connection with contemplated requests for certification of batches of another drug in the manufacture of which sodium oxacillin is to be used, the manufacturer of a batch that is to be so used may request the Commissioner to make check tests and assays on a sample of such batch taken as prescribed in subparagraph (2) of this paragraph. From the information required by subparagraph (1) of this paragraph may be omitted results of tests and assays not required for the batch when used in such other drug. The Commissioner shall report to such manufacturer results of each check test and assay as are so requested.

d. Paragraph (e) (1) is amended to read:

- (e) * * *
(1) \$5.00 for each immediate container in the sample submitted in accordance with paragraph (d) (2) (i) of this section; \$10.00 for all containers submitted in accordance with paragraph (d) (2) (ii) of this section.

§ 146a.13 [Amendment]

5. In § 146a.13 *Sodium oxacillin tablets*, paragraph (a) is amended by changing the fifth sentence to read as follows: "The sodium oxacillin conforms to the requirements of § 146a.12(a), except the standards for sterility and pyrogens."

§ 146a.14 [Amendment]

6. In § 146a.14 *Sodium oxacillin capsules*, paragraph (a) is amended by changing the fourth sentence to read as follows: "The sodium oxacillin conforms to the requirements of § 146a.12(a), except the standards for sterility and pyrogens."

This order provides for tests and methods of assay and certification of sodium oxacillin for injection, which has been found to be safe and effective for use, conditions pertinent to its certification. Since it is required that such dosage forms be sterile and pyrogen free, existing regulations are also amended to reflect this adjustment. Since the basic requirements of section 507 of the Federal Food, Drug, and Cosmetic Act have been complied with and since the interests of the public health will be served by making this new dosage form available for use, the requirements for notice and public procedure are not deemed necessary in this instance.

Effective date. This order shall become effective 30 days from the date of its publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357)

Dated: October 15, 1963.

JOHN L. HARVEY,
Deputy Commissioner
of Foods and Drugs.

[F.R. Doc. 63-11116; Filed, Oct. 21, 1963; 8:46 a.m.]

PART 146b—CERTIFICATION OF STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) AND STREPTOMYCIN- (OR DIHYDROSTREPTOMYCIN-) CONTAINING DRUGS

Dihydrostreptomycin-Neomycin-Polymyxin Aerosol Solution Veterinary; Change of Expiration Date

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug and Cosmetic Act (sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for certification of dihydrostreptomycin or dihydrostreptomycin-containing drugs (21 CFR 146b.133) are amended by changing the expiration date for dihydrostreptomycin-neomycin-polymyxin aerosol solution from 24 months to 36 months under certain conditions. As amended, paragraph (c) (1) (v) of § 146b.133 *Dihydrostreptomycin-neomycin-polymyxin aerosol solution veterinary* reads as follows:

(v) The statement "Expiration date -----," the blank being filled in

with the date that is 24 months after the month during which the batch was certified, except that the blank may be filled in with the date that is 36 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section.

Notice and public procedure and delayed effective date are not necessary prerequisites to the promulgation of this order, and I so find, since the nature of the change is such that it cannot be applied to this specific product unless and until the manufacturer thereof has supplied adequate data regarding the article involved.

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

(Sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357)

Dated: October 15, 1963.

JOHN L. HARVEY,
Deputy Commissioner
of Food and Drugs.

[F.R. Doc. 63-11117; Filed, Oct. 21, 1963;
8:46 a.m.]

Title 19—CUSTOMS DUTIES

CROSS REFERENCE: For a notice of proposed trade agreement negotiations and articles to be considered for negotiation, see Presidential Notice of October 21, 1963, F.R. Doc. 63-11242, *supra*.

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 548—AUTHORIZATION OF ESTABLISHED BASIC RATES FOR COMPUTING OVERTIME PAY

Miscellaneous Amendments

On August 1, 1963, a notice proposing amendments to 29 CFR Parts 516 and 548 relating to record and pay provisions for overtime employment of retail or service establishment employees, and others who are compensated on a commission basis, was published in the FEDERAL REGISTER (28 F.R. 7850). The proposed amendments to 29 CFR 516 are still being considered. The proposed amendments to 29 CFR 548 are hereby adopted subject to the following changes.

1. Subparagraph (1) of § 548.3(f) is amended by inserting after the words, “* * * the current quarter year”, the phrase, “or differ only because of some change in basic salary or similar non-fluctuating factor for which suitable adjustments have been made in the calculations to accurately reflect such change”.

2. Paragraph (c) of § 548.306 is amended by changing paragraph (c) to subparagraph (1).

A new subparagraph, designated as subparagraph (2) of § 548.306(c) is added.

Signed at Washington, D.C., this 15th day of October 1963.

CLARENCE T. LUNDQUIST,
Administrator.

§ 548.3 Authorized basic rates.

* * * * *

(f) (1) A rate per hour for each workweek equal to the average hourly remuneration of the employee for employment during the annual period or the quarterly period immediately preceding the calendar or fiscal quarter year in which such workweek ends, provided (i) it is a fact, confirmed by proper records of the employer, that the terms, conditions, and circumstances of employment during such prior period, including weekly hours of work, work assignments and duties, and the basis of remuneration for employment, were not significantly different from the terms, conditions, and circumstances of employment which affect the employee's regular rates of pay during the current quarter year, or differ only because of some change in basic salary or similar nonfluctuating factor for which suitable adjustments have been made in the calculations to accurately reflect such change and (ii) such average hourly remuneration during the prior period is computed by the method or methods authorized in the following subparagraphs.

(2) The average hourly remuneration on which the rate authorized in subparagraph (1) of this paragraph is based shall be computed (i) by totaling all remuneration for employment during the workweeks ending in the prior period (including all earnings at hourly or piece rates, bonuses, commission or other incentive payments, and other forms of remuneration paid to or on behalf of the employee) except overtime premiums and other payments excluded from the regular rate pursuant to provisions of section 7(d) of the Act, and (ii) by dividing the amount thus obtained by the number of hours worked in such prior period for which such compensation was paid.

(3) Where it is not practicable for an employer to compute the total remuneration of an employee for employment in the prior period in time to determine obligations under the Act for the current quarter year (as where computation of bonus, commission, or incentive payments cannot be made immediately at the end of the period), a one month grace period may be used. If this one month grace period is used, it will be deemed in compliance with subparagraph (1) of this paragraph to use the basic rate authorized therein for the quarter commencing one month after the next preceding four-quarter or quarter-year period (whichever length period is adopted as the base period for the rate determination). Once the grace period method of computation is adopted it must be used for each successive quarter.

(52 Stat. 1060, as amended; 29 U.S.C. 201)

§ 548.306 Average earnings for year or quarter year preceding the current quarter.

(a) Section 548.3(f) (1) authorizes as an established basic rate:

A rate per hour for each workweek equal to the average hourly remuneration of the employee for employment during the annual period or the quarterly period immediately preceding the calendar or fiscal quarter year in which such workweek ends, provided (i) it is a fact, confirmed by proper records of the employer, that the terms, conditions, and circumstances of employment during such prior period, including weekly hours of work, work assignments and duties, and the basis of remuneration for employment, were not significantly different from the terms, conditions, and circumstances of employment which affect the employee's regular rates of pay during the current quarter year, and (ii) such average hourly remuneration during the prior period is computed by the method or methods authorized in the following subparagraphs.

(b) There may be circumstances in which it would be impossible or highly impracticable for an employer at the end of a pay period to compute, allocate, and pay to an employee certain kinds of remuneration for employment during that pay period. This may be true in the case of such types of compensation as commissions, recurring bonuses, and other incentive payments which are calculated on work performance over a substantial period of time. Since the total amount of straight-time remuneration is unknown at the time of payment the full regular rate cannot be ascertained and overtime compensation could not be paid immediately except for the provisions of § 548.3(f). In many such situations, the necessity for any subsequent computation and payment of the additional overtime compensation due on these types of remuneration can be avoided and all overtime premium pay due under the Act, including premium pay due on such a commission, bonus or incentive payment, can be paid at the end of the pay period rather than at some later date, if the parties to the employment agreement so desire. This is authorized by § 548.3(f) (1), which provides an alternate method of paying overtime premium pay by permitting an employer, under certain conditions, to use an established basic rate for computing overtime premium pay at the end of each pay period rather than waiting until some later date when the exact amounts of the commission, bonus, or other incentive payment can be ascertained. Such established rate may also be used in other appropriate situations where the parties desire to avoid the necessity of recomputing the regular rate from week to week.

(c) (1) The rate authorized by § 548.3(f) (1) is an average hourly rate based on earnings and hours worked during the workweeks ending in a representative period consisting of either the four quarter-years or the last quarter-year immediately preceding the calendar or fiscal quarter-year in which the established rate is to be used. Such a rate may be used only if it is a fact, confirmed by proper records of the employer, that the terms, conditions, and circumstances of employment during this prior period

were not significantly different from those affecting the employee's regular rates of pay during the current quarterly period. Significant differences in weekly hours of work, work assignments and duties, the basis of remuneration for employment, or other factors in the employment which could result in substantial differences in regular rates of pay as between the two periods will render the use of an established rate based on such a prior period inappropriate, and its use is not authorized under such circumstances.

(2) However, an increase in the basic salary or other constant factor would not preclude the use of such a rate provided that accurate adjustments are made. For instance, assume that during the previous annual period an employee was compensated on the basis of a weekly salary or \$50.00 plus a commission of 1 percent of sales. If his weekly salary is raised to \$60.00 for the next annual period (assuming he still receives his commission of 1 percent of sales) the annual rate on which the established rate is to be computed must be adjusted by an increase of \$520.00 ($\10×52 weeks). For instance, assume the above employee earned a total of \$4244.00 and worked 2318 hours during the previous annual period when his salary was \$50.00 per week. Normally his established basic rate would be computed by dividing 2318 hours into \$4244.00, thus arriving at a rate of \$1.83. However, since the rate must reflect the increase in salary it must be computed by adding the anticipated increase to the pay received during the previous annual period ($\$4244.00$ plus $\$520.00 = \4764.00). The established basic rate would then be \$2.05.

(d) Establishment of the rate explained in paragraphs (b) and (c) of this section is authorized under the circumstances there stated, provided it is computed in accordance with § 548.3(f) (2), which prescribes the following method: First, all of the employee's remuneration for employment during the workweeks ending in the representative four-quarter or quarter-year period immediately preceding the current quarter, except overtime premiums and other payments excluded from the regular rate under section 7(d) of the Act, must be totaled. All straight-time earnings at hourly or piece rates or in the form of salary, commissions, bonus or other incentive payments, and board, lodging, or other facilities to the extent required under section 3(m) of the Act and Part 531 of this chapter, together with all other forms of remuneration paid to or on behalf of the employee must be included in the above total. Second, this total sum must be divided by the total number of hours worked during all the workweeks ending in the prior period for which such remuneration was paid. The average hourly rate obtained through this division may be used as the established rate for computing overtime compensation in any workweek, in which the employee works in excess of the applicable maximum standard number of hours, ending in the calendar or fiscal quarter-year period following the four-quarter or quarterly period used

for determination of this rate. This is authorized irrespective of any fluctuations of average straight-time hourly earnings above or below such rate from workweek to workweek within the quarter.

(e) As a variant to the method of computation described in paragraph (d) of this section, it is provided in § 548.3(f) (3), with respect to situations where it is not practicable for an employer to compute the total remuneration of an employee for employment in the prior period in time to determine obligations under the Act for the current quarter year, a one month grace period may be used. This method is authorized, for example, in employment situations where the computation of bonuses, commissions, or other incentive payments cannot be made immediately at the end of the four-quarter or quarterly base period. If this one month grace period is used, it will be deemed in compliance with § 548.3(f) (1) to use the basic rate authorized therein for the quarter commencing one month after the next preceding four-quarter or quarter-year period. To illustrate, suppose an employer and employee agree that the employee will be paid for overtime work at one and one-half times a basic rate computed in accordance with § 548.3(f) (1), but on the pay day for the first workweek ending in the current quarter his records do not show all commissions earned by the employee in the preceding quarter. The employer and employee may therefore elect to use a one month grace period. This would mean that a basic rate for the quarter January 1-March 31, for example, which is derived from the prior four-quarter (January 1-December 31) or quarterly (October 1-December 31) period, as the case may be, would be applied during a quarterly period commencing one month later (February 1-April 30) than the period (January 1-March 31) in which it would otherwise be applicable. The same adjustment would be made in succeeding quarters. Once the grace method of computation is adopted it must be used for each successive quarter.

(f) The established basic rate must be designated and substantiated in the employer's records as required by Part 516 of this chapter, and other requirements of such part with respect to records must be met. An agreement or understanding between the parties to use such rate must be reached prior to the quarter-year period in which the work to which it is applied is performed. The agreement or understanding may be limited to a fixed period or may be a continuing one, but use of the established rate under such an agreement or understanding is not authorized for any period in which terms, conditions, and circumstances of employment become significantly different from those obtaining during the period from which the rate was derived. This method of computation cannot be used if there is any change in the employee's position, method of pay, or amount of salary or if the employee was not employed during the full period used to determine the rate.

(g) To function properly and to provide, over an extended period, overtime

premium pay substantially equivalent to the pay the employee would receive if overtime were paid on the true regular rate, the plan must provide that overtime be computed on the established basic rate in every overtime week without regard to the fact that in some weeks the employee receives more premium pay than he would using the true regular rate and in some weeks less. Plans initiated pursuant to this section are based on averages and, if properly applied, will yield substantially the same overtime compensation in a representative period as the employee would have received if it were computed on the true regular rate.

(h) The following examples assume the employee is due overtime premium pay for hours worked over 40 in the workweek.

(1) *Example.* A sales employee whose applicable maximum hours standard is 40 hours enters into an agreement with his employer that he will be paid a salary plus a commission based on a certain percentage of sales. He agrees that this compensation will constitute his total straight-time earnings for all hours worked each week, provided such compensation equals or exceeds the applicable minimum wage.

The employee further agrees that he is to receive overtime premium pay for each workweek on the normal pay day for that week; based each quarter on one-half his established basic rate derived by taking the hourly average of the total straight-time remuneration he received during the workweeks ending in the four-quarter period immediately preceding the current quarter. For example, his established basic rate for each workweek ending in the first quarter of 1964 (January through March) is determined by computing his average hourly rate for employment during all workweeks ending in the four quarter periods of 1963.

Assume the employee worked the following number of hours and received the straight-time pay indicated:

Line No.	Quarters	Pay	Hours worked
1	1st-1963	\$1,074	550
2	2d-1963	980	489
3	3d-1963	1,069	542
4	4th-1963	1,365	619
5	1, 2, 3, 4-1963	4,488	2,200
6	1st-1964	1,168	531
7	2, 3, 4 (1963) 1 (1964)	4,582	2,181

The employee's basic rate for the first quarter of 1964 (line 6) is determined by the hours worked and pay received in the four previous quarters (lines 1, 2, 3 and 4). Total pay received during that period (\$4,488.00, line 5) is divided by the total hours worked (2,200 hours, line 5) to derive the established basic rate (\$2.04 per hour). This is the hourly rate on which overtime is computed in each workweek ending in the first quarter of 1964 in which the employee worked in excess of the applicable maximum hours standard. For instance, if in the first week of that quarter the employee worked 47 hours he would be due his guaranteed salary, his commission (at a later date) plus \$7.14 as overtime premium pay ($7 \text{ hours} \times \$2.04 \times \frac{1}{2}$). It does not matter that the employee actually earned and ultimately received \$90.71 in salary and commission as his total straight-time pay for that week and that his true hourly rate would be only \$1.93 ($\$90.71 \div 47 \text{ hours}$). The established basic rate is an average rate and is designed to be used, and must be used, in every overtime week in the quarter for which it was com-

puted, without regard to the employee's true hourly rate in the particular week.

The employee's basic rate for the second quarter of 1964 will be similarly computed at the end of the first quarter of that year by adding together the hours worked and pay received in the second, third, and fourth quarters of 1963 and the first quarter of 1964 (lines 2, 3, 4 and 6) so that the totals now reflect the figures in line 7. The regular rate is again computed by dividing pay received (\$4,582.00) by hours worked (2,181) and the new basic rate would be \$2.10.

(2) *Example.* Assume that an employee employed under a similar arrangement agrees to receive overtime premium pay for each workweek on the normal pay day, based each quarter on one-half his established basic rate determined by the *quarterly* method rather than by the *annual* method previously discussed. His established basic rate for the first quarter of 1964 would therefore be determined by computing his average hourly rate for the *last quarter* of 1963. To illustrate, if in the latter quarter the employee received \$1,156.00 in straight time compensation and worked 561 hours, his basic rate for the first quarter of 1964 would therefore be \$2.06 (\$1,156.00 ÷ 561 hours). During the overtime weeks in this quarter there would be due him, in addition to his straight time compensation, premium pay of \$1.03 (\$2.06 × ½) for each hour he works in excess of the applicable maximum hours standard.

As in the previous example the established basic rate must be used in every overtime week in the quarter for which it was computed without regard to the employee's true hourly rate in the particular quarter.

(52 Stat. 1062, as amended; 29 U.S.C. 201)

[F.R. Doc. 63-11136; Filed, Oct. 21, 1963; 8:47 a.m.]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER A—AID OF CIVIL AUTHORITIES AND PUBLIC RELATIONS

PART 507—MANUFACTURE OF DECORATIONS

Authority To Manufacture and Sell

Section 507.3 is revised to read as follows:

§ 507.3 Authority to manufacture and sell.

(a) *Authority to manufacture.* Certificates of authority to manufacture articles listed in 8507.4 will be granted by the Institute of Heraldry, U.S. Army, a class II activity under the jurisdiction of The Adjutant General.

(1) All articles must be manufactured in accordance with specifications prescribed or authorized by the Department of the Army.

(2) The certificate of authority is valid only for the individual, firm, or corporation indicated and at the address stated thereon. Any change in name or address will result in cancellation of certificate. Manufacturers will be required to make application for new certificates, in order to continue manufacturing.

(3) Application for initial grant and renewal of certificates is the responsibility of the manufacturers. Applica-

tions for renewal are required to be filed with the Institute of Heraldry, U.S. Army, at least 60 days prior to expiration date of existing certificate.

(b) *Authority to sell.* No certificate of authority is required to sell articles listed in § 507.4; however, sellers are responsible to sell only those articles which have been manufactured in conformance with Government specifications by certified manufacturers with the use of Government loaned tools and bearing hallmarks assigned by the Institute of Heraldry, U.S. Army.

[AR 672-8, August 14, 1963] (Sec. 3012, 70A Stat. 157; 10 U.S.C. 3012. Interpret or apply secs. 701 and 704, 62 Stat. 731, 732; 18 U.S.C. 701, 704)

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

[F.R. Doc. 63-11086; Filed, Oct. 21, 1963; 8:45 a.m.]

SUBCHAPTER E—ORGANIZED RESERVES

PART 563—RETIREMENT PAY FOR NONREGULAR SERVICE

Miscellaneous Amendments

Sections 563.4(b) and 563.9(i) are revised, and new § 563.19 is added, as follows:

§ 563.4 Application.

(b) DD Form 108 may be obtained, upon request, from the office of State adjutants general, U.S. Army Corps headquarters, or from the Commanding Officer, U.S. Army Records Center, Attention: AGAC-RA-OC, St. Louis 32, Missouri, not earlier than 120 days before applicant's 60th birthday or upon qualification for retired pay if retained and qualified for such pay after age 60.

§ 563.9 Service not creditable as qualifying service.

(i) Active status in the Ready Reserve, the Standby Reserve and the active National Guard after 30 June 1949, but insufficient retirement points earned for such service to be credited as qualifying service.

§ 563.19 Entitlement.

The entitlement portion of this part has been approved by the Department of Defense, Military Pay and Allowance Committee, under procedures prescribed by the Secretary of Defense in accordance with title 37, United States Code, section 1001.

(Sec. 3012, 70A Stat. 157; 10 U.S.C. 3012. Interpret or apply secs. 1331-1337, 70A Stat. 102-104, as amended; 10 U.S.C. 1331-1337)

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

[F.R. Doc. 63-11087; Filed, Oct. 21, 1963; 8:45 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

Altamaha River, Ga.

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), § 203.245 is hereby amended with respect to paragraph (h), revising subparagraph (15) by adding a regulation to govern the operation of the Atlantic Coast Line Railroad Company bridge across Altamaha River at Doctortown, Georgia, effective 30 days after publication in the FEDERAL REGISTER, as follows:

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

(h) *Waterways discharging into Atlantic Ocean south of Charleston.* * * *

(15) Altamaha River, Ga.; all drawbridges except the Atlantic Coast Line Railroad Company bridge at Doctortown. At least 24 hours' advance notice required. The Atlantic Coast Line Railroad Company bridge at Doctortown. At least seven days' advance notice required: *Provided*, That the bridge owner will restore constant attendance, when in the opinion of the District Engineer, Corps of Engineers, river traffic warrants additional service.

[Regs., Sept. 30, 1963, 1507-32 (Altamaha River, Ga.)—ENG CW-ON] (Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

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

[F.R. Doc. 63-11088; Filed, Oct. 21, 1963; 8:45 a.m.]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

SUBCHAPTER F—QUARANTINE, INSPECTION, LICENSING

PART 73—BIOLOGICAL PRODUCTS Additional Standards; Measles Virus Vaccine, Live, Attenuated Canine Renal Tissue Cultures

On June 4, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 5477) proposing to amend the additional standards for Measles Virus Vaccine, Live, Attenuated, in 42 CFR Part 73 to provide that virus for the manufacture of measles vaccine may be cultured in canine renal tissue as well as in chick embryo tissue.

The notice provided 30 days for submission of public comment, and to afford the earliest opportunity for the use of the alternative culture system, it was proposed that any amendment adopted be effective upon its publication in the FEDERAL REGISTER.

After due consideration of submitted comment, the following amendment to Part 73 of the Public Health Service regulations is hereby adopted, to become effective immediately.

1. Amend § 73.140(b) to read as follows:

(b) *Criteria for acceptable strains of attenuated measles virus.* Strains of attenuated measles virus used in the manufacture of vaccine shall be identified by (1) historical records including origin and manipulation during attenuation, (2) antigenic specificity as measles virus as demonstrated by tissue culture neutralization tests. Strains used for the manufacture of Measles Virus Vaccine, Live, Attenuated, shall have been shown to be safe and potent in man by field studies with experimental vaccines. Vaccine prepared from measles virus strains propagated in chick embryo or canine renal tissue cultures shall have been demonstrated as safe and potent in at least 10,000 susceptible persons. Susceptibility shall be shown by the absence of neutralizing or other antibodies against measles virus, or by other appropriate methods. Vaccine prepared from measles virus strains propagated in canine renal tissue cultures shall also have been demonstrated to be free from harmful effects in not less than 100,000 persons. See virus used for vaccine manufacture shall be free of all demonstrable extraneous viable microbial agents.

2. Redesignate the present paragraphs (b), (c), (d), (e), and (f) of § 73.141 as (d), (e), (f), (g), and (h) respectively, delete present paragraph (a) and insert new paragraphs (a), (b), and (c) to read as follows:

(a) *Virus cultures.* Virus shall be propagated in chick embryo tissue cultures or canine renal tissue cultures.

(b) *Virus propagated in chick embryo tissue cultures.* Embryonated chicken eggs used as the source of chick embryo tissue for the propagation of measles virus shall be derived from flocks certified to be free of Salmonella pullorum, avian tuberculosis, fowl pox, Rous sarcoma, avian leucosis and other adventitious agents pathogenic for chickens. If eggs are procured from flocks that are not so certified, tests shall be performed to demonstrate freedom of the vaccine from such agents. (See § 73.142(a)(8) for test for avian leucosis.)

(c) *Virus propagated in canine renal tissue cultures.* Only dogs in overt good health which have been maintained in quarantine in vermin-proof quarters for a minimum of six months, having had no exposure to other dogs or animals throughout the quarantine period, or dogs born to dogs while so quarantined, provided the progeny have been kept in the same type of quarantine continuously from birth, shall be used as a

source of kidney tissue for the propagation of measles virus.

(1) *Dogs used for experimental purposes.* Dogs that have been used previously for experimental or testing purposes with microbiological agents shall not be used as a source of kidney tissue in the manufacture of vaccine.

(2) *Quarantine and necropsy.* Each dog shall be examined periodically during the quarantine period as well as at the time of necropsy under the direction of a qualified pathologist, physician or veterinarian having experience with diseases of dogs, for the presence of signs or symptoms of ill health, particularly for evidence of tuberculosis, infectious canine hepatitis, canine distemper, rabies, leptospirosis, and other diseases indigenous to dogs. If there are any such signs, symptoms, or other significant pathological lesions observed, tissue from such animals shall not be used in the manufacture of Measles Virus Vaccine, Live, Attenuated.

3. Amend the last paragraph (unnumbered) of § 73.141(e)(1), redesignated as § 73.141(g)(1), to read as follows:

Samples of fluid from each control vessel shall be collected at the same time as fluid is harvested from the corresponding production vessels. If multiple virus harvests are made from the same cell suspension, the control samples for each harvest shall be frozen and stored at -60°C. until the last viral harvest for that cell suspension is completed. The fluid from all the control samples from that suspension shall be pooled in proportionate amounts and at least five ml. inoculated into human and simian cell tissue culture systems and in the tissue culture system used for virus production. The cultures shall be observed for the presence of changes attributable to growth of adventitious viral agents including hemadsorption viral agents.

4. Amend the second sentence of § 73.141(e)(2), redesignated as § 73.141(g)(2), by inserting the words "chick embryo" between the words "the" and "cultures" and by changing "(§ 73.141(a))" to "(§ 73.141(b))".

5. Amend § 73.142(a) by revising the portion preceding subparagraph (1) to read as follows:

(a) *Tests prior to clarification of vaccine manufactured in chick embryo tissue cultures.* Prior to clarification, the following tests shall be performed on each virus pool of chick embryo tissue culture:

6. Amend § 73.142(a)(8) by changing "§ 73.141(a)" to "§ 73.141(b)" and "§ 73.141(e)" to "§ 73.141(g)".

7. Amend § 73.142 by redesignating paragraphs (b) and (c) as paragraphs (c) and (d) respectively, and by inserting a new paragraph (b) to read as follows:

(b) *Tests prior to clarification of vaccine manufactured in canine renal tissue cultures.* Prior to clarification, the following tests shall be performed on each virus pool of canine renal tissue culture:

(1) *Inoculation of adult mice.* Virus grown in canine renal tissue cultures shall be tested in adult mice, as pre-

scribed in paragraph (a)(1) of this section for virus grown in chick embryo tissue cultures. Test result standards are those prescribed therein.

(2) *Inoculation of suckling mice.* Each of at least 20 suckling mice less than 24 hours old shall be inoculated intracerebrally with 0.01 ml. and intraperitoneally with 0.1 ml. of the canine renal tissue culture virus pool to be tested. The mice shall be observed daily for at least 28 days. Each mouse that dies after the first 48 hours of the test, or is sacrificed because of illness, shall be necropsied and all areas examined for evidence of viral infection. Such examination shall include subinoculation of appropriate tissue suspensions into an additional group of at least five suckling mice by intracerebral and intraperitoneal routes and observed daily for 28 days. The virus pool is satisfactory for Measles Virus Vaccine only if at least 80 percent of the originally inoculated mice remain healthy and survive the entire observation period, and if none of the mice used in the test show evidence of having been infected with rabies virus or any other transmissible agent or viral infection other than measles virus.

(3) *Inoculation of monkey tissue cell cultures.* Virus grown in canine renal tissue cultures shall be tested in monkey tissue cell cultures as prescribed in paragraph (a)(3) of this section for virus grown in chick embryo tissue cultures. Test result standards are those prescribed therein.

(4) *Inoculation of other cell cultures.* Virus grown in canine renal tissue cultures shall be tested in rhesus or cynomolgus monkey kidney tissue, canine renal tissue and human tissue cell cultures as prescribed in paragraph (a)(3) of this section for testing virus grown in chick embryo tissue culture in cercopithecus monkey kidney tissue culture preparations. Test result standards are those prescribed therein.

(5) *Inoculation of embryonated eggs.* Virus grown in canine renal tissue cultures shall be tested in embryonated eggs as prescribed in paragraph (a)(5) of this section for virus grown in chick embryo tissue cultures. Test result standards are those prescribed therein.

(6) *Test for Pleuropneumonia-like organisms. (P.L.O.). (Mycoplasma).* Virus grown in canine renal tissue cultures shall be tested for Pleuropneumonia-like organisms as prescribed in paragraph (a)(6) of this section for virus grown in chick embryo tissue cultures. Test result standards are those prescribed therein.

(7) *Bacteriological test.* Each virus pool shall be tested for sterility in accordance with § 73.73. In addition each virus pool shall be tested for M. tuberculosis, human, by appropriate culture methods.

(8) *Tests for adventitious agents.* Each virus pool shall be tested for the presence of such adventitious agents as canine distemper virus, canine hepatitis virus, leptospira and toxoplasma and the following fungi: coccidiomyces, histoplasma and blastomyces. The virus pool is satisfactory only if the results of all tests show no evidence of any extra-

neous agent attributable to the canine renal tissue or the vaccine.

(Sec. 215, 58 Stat. 690, as amended; 42 U.S.C. 216. Interpret or apply sec. 351, 58 Stat. 702, 42 U.S.C. 262)

Dated: October 10, 1963.

[SEAL] LUTHER L. TERRY,
Surgeon General.

Approved: October 16, 1963.

IVAN A. NESTIGEN,
Acting Secretary.

[F.R. Doc. 63-11130; Filed, Oct. 21, 1963;
8:47 a.m.]

PART 73—BIOLOGICAL PRODUCTS

Additional Standards; Measles Virus Vaccine, Inactivated Canine Renal Tissue Cultures

On June 4, 1963 a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 5478) proposing to amend the additional standards for Measles Virus Vaccine, Inactivated, in 42 CFR Part 73 to provide that virus for the manufacture of measles vaccine may be cultured in canine renal tissue as well as in chick embryo tissue and in monkey kidney tissue.

The notice provided 30 days for submission of public comment, and to afford the earliest opportunity for the use of the alternative culture system, it was proposed that any amendment adopted be effective upon its publication in the FEDERAL REGISTER. No comments were received on the amendment as proposed.

The following amendment to Part 73 of the Public Health Service regulations is hereby adopted, to become effective immediately.

1. Amend § 73.150(b) to read as follows:

(b) *Criteria for acceptable strains of measles virus.* Strains of measles virus used in the manufacture of vaccine shall be identified by (1) historical records including origin and manipulation and (2) antigenic specificity as measles virus as demonstrated by tissue culture neutralization tests. Strains used for the manufacture of Measles Virus Vaccine, Inactivated, shall have been shown to be safe and potent in man by field studies with experimental vaccines. Vaccine prepared from measles virus strains propagated in chick embryo tissue cultures, monkey kidney tissue cultures or canine renal tissue cultures, shall have been demonstrated as safe and potent in at least 10,000 susceptible persons. Susceptibility shall be shown by the absence of neutralizing or other antibodies against measles virus, or by other appropriate methods. Vaccine prepared from measles virus strains propagated in canine renal tissue cultures shall also have been demonstrated to be free from harmful effects in not less than 100,000 persons. Seed virus used for vaccine manufacture shall be free of all demonstrable extraneous viable microbial agents.

2. Amend § 73.151(a) to read as follows:

(a) *Virus cultures.* Virus shall be propagated in chick embryo tissue cultures, monkey kidney tissue cultures, or canine renal tissue cultures.

3. Redesignate paragraphs (d), (e), and (f) of § 73.151 as subparagraphs (1), (2), and (3) respectively.

4. Insert a new paragraph (d) in § 73.151 to read as follows:

(d) *Virus propagated in canine renal tissue cultures.* Only dogs in overt good health which have been maintained in quarantine in vermin-proof quarters for a minimum of six months, having had no exposure to other dogs or animals throughout the quarantine period, or dogs born to dogs while so quarantined, provided the progeny have been kept in the same type of quarantine continuously from birth, shall be used as a source of kidney tissue for the propagation of measles virus.

(1) *Dogs used for experimental purposes.* Dogs that have been used previously for experimental or testing purposes with microbiological agents shall not be used as a source of kidney tissue in the manufacture of vaccine.

(2) *Quarantine and necropsy.* Each dog shall be examined periodically during the quarantine period as well as at the time of necropsy under the direction of a qualified pathologist, physician or veterinarian having experience with diseases of dogs, for the presence of signs or symptoms of ill health, particularly for evidence of tuberculosis, infectious canine hepatitis, canine distemper, rabies, leptospirosis, and other diseases indigenous to dogs. If there are any such signs, symptoms, or other significant pathological lesions observed, the kidneys from such animals shall not be used in the manufacture of Measles Virus Vaccine, Inactivated.

5. Redesignate paragraphs (g), (h), (i), (j), and (k) of § 73.151 as paragraphs (e), (f), (g), (h), and (i) respectively.

6. Insert a new subparagraph (3) in § 73.152(a) to read as follows:

(3) *Measles virus propagated in canine renal tissue cultures—(i) Inoculation of adult mice; test for adventitious agents.* Each virus pool prepared from canine renal tissue cultures shall be shown to be free from contaminating agents pathogenic for mice by the test prescribed in subparagraph (1)(i) of this section for chick embryo virus pools. Test result standards are those prescribed therein.

(ii) *Inoculation of suckling mice.* Suckling mice shall be inoculated as prescribed in § 73.142(b)(2) for virus (live, attenuated) grown in canine renal tissue cultures. Test result standards are those prescribed therein.

(iii) *Inoculation of monkey tissue cell cultures.* Monkey tissue cell cultures shall be inoculated as prescribed in § 73.142(a)(3) for virus (live, attenuated) grown in chick embryo tissue cultures. Test result standards are those prescribed therein.

(iv) *Inoculation of other cell cultures.* Virus grown in canine renal tissue cultures shall be tested in rhesus or

cynomolgus monkey kidney tissue, canine renal tissue and human tissue cell cultures as prescribed in § 73.142(a)(3) for testing virus grown in chick embryo tissue cultures in cercopithecus monkey kidney tissue culture preparations. Test result standards are those prescribed therein.

(v) *Inoculation of embryonated chicken eggs.* Embryonated chicken eggs shall be inoculated as prescribed in § 73.142(a)(5) for virus (live, attenuated) grown in chick embryo tissue cultures. Test result standards are those prescribed therein.

(vi) *Test for Pleuropneumonia-like organisms (PPLO) (Mycoplasma).* The test for Pleuropneumonia-like organisms (PPLO) shall be performed as prescribed in § 73.142(a)(6) for virus (live, attenuated) grown in chick embryo tissue cultures. Test result standards are those prescribed therein.

(vii) *Bacteriological test.* Each virus pool shall be tested for sterility in accordance with § 73.73. In addition each virus pool shall be tested for M. tuberculosis, human, by appropriate culture methods.

(viii) *Test for adventitious agents.* Each virus pool shall be tested for the presence of the adventitious agents enumerated in § 73.142(b)(8) for virus (live, attenuated) grown in canine renal tissue cultures. Test result standards are those prescribed therein.

(Sec. 215, 58 Stat. 690, as amended; 42 U.S.C. 216. Interpret or apply sec. 351, 58 Stat. 702, 42 U.S.C. 262)

Dated: October 10, 1963.

[SEAL] LUTHER L. TERRY,
Surgeon General.

Approved: October 16, 1963.

IVAN A. NESTIGEN,
Acting Secretary.

[F.R. Doc. 63-11131; Filed, Oct. 21, 1963;
8:47 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 14746; FCC 63-963]

PART 1—PRACTICE AND PROCEDURE

PART 3—RADIO BROADCAST SERVICES

Operator Requirements for Standard and FM Broadcast Stations

1. On July 15, 1963, the Commission released a Report and Order (FCC 63-646) in the above-captioned proceeding, which modified the operator requirements with respect to lesser-powered standard and FM broadcast stations. The new rules promulgated therein were to have been effective on August 19, 1963.

2. On July 22, 1963, the National Association of Broadcast Employees and Technicians, AFL-CIO (NABET), filed a petition for reconsideration. This document requested that the Commission

reconsider certain portions of the Report and Order, and that the effective date of the new rules be stayed pending action on the petition for reconsideration. Subsequently, on July 30, 1963, NABET filed an additional pleading, a "Supplementary Petition for Oral Argument with Regard to Petition for Reconsideration by National Association of Broadcast Employees and Technicians, AFL-CIO."

3. In order to prevent serious disruption in employment arrangements between operators and station licensees in the event that changes in the aforementioned Report and Order should be forthcoming as a result of action taken with regard to the petitions for reconsideration and oral argument, the Commission, in an Order of Stay released August 2, 1963, stayed the effective date of the new rules to October 18, 1963. This stay was ordered on our own motion because of the importance of the proceeding, despite the fact that the petitioners had not filed the request for stay as a separate document (as required by the rules) and had failed to meet the two criteria for entering orders of stay: irreparable injury to the public or petitioner's interests, and demonstration of a likelihood of prevailing on the merits.

4. Presently before the Commission for reconsideration are the NABET petitions for reconsideration and for oral argument.¹

RULE CHANGES THAT WERE EFFECTED BY THE REPORT AND ORDER

5. Sections 3.93, 3.265, and 3.565 of the Commission rules contain provisions governing operator requirements for standard, FM, and noncommercial educational FM broadcast stations respectively. The sections are substantially identical, and provide that one or more operators holding a valid radiotelephone first-class operator license must be in charge of the transmitting apparatus of such stations and must be on duty either at the transmitter location or at the remote control point. However, this requirement need not be met by nondirectional standard broadcast stations which are authorized to operate with a power of 10 kilowatts or less, or by FM broadcast stations which are authorized transmitter power output of 10 kilowatts or less. Such lesser-powered stations may employ other than radiotelephone first-class operators for routine transmitter operation provided that they have in regular full-time employment at the station a radiotelephone first-class operator whose primary duties are to effect and insure the proper functioning of the transmitting equipment.²

¹ Several letters were also received from broadcast licensees requesting reconsideration of various parts of the Report and Order. However, although these informal pleadings have been made a part of the record, they contain no arguments not previously considered by the Commission in this proceeding, and will not be further considered.

² Other details of the sections are omitted here as unnecessary for the present discussion.

6. Under the provisions of the rules condensed in the previous paragraph, many lesser-powered stations employ persons holding restricted radiotelephone operator permits for routine transmitter operation. Such permits are the lowest type of operator authority issued by the Commission. Holders of such permits need only sign a declaration stating that they are familiar with the regulations governing the authority granted and that they understand their responsibility to keep currently familiar with the provisions of the rules. As we stated in the Notice herein, they are not required to demonstrate through examination or otherwise that they do in fact possess the required knowledge.

7. The Report and Order in this proceeding changed the aforementioned rules in the following respects:

(a) It raised the minimum operator authority for routine transmitter operation at lesser-powered stations from restricted radiotelephone operator permit to radiotelephone third-class operator permit endorsed for broadcast station employment. Third-class operator permittees presently must pass written examinations which qualify them to engage in various types of operator activity. The new rules would require them to pass an additional examination in order to obtain an endorsement on their permits that would qualify them for employment at broadcast stations. Thus, the new requirement would be higher in two respects, requiring not only a third-class operator for routine transmitter operation, but one who has, in addition, passed a broadcast endorsement examination.

(b) It required that station licensees train their lesser-grade operators to insure that they are properly instructed in the duties of routine transmitter operation so as to be capable of performing such duties when not under the immediate supervision of a radiotelephone first-class operator.

(c) The present rules permit the lesser-powered stations to utilize the services of other than first-class operators for routine transmitter operation, provided that they also have in regular full-time employment a first-class operator with certain responsibilities. The Report and Order changed this by permitting the first-class operator in such cases to be employed either on a full-time basis or on a contract part-time basis.

(d) Finally, the new rules raised from 10 kilowatts to 25 kilowatts the ceiling for lesser-powered FM stations permitted to employ other than first-class operators for routine transmitter operation.

8. In addition to the foregoing changes adopted by the Report and Order in the instant proceeding, another change in the operating rules has already been put into effect. In the Notice of Proposed Rule Making herein we also proposed to require that at lesser-powered stations using the services of other than first-class operators for routine transmitter operation, the transmitting equipment be inspected daily, six times per week. However, inasmuch as in

Docket No. 14661 we adopted a requirement of a daily transmitter inspection by a first-class operator, five times per week, at all standard and FM broadcast stations, the inspection proposal was dropped from this proceeding.³ The new inspection requirement became effective July 19, 1963. It appears as new paragraph (e) in § 3.93, 3.265 and 3.565. The stay order mentioned in paragraph 3 applied only to the rule changes mentioned in paragraph 7 and in no way affected the new inspection requirement.

THE REASON FOR THE NEW OPERATOR RULES

9. As seen from the foregoing discussion, the Report and Order herein and the final action in Docket No. 14661 with regard to transmitter inspections, taken as a "package," change the present operator rules for AM and FM stations by raising the minimum operator authority required for routine operation of lesser-powered stations, by instituting a training requirement for the instruction of lesser-grade operators in their duties, by permitting lesser-powered stations to hire first-class operators on a contract part-time basis instead of employing them full time, by raising the ceiling on lesser-powered FM stations so permitted from 10 to 25 kilowatts, and by requiring a daily inspection of transmitting equipment five times per week.

10. As stated in footnote 3, the inspection requirement has already been affirmed on reconsideration by the Commission in Docket No. 14661. NABET vigorously supported this move in reconsideration of that docket against various broadcasting parties who opposed it. NABET now attacks only that change adopted in the present docket which would permit lesser-powered stations to employ first-class operators on a contract part-time basis. Its petition for reconsideration and supplement do not fully reflect our action and the reasons for it. It will be helpful to set forth succinctly the reasons for the action taken, the action itself having been briefly noted in paragraphs 5 through 8 above.

11. Both the Notice and the Report and Order adverted to recent inspection reports which reveal that holders of restricted radiotelephone operator permits in many cases are not qualified for the duties that must be performed by them under present operator rules which permit lesser-powered stations to employ such permittees for routine transmitter operation. We then stated that it would appear that any operator attending a

³ This requirement was adopted in Docket No. 14661 by Report and Order (FCC 63-184), released on February 25, 1963. In a Memorandum Opinion and Order (FCC 63-644) responsive to petitions for reconsideration in that docket, the Commission reaffirmed its belief in the necessity for such a requirement. As the Report and Order in the instant proceeding stated, the fact that it and the Memorandum Opinion and Order in Docket No. 14661 (which reaffirmed the inspection requirement) were released simultaneously on July 15, 1963, was the reason that the inspection proposal was dropped from the instant proceeding.

broadcast transmitter should at a minimum have familiarity with aural broadcast regulations and sufficient skill to read meters accurately, and be able to recognize symptoms of trouble when they occur.

12. To help correct the situation, the new rules promulgated in the Report and Order herein raise the minimum operator requirements at lesser-powered stations from restricted permittees to third-class operators, and add a new category of examination questions—covering basic broadcast information—to those already required to obtain the third-class permit. Moreover, the new rules require that station licenses institute a training program to insure that the lesser-grade operators at the lesser-powered stations are adequately instructed in the duties required of them when not under the immediate supervision of a first-class operator. It is clear from the rules that the training should be such that lesser-grade operators are able to read meters accurately, recognize symptoms of trouble, and make prescribed adjustments of external controls to correct observed operation in violation of Commission rules or the instrument of authorization of the station. According to the new rules, if the adjustments fail to correct an observed condition of improper operation, and a first-class operator is not immediately available, the lesser-grade operator is required to terminate the emissions of the station.

13. In addition to the foregoing, an integral and vital part of the effort to reduce the technical violation situation which has been found to prevail consists of the requirement of a daily inspection of transmitting equipment five times per week by a first-class operator. We were and are of the opinion that strict adherence to the new inspection requirement will be of tremendous importance in insuring that stations adhere to technical requirements of operation set forth in the Commission rules.

14. The basic thrust of the aforementioned actions is thus seen to be in the direction of improved technical operation of AM and FM broadcast stations.⁴

15. With respect to the only change adopted in the present docket which NABET attacks—permitting lesser-powered stations to employ first-class operators on a contract part-time rather than a full-time basis—the Commission was of the opinion that in view of the transmitter inspection requirement, the requirements of training lesser-grade operators, and the stiffening of the operator requirement for routine transmitter operation, it would no longer be necessary for the lesser-powered stations employing other than first-class operators

also to employ first-class operators on a regular full-time basis. We stated in the Report and Order that, taken together, the aforementioned increases in the requirements to insure better station operation provided sufficient safeguards against possible deterioration of service which some feared would result from the contract part-time provisions. It will become apparent from the ensuing discussion of the NABET petitions that little has been offered in the way of argument to alter our stand. We shall first consider the NABET petition for reconsideration, and then its supplementary petition for oral argument.

THE NABET PETITION FOR RECONSIDERATION

16. As mentioned, the new operator rules constitute a "package" which it is believed will improve the technical operation of AM and FM stations. The "package" contains numerous elements. There are a number of deficiencies in the NABET petition, but the most serious is its failure to view the new rules as a "package". The most graphic illustration of this failure is the absolute silence of NABET concerning one of the most important elements of the "package"—the new requirement for daily transmitter inspections at all AM and FM broadcast stations. In Docket No. 14661 (on reconsideration), NABET strongly urged the good (in terms of proper technical operation of stations) that would flow from the adoption of a new requirement that transmitting equipment be inspected daily. But there is no reference in the petition (or supplement) to this far-reaching new rule. Thus, for example, in the first numbered paragraph of its petition it states that it fails to see the logic of the Commission action in permitting the use of first-class operators on a contract part-time basis at lesser-powered stations. This averment is then followed by a purported summary of what the Commission did, which states merely that "In substance the Commission is saying that because it is stiffening the requirements for third-class operator, it can weaken other requirements without materially affecting the present unhappy violation situation."

17. In other respects also the petitioner fails to read the clear language of the Report and Order. Thus, for example, it argues that by permitting the use of part-time independent contractors to "perform transmitter maintenance and to correct conditions of improper operation" (still no mention of the requirement that such operators would have to perform a daily inspection of the transmitting equipment) the Commission is permitting licensees to shift the responsibility of proper station technical operation to others. We stated in paragraph 27 of the Report and Order: "In this connection, it is emphasized * * * that licensees of stations will continue to be expected to observe the condition of their instruments of authorization and the Commission Rules. Contracting with first-class operators for part-time employment in no way relieves them of this responsibility."

18. It is further urged against the part-time first-class operator rule that, as "a practical matter, a third-class operator simply has not mastered the fundamentals of transmitters sufficiently to reach an informed judgment as to trouble or impending trouble," so that he is not really in a position to call for the aid of the first-class operator; that if he feels that something is wrong, the third-class operator must take appropriate action including going off the air if necessary; that the purpose of having technical rules is to keep stations on the air performing public service in accordance with the terms of their licenses, but the Commission invited interruption of service while waiting for the "on-call" operator to arrive at the transmitter; and that, if called, the part-time first-class operator may not be available because of the fact that he is servicing other clients or performing other duties not related to broadcasting.

19. The answer to these arguments is that, as we noted in paragraphs 11 and 12 above, additional written examinations for third-class operators and the station lesser-grade operator training program are designed to insure that such operators have the requisite knowledge to perform their duties, which include the recognition of symptoms of trouble. We also note that the purpose of having technical rules is to have stations stay on the air performing a public service in accordance with their instruments of authorization and in accordance with those technical rules. The new requirements just mentioned are designed to do just that. The requirement that a station cease operation if trouble cannot be corrected presently exists in §§ 3.93, 3.265 and 3.565 of the operator rules, which permit other than first-class operators with a minimum of a restricted operator permit to handle routine transmitter operation at lesser-powered stations. Under present rules, lesser-powered stations using the services of lesser-grade operators for routine transmitter operation are required to have only one first-class operator on a regular full-time basis. Since such an operator usually works only an eight-hour day, there are extended periods of time when the station is on the air with lesser-grade operators in charge of the routine operation of the transmitter, and, if the first-class operator is unavailable, and adjustments by the lesser operator are to no avail, the station must go off the air. It is noted, too, that the now-required daily inspection shall include such tests, adjustments, and repairs as may be necessary to insure operation of the station in conformance with the Commission rules and the station instrument authorization. If properly adhered to, this program of inspections should cut down the chances of transmitter malfunctioning when lesser-grade operators are on duty and consequently reduce the possibility of having to go off the air.

20. Finally, with regard to the argument of the unavailability of the contract first-class operator, we point to our statement in paragraph 27 of the Report and Order in which we stated:

⁴In addition to the foregoing, we further modified the rules to raise to 25 kilowatts the ceiling on lesser-powered FM stations permitted to utilize lesser-grade operators for routine transmitter operation. This action was taken because of the belief, based on our experience with FM stations, that the reliability and stability of FM transmitters with power up to the new ceiling is such that proper station operation would not be hindered by entrusting routine transmitter operation to the hands of lesser-grade operators.

"Such occasions of unavailability of part-time engineers seem not likely to occur frequently. Moreover, some safeguards against such occurrence could be discussed at the time of entering into part-time arrangements."

21. Petitioner raises two further points—one, concerning the relationship between the new contract part-time rules and a possible shortage of first-class operators, and the other having to do with the effect of the new rules on a pool of operators in case of national emergency. The latter, as we stated, is too tenuous to bear weight. Petitioner merely advances broad generalities but offers no well-reasoned arguments to convince us on the point. With regard to the possible shortage of first-class operators as related to the promulgation of the new rules, the matter is discussed below.

THE NABET SUPPLEMENTARY PETITION

22. The NABET supplementary petition requesting oral argument states that:

A careful reexamination of the Commission's July 15, 1963, report and order subsequent to the filing of its (NABET's) petition for reconsideration disclosed to NABET many reasons, in addition to those set forth in its petition, which would justify revision of the Commission's order to the end that contracts for the services of part-time independent radiotelephone operators be prohibited. One of the reasons is set forth below.

It was recently brought to the attention of NABET that one of the basic reasons for the issuance of the order permitting the use of part-time radiotelephone first-class operators not regularly employed by the broadcaster was that there was a shortage of competent skilled radiotelephone operators. This assertion is contrary to the facts * * *

NABET then goes on to argue that there is in fact not a shortage but a surplus of such operators. This argument forms the bulk of the supplementary petition; the rest is repetition of parts of its petition for reconsideration.

23. Initially, it is to be noted that NABET filed its comments in this proceeding in a document entitled "Statement of Position." Its statement did not address itself to the question of a possible shortage of first-class operators. Many comments filed, however, did suggest that a shortage of first-class operators existed and that a contract part-time rule would be helpful to alleviate the situation. NABET had opportunity to address itself to this and other topics in reply comments, but did not do so since it filed no reply comments.

24. The Commission, in its Report and Order, set forth the fact that some parties raised the shortage-of-operator argument in supporting the proposal to permit contract part-time employment of first-class operators. Then, after we had dealt with the essence of the new rules—the elements of the "package" designed to relieve the violation situation—we touched briefly in a short paragraph on a few miscellaneous items raised by parties to the proceeding. The sole treatment of a possible operator shortage appeared in the sentence "It is also hoped that the new

provision will ease any situation which might exist as a result of a shortage of first-class operators." The complete handling of this matter in the NABET petition for reconsideration is as follows: "The Commission also 'hopes' that the new provision will ease 'any situation which might exist as a result of a shortage of first-class operators.' It does not find such a situation does exist, but even so, the logic of its 'hope' does not bear analysis. If there is a shortage of first-class operators, how can the shortage possibly be eased by reducing the job opportunities for use of the skill and thus discouraging the entry of new technicians into the labor market for this skill."

25. We are of the opinion that NABET should have addressed itself to the operator shortage matter in the course of the regularly filed documents of the proceeding. NABET did not address itself to the question in reply comments, and now it makes no showing (required by § 1.84(c) concerning petitions for reconsideration) as to why this matter could not have been presented before. Such failures to use the Commission's normal processes are not to be encouraged. However, we shall handle this point on its merits nonetheless. It should be clear from the foregoing discussion that the principal purpose underlying the adoption of the new operator rules and the daily inspection requirement is to reduce the great number of technical violations. We believe that our action in raising operator requirements for routine transmitter operation, in requiring a new examination for third-class operators wishing to work at broadcast stations, in requiring that stations train lesser-grade operators in their duties, and in instituting a daily transmitter inspection, are reasonably designed to achieve that end. The daily inspection was a vital element of the "package," and there is no reason to believe that a contract part-time first-class operator cannot make the inspection as well as a full-time employee. As we stated previously, stations do not relinquish their responsibility for proper performance in hiring part-time operators. And such operators must enter in the station maintenance log a detailed signed statement concerning their inspection, maintenance and repair activities. NABET's statement that our decision was based largely on the assumption that there is a shortage is incorrect; we reached no such conclusion and our decision was not based on any such assumption, as shown by the language therein quoted above. Thus, our decision would not be changed even if NABET were able to prove a surplus of trained technicians. With respect to the suggestion that the new rule will tend to discourage entry into the field, this, again, we find too tenuous and speculative to bear weight. Moreover, it is related to the question of a "shortage," and this was not the basis of our decision.

26. While it is not unknown, it is not customary for the Commission to grant oral argument in rule-making proceedings, either during the proceeding itself or on petition for reconsideration. We

do not see that oral argument would be likely here to throw additional light on the subject, or that there is reason here to depart from the usual custom. NABET's request for oral argument is therefore denied.

MISCELLANEOUS MATTERS

27. The new rules adopted in this proceeding were to have become effective August 19, 1963. Under the provisions of those rules, lesser-powered stations were to be allowed to use the services of restricted operator permittees or third-class permittees without broadcast endorsements for routine transmitter operation until a cutoff date of February 19, 1964, after which time it would be necessary to use at least third-class operators with broadcast endorsements. Our Order of Stay released on August 2, 1963, changed the effective date of the new rules to October 18, 1963. This change involved some administrative problem with regard to the new broadcast endorsement examination for third-class operators, and it has therefore become necessary to change the aforementioned date of February 19, 1964, to April 19, 1964. Appropriate amendments to §§ 3.93(b), 3.265(b) and 3.565(b) of the new rules are set forth below, making this change in date.

28. In connection with the cutoff date discussed in the immediately preceding paragraph, it was our intent in the Report and Order herein that prior to the cutoff stations could contract for the part-time services of radiotelephone first-class operators even though utilizing restricted permittees or radiotelephone third-class permittees without broadcast endorsements for routine transmitter operation. Further consideration of the matter, however, convinces us that a wiser course to follow, in view of the "package" character of the rules adopted herein directed at reducing technical violations of the stations involved, is to permit contracting for part-time services of first-class operators prior to the cutoff date only if a station is using for routine transmitter operation radiotelephone third-class operators with broadcast endorsements or higher operator authority. This view is reflected below by the addition of notes after §§ 3.93(c), 3.265(c), and 3.565(c). Thus, the lesser-powered stations involved may utilize the contract part-time alternative only after they comply with the third-class operator broadcast endorsement provision.

29. The three sections of the new rules require that copies of contracts for part-time employment of operators shall be filed with the Commission and with the Engineer in Charge of the radio district in which the station is located. In view of this new requirement, it becomes necessary to amend § 1.342 of the rules pertaining to the filing of contracts with the Commission. Paragraph (f)(2) of that section excludes from filing with the Commission various contracts among which are "contracts with chief engineers or other engineering personnel." Set forth below, appropriate amendment to § 1.342(f)(2) is made to reflect the fact that the part-time contracts dealt with in this proceeding must be filed.

30. The change in § 1.342(f) (2) referred to is procedural. The change with respect to the date the third-class operator requirement will pertain—postponed from February 19, 1964, to April 19, 1964—is necessary for proper administration of the rules. Therefore prior notice is not required.

ORDER

31. For the reasons stated above, we conclude that it is in the public interest to affirm our decision in the Report and Order (FCC 63-646) released herein on July 15, 1963, except to the extent indicated in paragraph 28 above; that the rules adopted therein as amended below should become effective on January 1, 1964; and that the petitions for reconsideration and oral argument considered above should be denied.

32. Authority for the adoption of these rules and amendments is contained in sections 4(i), 303 (f), (l) and (r) and 405 of the Communications Act of 1934, as amended.

33. In view of the foregoing: *It is ordered*, That the "Petition for Reconsideration by National Association of Broadcast Employees and Technicians, AFL-CIO" and the "Supplementary Petition for Oral Argument with Regard to Petition for Reconsideration by National Association of Broadcast Employees and Technicians, AFL-CIO" are denied; and, That effective January 1, 1964, Parts 1, 3 and 13 of the Commission's rules and regulations are amended in accordance with the Report and Order in the instant Docket No. 14746 (FCC 63-646) released July 15, 1963, as modified by the present Memorandum Opinion and Order.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; sec. 5, 66 Stat. 713; 47 U.S.C. 303, 155)

Adopted: October 16, 1963.

Released: October 17, 1963.

FEDERAL COMMUNICATIONS COMMISSION,¹

[SEAL] BEN F. WAPLE, Secretary.

Parts 1 and 3 of the Commission rules are amended as follows:

1. In § 1.342, subparagraph (2) of paragraph (f) is amended by changing the language concerning contracts with chief engineers or other engineering personnel so that the amended section reads as follows:

§ 1.342 Filing of contracts.

(f) * * *

(2) The following contracts, agreements, or understandings need not be filed: agreements with persons regularly employed as general or station managers or salesmen; contracts with program managers or program personnel; contracts with chief engineers or other engineering personnel except those contracts required to be filed under the provisions of §§ 3.93(c), 3.265(c), and 3.565

¹ Dissenting statement of Commissioner Lee filed as part of original document.

(c) of this chapter; contracts with attorneys, accountants, or consulting radio engineers; contracts with performers; contracts with station representatives; contracts with labor unions; or any similar agreements.

2. In § 3.93, the introductory text of paragraph (b) is amended by changing the date of "February 19, 1964" to "April 19, 1964", and paragraph (c) is amended by the addition of a note as follows:

§ 3.93 Operator requirements.

(b) In cases where a station is authorized for non-directional operation with power not in excess of 10 kilowatts, the routine operation of the transmitter may be performed by an operator holding a valid first-class or second-class radiotelephone or radiotelegraph operator license or a radiotelephone third-class operator permit which has been endorsed for broadcast station operation. The operator shall be on duty at the transmitter or authorized remote control point and in actual charge thereof. Until April 19, 1964, routine operation of transmitters of such stations may be performed by persons holding valid radiotelephone operator third-class permits which are not endorsed for broadcast station operation, or valid restricted radiotelephone operator permits. Except at times when the operation of the station is under the immediate supervision of an operator holding a valid radiotelephone first-class operator license, adjustments of the transmitting equipment shall be limited to the following:

(c) * * *

NOTE: During the period prior to April 19, 1964, the alternative of contracting in writing for the services of radiotelephone first-class operators on a part-time basis may not be followed unless the routine transmitter operation under the provisions of paragraph (b) of this section is performed by operators holding at least valid radiotelephone third-class operator permits which have been endorsed for broadcast station operation. Information concerning examinations for such operator permits will be available to all applicants through the Commission's field offices after January 1, 1964.

3. In § 3.265, the introductory text of paragraph (b) is amended by changing the date of "February 19, 1964" to "April 19, 1964", and paragraph (c) is amended by the addition of a note as follows:

§ 3.265 Operator requirements.

(b) In cases where a station is authorized to operate with a transmitter power output not in excess of 25 kilowatts, the routine operation of the transmitter may be performed by an operator holding a valid first-class or second-class radiotelephone or radiotelegraph operator license or a radiotelephone third-class operator permit which has been endorsed for broadcast station operation. The operator shall be on duty at the transmitter or authorized remote control point and in actual charge thereof. Until April 19, 1964, routine operation of transmitters of such stations may be per-

formed by persons holding valid radiotelephone operator third-class permits which are not endorsed for broadcast station operation, or valid restricted radiotelephone operator permits. Except at times when the operation of the station is under the immediate supervision of an operator holding a valid radiotelephone first-class operator license, adjustments of the transmitter shall be limited to the following:

(c) * * *

NOTE: During the period prior to April 19, 1964, the alternative of contracting in writing for the services of radiotelephone first-class operators on a part-time basis may not be followed unless the routine transmitter operation under the provisions of paragraph (b) of this section is performed by operators holding at least valid radiotelephone third-class operator permits which have been endorsed for broadcast station operation. Information concerning examinations for such operator permits will be available to all applicants through the Commission's field offices after January 1, 1964.

4. § 3.565, the introductory text of paragraph (b) is amended by changing the date of "February 19, 1964" to "April 19, 1964", and paragraph (c) is amended by the addition of a note as follows:

§ 3.565 Operator requirements.

(b) In cases where a station is authorized to operate with transmitter power output not in excess of 25 kilowatts, the routine operation of the transmitter may be performed by an operator holding a valid first-class or second-class radiotelephone or radiotelegraph operator license or a radiotelephone third-class operator permit which has been endorsed for broadcast station operation. The operator shall be on duty at the transmitter or authorized remote control point and in actual charge thereof. Until April 19, 1964, routine operation of transmitters of such stations may be performed by persons holding valid radiotelephone operator third-class permits which are not endorsed for broadcast station operation, or valid restricted radiotelephone operator permits. Except at times when the operation of the station is under the immediate supervision of an operator holding a valid operator license of the grade indicated for the station in subparagraphs (1), (2), or (3) of paragraph (c) of this section, adjustments of the transmitter shall be limited to the following:

(c) * * *

NOTE: During the period prior to April 19, 1964, the alternative of contracting in writing for the services on a part-time basis of the operators mentioned in subparagraphs (1) and (2) of this paragraph may not be followed unless the routine transmitter operation under the provisions of paragraph (b) of this section is performed by operators holding at least valid radiotelephone third-class operator permits which have been endorsed for broadcast station operation. Information concerning examinations for such operator permits will be available to all applicants through the Commission's field offices after January 1, 1964.

[F.R. Doc. 63-11150; Filed, Oct. 21, 1963; 8:48 a.m.]

PART 4—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST SERVICES

Television Broadcast Booster Stations and Instructional Television Fixed Stations

The Commission having under consideration § 4.1 of its rules and regulations which lists the broadcast services covered by Part 4 of said rules and regulations;

It appearing, that the Report and Order (FCC 60-615) released June 3, 1960, in Docket No. 11331 adopting rules governing Television Broadcast Booster Stations (Part 4, Subpart H) and the Report and Order (FCC 63-722) released July 30, 1963, in Docket No. 14744 adopting rules governing Instructional Television Fixed Stations (Part 4, Subpart I) inadvertently omitted an amendment of the aforementioned Section 4.1 and that it is desirable that such omission be rectified; and

It further appearing, that the rectifying amendment to § 4.1 appearing below is editorial, involving organization of the Commission rules, and is not substantive in nature, notice and public procedure thereon and compliance with the 30-day effective date requirement under the provisions of Section 4 of the Administrative Procedure Act are unnecessary; and

It further appearing, that the authority for the adoption of the amendment herein is contained in sections 4 (i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.341(a) of the Commission rules and regulations;

It is ordered, That, effective October 21, 1963, § 4.1(c) of the Commission rules and regulations is amended to read as follows:

§ 4.1 Broadcast services covered by this part.

- * * * * *
- (c) *Special broadcast.* (1) Television broadcast translator (Subpart G).
- (2) Television broadcast booster (Subpart H).
- (3) Instructional television fixed (Subpart I).

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

Adopted: October 15, 1963.

Released: October 15, 1963.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, Secretary.

[F.R. Doc. 63-11105; Filed, Oct. 21, 1963; 8:46 a.m.]

[FCC 63-939]

PART 12—AMATEUR RADIO SERVICE Applications and Examinations for Amateur Radio Operator Licenses

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 16th day of October 1963;

The Commission having under consideration § 12.44(c) of its rules [as amended by its Order (FCC 63-813, 28 F.R. 10206) adopted September 11, 1963 and effective November 1, 1963] and § 12.22 of its rules, both of which govern, in part, applications and examinations for amateur radio operator licenses; and

It appearing, that, Part 12 of the Commission's rules should be amended to specify that the filing of a formal application (FCC Form 610) at the District Field Office involved is a prerequisite for applicants desiring examinations conducted by such office, and that when the examination will be supervised by a volunteer examiner the request for the written portion of the examination must be made in writing by the examiner after the applicant has passed the required code test and submitted a formal application (FCC Form 610) to the Commission's Office at Gettysburg, Pennsylvania; and

It further appearing, that, the requirement that a formal application be filed for obtaining a duplicate license is no longer necessary; and

It further appearing, that, subparagraph (1) of § 12.44(c), as adopted by the Commission's order, FCC 63-813, effective November 1, 1963, should be superseded by the amendment of § 12.44(c) in this order so as to reflect the rule change adopted herein; and

It further appearing, that, the effective date, November 1, 1963, of the Commission's order, FCC 63-813, should be stayed until the effective date of this order; and

It further appearing, that, the amendments adopted herein and set forth below are procedural in nature and hence are not subject to the prior notice provisions of section 4(a) of the Administrative Procedure Act; and

It further appearing, that, authority for the issuance of these rules is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended;

It is ordered, That the effective date of the Commission's Order, FCC 63-813, adopted September 11, 1963, is stayed until the effective date of this order; and

It is further ordered, That, subparagraph (1) of § 12.44(c), as previously adopted by the Commission's Order, FCC 63-813, is superseded; and

It is further ordered, That effective December 1, 1963, §§ 12.22 and 12.44(c) of Part 12 of the Commission's rules are amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; sec. 5, 66 Stat. 713; 47 U.S.C. 303, 155)

Released: October 17, 1963.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, Secretary.

1. Section 12.22 is amended to read as follows:

§ 12.22 Application for operator license.

(a) An application (FCC Form 610) for a new operator license, including an application for change in operating privileges, which will require an examination

supervised by Commission personnel, shall be submitted to the district field office of the Commission which exercises jurisdiction over the area in which the applicant resides. Upon receipt of the application, and any necessary filing fee (see § 12.86), the district field office will make arrangements for conducting the required examination either at its location or at an examination point within its area.

(b) An application (FCC Form 610) for a new operator license, including an application for change in operating privileges, which requests an examination supervised by a volunteer examiner under the provisions of § 12.44(c), shall be submitted to the Commission's office at Gettysburg, Pennsylvania, 17325. The application shall be accompanied by any necessary filing fee (see § 12.86) and by a request for the written examination material (see § 12.44(c)).

(c) An application (FCC Form 610) for renewal and/or modification of license when no change in operating privileges is involved shall be submitted, together with any necessary filing fee (See § 12.86), to the Commission's office at Gettysburg, Pennsylvania, 17325.

§ 12.44 [Amendment]

2. Section 12.44(c) (1) is amended to read as follows:

(c) * * *

(1) Within ten days after passing the required code test, an applicant shall submit an application (FCC Form 610), together with any filing fee prescribed by § 12.86, to the Commission's office at Gettysburg, Pennsylvania, 17325. The application shall include a written request from the volunteer examiner for the appropriate examination papers. The examiner's written request shall include (i) the names and permanent addresses of the examiner and the applicant, (ii) a description of the examiner's qualifications to administer the examination, (iii) the examiner's statement that the applicant has passed the code test for the class of license involved under his supervision within the ten days prior to submission of the request, and (iv) the examiner's written signature. Examination papers will be forwarded only to the volunteer examiner.

NOTE: When the applicant is entitled to examination credit for the code test pursuant to § 12.46(b), an application may be submitted without regard to the ten day limitation. The examiner's request should then state that a code test was not administered for that reason. The applicant should furnish details as to the class, number, and expiration date of the Commercial radiotelegraph operator license involved.

[F.R. Doc. 63-11149; Filed, Oct. 21, 1963; 8:48 a.m.]

Title 48—TRADE AGREEMENTS AND ADJUSTMENT ASSISTANCE PROGRAMS

CROSS REFERENCE: For a notice of proposed trade agreement negotiations and articles to be considered for negotiation, see Presidential Notice of October 21, 1963, F.R. Doc. 63-11242, *supra*.

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[S.O. 945]

PART 95—CAR SERVICE

Railroad Operating Regulations for Freight Car Movement

At a session of the Interstate Commerce Commission, Safety and Service Board No. 1, held at its office in Washington, D.C., on the 18th day of October A.D. 1963.

It appearing, that an acute shortage of plain 40-foot (XM, XME and XI) type box cars exists in certain sections of the country; that present rules, regulations, and practices with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of freight cars are insufficient to promote the most efficient utilization of cars; it is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 95.945 Railroad operating regulations for freight car movement.

(a) *Special and general permits—appointment of agent.* (1) Section (b) of this order shall be subject to any special or general permits issued by the Permit Agent named below.

(2) Charles W. Taylor, Director, Bureau of Safety and Service, Interstate Commerce Commission, Washington, D.C., 20423, is hereby designated and appointed as Permit Agent of the Interstate Commerce Commission with authority to issue special and general permits to meet exceptional circumstances.

(b) Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) The provisions of this order apply to plain (XM, XME and XI) type box cars with doors less than 8-feet wide, of the following ownerships:

- ATSF
- CB&Q-C&S-FW&D
- C&NW
- CRI&P
- GN
- Milw
- NP
- Soo Line

(2) Cars of above ownerships shall not be loaded (other than by owners) except (i) to stations on owner's line or via owner's rails; (ii) to junction with owner, or (iii) to states listed below for designated ownerships:

ATSF	CB&Q C&S FW&D	C&NW	CRI&P
Colo.	Colo.	Iowa	Ark.
Ill.	Ill.	Ill.	Colo.
Kans.	Iowa	Kans.	Ill.
Mo.	Kans.	Minn.	Iowa
Okla.	Mo.	Nebr.	Kans.
Tex.	Nebr.	N. Dak.	Mo.
	Tex.	S. Dak.	Nebr.
	Wyo.	Wis.	Okla.
		Wyo.	Tex.
GN	Milw	NP	Soo Line
Idaho	Idaho	Idaho	Ill.
Iowa	Ill.	Iowa	Iowa
Minn.	Iowa	Minn.	Minn.
Mont.	Minn.	Mont.	N. Dak.
N. Dak.	Mo.	N. Dak.	S. Dak.
Oreg.	Mont.	Oreg.	Wis.
S. Dak.	N. Dak.	S. Dak.	
Wash.	Oreg.	Wash.	
Wis.	S. Dak.	Wis.	
	Wash.		
	Wis.		

(3) Cars locating empty at a junction with the owner must be loaded to or via the owning road or delivered owner empty at that junction. Cars must not be backhauled or delayed to obtain loading as outlined above. In the absence of immediate loading as specified, cars should be moved to the owners empty in service route or under Association of American Railroads Special Car Order 90.

(4) Roads named in application section of this order should avoid the loading of system plain box of types specified to off-line points and shall not deliver foreign serviceable plain box of these types off-line empty under Association of American Railroads Special Car Order 90 or in service route, except cars locating at a junction with the owner and/or cars of the ownerships listed in this order, but shall apply such cars on loading in accordance with Association of American Railroads Car Service Rules.

(c) *Application.* The provisions of this order shall apply to intrastate and interstate commerce.

(d) *Effective date.* This order shall become effective at 12:01 a.m., October 21, 1963.

(e) *Expiration date.* This order shall expire at 11:59 p.m., December 31, 1963, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

(Secs. 1, 12, 15, 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15. Interprets or applies secs. 1(10-17), 15(4), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4))

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C. and by filing it with the Director, Office of the Federal Register.

By the Commission, Safety and Service Board No. 1.

[SEAL]

HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 63-11199; Filed, Oct. 21, 1963; 8:48 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

California et al.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER. The limited time ensuing from the date of the adoption of the national migratory game bird regulations to and including the establishment of State hunting seasons makes it impracticable to give public notice of proposed rule making.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

CALIFORNIA

DELEVAN NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Delevan National Wildlife Refuge, California, is permitted only on the area designated by signs as open to hunting. This open area, comprising 2,200 acres or 39 percent of the total area of the refuge, is delineated on a map available at refuge headquarters, Wil-lows, California, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland, Oregon, 97208. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Ducks (except redhead and canvasback), geese, coots, and gallinules.

(b) Open season: From one-half hour before sunrise to sunset November 9, 10, 11, 13, 16, 17, 20, 23, 24, 27, 28, 30, December 1, 4, 7, 8, 11, 14, 15, 18, 21, 22, 28, 29, 1963; and January 1, 4, 5, 1964.

(c) Daily bag limits: Ducks 6; geese 6; coots and gallinules (singly or in the aggregate) 25.

The daily bag limit on ducks may not include more than: one hooded merganser; two wood ducks. In addition to the daily bag limit on other ducks, a daily bag of five American and red-breasted mergansers, singly or in the aggregate of both kinds, is permitted.

The daily bag limit of geese may not include more than three of the dark species. Only one Ross' goose is permitted in the daily bag.

(d) Methods of hunting: (1) Weapons: Shotguns only (not larger than 10 gauge and incapable of holding more than three shells) fired from the shoulder.

(2) Dogs: Not to exceed two dogs per hunter may be used for retrieving wounded or dead birds.

(3) Boats: Boats without motors will be permitted.

(4) Blinds: Temporary blinds may be constructed from natural vegetation.

(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, and in the current Federal Migratory Bird Regulations.

(2) A Federal permit is not required to enter the public hunting area, but hunters must obtain a State permit issued at the checking station or advance reservations, obtained from the State Fish and Game Department, Sacramento, California, before hunting on the area.

(3) The provisions of this special regulation are effective to January 6, 1964.

KERN NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Kern National Wildlife Refuge, Delano, California, is permitted only on the area designated by signs as open to hunting. This open area, comprising 1,200 acres or 11 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters, Delano, California, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holaday, Portland, Oregon, 97208. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Ducks (except redhead and canvasback), geese, coots, and gallinules.

(b) Open season: From 12 o'clock noon (standard time) to sunset October 23, and from one-half hour before sunrise to sunset October 26, 27, 30, November 2, 3, 6, 9, 10, 11, 13, 16, 17, 20, 23, 24, 27, 28, 30, December 1, 4, 7, 8, 11, 14, 15, 18, 21, 22, 28, 29, 1963; and January 1, 4, and 5, 1964.

(c) Daily bag limits: Ducks 6; geese 6; coots and gallinules (singly or in the aggregate) 25.

The daily bag limit on ducks may not include more than: one hooded merganser; two wood ducks. In addition to the daily bag limit on other ducks, a daily bag of five American and red-breasted mergansers, singly or in the aggregate of both kinds, is permitted.

The daily bag limit of geese may not include more than three of the dark species. Only one Ross' goose is permitted in the daily bag.

(d) Methods of hunting: (1) Weapons: Shotguns only (not larger than 10 gauge and incapable of holding more than 3 shells) fired from the shoulder.

(2) Dogs: Two dogs per hunter may be used to retrieve dead and wounded birds.

(3) Boats: Boats without motors may be used.

(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, and in the current Federal Migratory Bird Regulations.

(2) A Federal permit is required to enter the public hunting area. Permits may be obtained at a checking station on the public shooting area. Hunters will be permitted on a first-come, first-served basis, and a limitation will be placed on the total number of hunters permitted at any one time.

(3) The provisions of this special regulation are effective to January 6, 1964.

FLORIDA

CHASSAHOWITZKA NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Chassahowitzka National Wildlife Refuge, Florida, is permitted only on the area designated by signs as open to hunting. This open area, comprising 2,500 acres or 8.7 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters, Homasassa, Florida, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Atlanta, Georgia, 30323. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Coots and ducks (except canvasback and redhead).

(b) Open season: Coots and ducks— from 12 o'clock noon (standard time) to sunset November 27, 1963, and from sunrise to sunset November 28, 1963, through January 5, 1964.

(c) Daily bag limits: (1) Ducks 4, coots 8. The daily bag limit may not include more of the following species than: (a) 2 mallards, black ducks, or Florida ducks, singly, or in the aggregate; (b) 2 wood ducks; (c) 1 hooded merganser. In addition to the limits on other ducks, the daily bag limit on American and red-breasted mergansers is 5, singly, or in the aggregate of both kinds.

(d) Methods of hunting: (1) Weapons—Shotguns only, not larger than 10 gauge, which are incapable of holding more than 3 shells. The possession or use of single ball shotgun shells or rifles is prohibited.

(2) Dogs—Not to exceed two dogs per hunter may be used only to retrieve wounded or dead waterfowl and coots.

(3) Blinds—Temporary blinds of approved materials may be constructed.

(4) Guides—Persons may employ guides while hunting on the area subject to the restrictions of State laws and regulations.

(5) Boats—Boats are permitted. Motors may be used only for access to the hunting area. Airthrust boats may be authorized only by special permit issued by the refuge manager.

(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, and in the current Federal Migratory Bird Regulations.

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

(3) The provisions of this special regulation are effective to January 6, 1964.

LOXAHATCHEE NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Loxahatchee National Wildlife Refuge, Florida, is permitted only on the area designated by signs as open to hunting. This open area, comprising 27,800 acres or 19 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters, Tavernier, Florida, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Atlanta, Georgia, 30323. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Coots and ducks (except canvasback and redhead).

(b) Open season: Coots and ducks— from 12 o'clock noon (standard time) to sunset November 27, 1963, and from sunrise to sunset November 28, 1963, through January 5, 1964.

(c) Daily bag limits: (1) Ducks 4, Coots 8. The daily bag limit may not include more of the following species than: (a) 2 mallards, black ducks, or Florida ducks, singly or in the aggregate; (b) 2 wood ducks;

(2) 1 hooded merganser. In addition to the limits on other ducks, the daily bag limit on American and red-breasted mergansers is 5, singly or in the aggregate of both kinds.

(d) Methods of hunting: (1) Weapons—Shotguns only, not larger than 10 gauge, which are incapable of holding more than 3 shells. The possession or use of single ball shotgun shells or rifles is prohibited.

(2) Dogs—Not to exceed two dogs per hunter may be used only to retrieve wounded or dead waterfowl and coots.

(3) Blinds—Temporary blinds may be constructed using local vegetation.

(4) Guides—Persons may employ guides while hunting on the area subject to the restrictions of State law and regulation.

(5) Boats—Boats are permitted with ingress and egress restricted to either S-39 landing or the headquarters landing. Airthrust boats may be authorized only by special permit issued by the refuge manager.

(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, and in the current Federal Migratory Bird Regulations.

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

(3) The provisions of this special regulation are effective to January 6, 1964.

NORTH CAROLINA

MATTAMUSKEET NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Mattamuskeet National Wildlife Refuge, North Carolina, is permitted only on the area designated by signs as open to hunting. This open area, comprising 11,300 acres or 23 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters, New Holland, North Carolina, and from the Regional Director, Bureau of Sport Fisheries and Wild-

RULES AND REGULATIONS

life, Atlanta, Georgia, 30323. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Coots and ducks (except canvasback and redhead) and geese (except Snow geese).

(b) Open season: Ducks and coots— from 12 o'clock noon (standard time) until sunset November 16, 1963, and from sunrise until sunset November 17 through January 4, 1964. Geese— from sunrise until sunset November 7, 1963 through January 15, 1964.

(c) Daily bag limits: (1) Ducks 3, coots 8, geese 2. The daily bag limit may not include more of the following species than: (a) 2 mallards or black ducks, singly, or in the aggregate; (b) 2 wood ducks; (c) 1 hooded merganser. In addition to the limits on other ducks, 2 additional scaup ducks are allowed in the daily bag limit.

In addition to the limits on other ducks, the daily bag limit on American and red-breasted mergansers is 5, singly or in the aggregate of both kinds.

(d) Methods of hunting: (1) Weapons—Shotguns only, not larger than 10 gauge, which are incapable of holding more than 3 shells.

(2) Dogs—Not to exceed two dogs per blind may be used only to retrieve wounded or dead waterfowl and coots.

(3) Blinds—The use of blinds shall be in accordance with State regulations pertaining to this hunt.

(4) Guides—Persons are required to employ guides while hunting on the area subject to the restrictions of State law and regulations.

(5) Boats—Boats provided by approved guides only may be used.

(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, and in the Federal Migratory Bird Regulations.

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

(3) The provisions of this special regulation are effective to January 16, 1964.

OKLAHOMA

TISHOMINGO NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Tishomingo National Wildlife Refuge, Oklahoma, is permitted only on the area designated by signs as open to hunting. This open area, comprising 3,170 acres or 13 percent of the total area of the refuge, is delineated on a map available at refuge headquarters, Tishomingo, Oklahoma, 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: Coots, ducks (except canvasback and redhead), and geese.

(b) Open season: Ducks and coots— from sunrise to sunset on Tuesdays, Thursdays, Saturdays, Sundays and national holidays only from November 9 through December 12, 1963, inclusive. Geese— from sunrise to sunset on Tuesdays, Thursday, Saturdays, Sundays and national holidays only from October 27 through December 25, 1963, inclusive.

(c) Daily bag limits: Ducks 4, coots 8, geese 5. The daily bag limit of 4 ducks may not include more than: (a) 1 hooded merganser; (b) 2 wood ducks; (c) 2 mallards. In addition to the limits on other ducks, the daily bag limit on American and red-breasted mergansers is 5, singly or in the aggregate of both kinds.

The daily bag limit for geese may not include more than: (a) 1 Ross' goose; (b) in the alternative, 2 Canada geese or subspecies; 1 Canada goose or subspecies and 1 white-fronted goose; or (c) 1 white-fronted goose.

(d) Methods of hunting: (1) Weapons—Shotguns only (not larger than 10 gauge and incapable of holding more than 3 shells) fired from the shoulder. Each hunter shall be limited to 8 shells

in his possession when entering Zone 3 of the Management Unit; and may fire only 8 shells during any one day in Zone 3.

(2) Dogs—Not to exceed two dogs per hunter may be used only to retrieve wounded or dead waterfowl and coots.

(3) Blinds—In Zone 3 blinds are provided and hunters will be assigned to blinds on a first-come first-choice basis. Temporary blinds or open field hunting is prohibited in this area. In other areas, where blinds are not provided, hunters may construct temporary blinds. These blinds may be placed where desired after giving due consideration to safety and hunting opportunities of other sportsmen, but blinds must be at least 80 yards apart.

(4) Guides—Persons may employ guides while hunting on the area subject to restrictions of State laws and regulations.

(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, and in the current Federal Migratory Bird Regulations.

(2) A Federal permit is not required to enter the public hunting area, but hunters, upon entering or leaving, shall report at designated checking stations as may be established for the regulation of the hunting activity and shall furnish information pertaining to their hunting, as requested.

(3) The provisions of this special regulation are effective to December 26, 1963.

DANIEL H. JANZEN,
Director, Bureau of
Sport Fisheries and Wildlife.

OCTOBER 17, 1963.

[F.R. Doc. 63-11127; Filed; Oct. 21, 1963; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 19]

CHEESES; PROCESSED CHEESES; CHEESE FOODS; CHEESE SPREADS; AND RELATED FOODS

Notice of Petition To Amend Standards of Identity for Certain Cheeses To Permit Addition of Sorbic Acid and Salts of Sorbic Acid To Retard Mold Growth

Notice is given that a petition has been filed by National Cheese Institute, Inc., 110 North Franklin Street, Chicago, Illinois, proposing that the standards of identity for specified hard cheeses be amended to provide that when such cheeses are in the form of slices or cuts in consumer-sized packages one or any combination of two or more of the antimycotic agents sorbic acid, potassium sorbate, sodium sorbate may be added, in an amount not to exceed 0.2 percent by weight, to retard mold growth. Appropriate label declaration is also proposed when such mold-inhibiting substances are used:

The standards to be amended are:

- § 19.595 *Parmesan cheese, reggiano cheese* * * *
- § 19.610 *Romano cheese* * * *
- § 19.620 *Asiago medium cheese* * * *
- § 19.625 *Asiago old cheese* * * *
- § 19.650 *Hard cheeses* * * *
- § 19.680 *Hard grating cheeses* * * *

It is proposed that each of the standards set out under the above-named sections be modified by changing the section titles to require label statements of optional ingredients; by inserting a compositional amendment with a corresponding labeling amendment; and by revising sections by renumbering the paragraphs where necessary. The wording of the compositional amendment as proposed for § 19.595 is:

(...) Parmesan cheese in the form of slices or cuts in consumer-sized packages may contain not more than 0.2 percent by weight of sorbic acid, potassium sorbate, sodium sorbate, or any combination of two or more of these.

The wording of the corresponding labeling amendment as proposed for § 19.595 is:

(...) If parmesan cheese in sliced or cut form contains an optional mold-inhibiting ingredient as provided for in paragraph (...) of this section, the label shall bear the statement "----- added to retard mold growth" or "----- added as a preservation," the blank being filled in with the common name or names of the mold-inhibiting ingredient or ingredients used.

The amendments proposed for §§ 19.610, 19.650, and 19.680 would be worded the same as those proposed for § 19.595, except for the names of the cheeses.

By an order which became effective July 31, 1963 (28 F.R. 5420), amendments were made to the standard for asiago fresh cheese (§ 19.615) which correspond to those herewith proposed for parmesan and other cheeses. The cross-references in the standards for asiago medium cheese and asiago old cheese (§§ 19.620, 19.625) include an exception for the mold-inhibiting ingredient provisions in the standard for asiago fresh cheese. It is proposed to delete this exception from §§ 19.620 and 19.625, so that the compositional and labeling amendments that were made in § 19.615 will become applicable to asiago medium cheese and asiago old cheese.

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046; 1055, as amended, 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625), all interested persons are invited to submit their views in writing regarding the proposal published herein. Such views and comments should be submitted, preferably in quintuplicate, to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., within 30 days following the date of publication of this notice in the FEDERAL REGISTER.

Dated: October 16, 1963.

J. K. KIRK,
Assistant Commissioner
of Food and Drugs.

[F.R. Doc. 63-11129; Filed, Oct. 21, 1963;
8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 980]

[Amdt. 1]

POTATO IMPORTS

Notice of Proposed Rule Making

The Notice of Proposed Import Restriction as published in the FEDERAL REGISTER September 19, 1963, is supplemented and added to by the following notice.

Consideration is being given to the approval of Amendment No. 1 of § 980.1, Import regulations; Irish potatoes, applicable to the importation of potatoes into the United States. This regulation is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

Under section 8c-1 of the act, whenever two or more marketing orders for a commodity are in effect, the importation of such commodity shall be prohibited unless it complies with the grade, size, quality and maturity provisions of the order which, as determined by the Secretary of Agriculture, regulates the commodity produced in the area with which the imported commodity is in most direct competition.

It is hereby determined that imports of red skinned round type potatoes during the months of October through the following June are now in most direct competition with federally regulated marketings of the same type potatoes grown in Area No. 2, Colorado (San Luis Valley) covered by Marketing Order No. 948, as amended, since the grade, size, quality and maturity regulations are not in effect under Marketing Order No. 949, Red River Valley. Therefore, import regulations for red skinned, round type potatoes during such period shall be based on regulations effective for Area No. 2 (San Luis Valley) under said Marketing Order No. 948, as amended.

It is also hereby determined that imports of all other round type potatoes during the months of October through the following June are now in most direct competition with Federally regulated marketings of the same type potatoes grown in Area No. 3, Colorado (Northern Colorado) covered by Marketing Order No. 948, as amended, since grade, size, quality and maturity regulations are not in effect under Marketing Order No. 950, Maine. Therefore import regulations for all other round type potatoes during such period shall be the regulations effective for Area No. 3 (Northern Colorado) under Marketing Order No. 948, as amended.

Consideration will be given to any written data, views, or arguments pertaining to the proposed amendment which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C., 20250, not later than 14 days following publication of this notice in the FEDERAL REGISTER. The proposed amendment is as follows:

In § 980.1 Import regulations; Irish potatoes (7 CFR 980.1), subparagraph 2 (i), (ii) of paragraph (a) and subparagraph (2) of paragraph (b) are to be deleted, and a new subparagraph 2 (i), (ii), of paragraph (a) and a new subparagraph (2) of paragraph (b) are to be substituted in lieu thereof, each reading as hereinafter set forth.

§ 980.1 Import regulations; Irish potatoes.

- (a) * * *
- (2) * * *

(i) Imports of red skinned, round type potatoes during the months of October through the following June are in most direct competition with the marketing

PROPOSED RULE MAKING

of the same type potatoes produced in Area No. 2, Colorado (San Luis Valley) covered by Order No. 948, as amended (Part 948 of this chapter);

(ii) Imports of all other round type potatoes during the months of October through the following June are in most direct competition with the marketings of the same type potatoes produced in Area No. 3 of Colorado, covered by Order No. 948 (Part 948 of this chapter);

(b) * * *

(2) Except as otherwise provided in this subparagraph, for the period October 1 through June 30 of each marketing year, the grade, size, quality and maturity requirements of Marketing Order No. 945, as amended (Part 945 of this chapter), applicable to long type potatoes; and the grade, size, quality and maturity requirements of potatoes grown in Area No. 2, Colorado (San Luis Valley) covered by Marketing Order No. 948, as amended (Part 948 of this chapter) applicable to red skinned, round type potatoes; and the grade, size, quality and maturity requirements of potatoes grown in Area No. 3, Colorado (Northern Colorado) covered by Marketing Order No. 948 (Colorado) as amended (Part 948 of this chapter), for all other round varieties; shall be the respective grade, size, quality and maturity requirements for potatoes imported. For all round type potatoes, the initial effective date of this amendment shall be December 1, 1963, and thereafter October 1 of each year as set forth in this section.

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

Dated: October 16, 1963.

FLOYD F. HEDLUND,
Director,
Fruit and Vegetable Division.

[F.R. Doc. 63-11153; Filed, Oct. 21, 1963;
8:48 a.m.]

[7 CFR Part 989]

RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Proposed Schedule of Payments; Payment for Services Performed With Respect to Reserve and Surplus Tonnage Raisins

Notice is hereby given of a proposal unanimously recommended by the Raisin Administrative Committee to amend the schedule of payments (Subpart—Schedule of Payments) by revising subparagraph (1) in § 989.401(a) so as to increase from \$6.00 per ton to \$6.25 per ton the payment to handlers for receiving, storing, and handling reserve and surplus tonnage raisins during the crop year of acquisition. The increase is proposed in recognition of an increase in handlers' labor costs. The subpart is operative pursuant to the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California, effective under the Agricultural Marketing

Agreement Act of 1937, as amended (7 U.S.C. 601-674).

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C., 20250, not later than the tenth day after publication of this notice in the FEDERAL REGISTER.

The proposal follows:

1. Revise subparagraph (1) in § 989.401(a) to read as follows:

(1) *Receiving, storing, and handling.* Each handler shall, beginning with the crop year which began September 1, 1963, be compensated at the rate of \$6.25 per ton (natural condition weight at the time of acquisition) for receiving, storing, and handling reserve and surplus tonnage raisins acquired during a particular crop year and held by him for the account of the Raisin Administrative Committee during all or any part of the same crop year.

Dated: October 16, 1963.

FLOYD F. HEDLUND,
Director,
Fruit and Vegetable Division.

[F.R. Doc. 63-11121; Filed, Oct. 21, 1963;
8:46 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-WE-81]

SEGMENT OF FEDERAL AIRWAYS

Notice of Proposed Revocation

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

VOR Federal airway No. 12 is designated in part from Hector, Calif., to Needles, Calif., with a north alternate segment from the Hector VOR via Goffs, Calif., VOR to the Needles VOR.

The Federal Aviation Agency is considering the revocation of V-12 north alternate segment from Hector via Goffs to Needles. This north alternate airway segment is currently designated coincidentally with segments of VOR Federal airways Nos. 8 and 210 from Hector to Goffs and VOR Federal airway No. 135 from Goffs to Needles.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attn: Chief, Air Traffic Branch, Federal Aviation Agency, Western Region Area Office, P.O. Box 45018, Los Angeles, California, 90045. 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 Chief, Air Traffic Branch, Western Region Area Office, 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 Branch Chief, Western Region Area Office.

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 October 15, 1963.

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

[F.R. Doc. 63-11089; Filed, Oct. 21, 1963;
8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 15138; RM-262]

TABLE OF ASSIGNMENTS, TELEVISION BROADCAST STATIONS

Staunton-Waynesboro, Virginia; Order Extending Time for Filing Reply Comments

1. The closing date for the filing of comments in the above-captioned proceeding was October 1, 1963, and reply comments were to have been filed not later than October 16, 1963.

2. On October 14, 1963, the Advisory Council for Educational Television of the Commonwealth of Virginia filed a petition requesting that the time for filing reply comments be extended to October 25, 1963. Petitioner states that because of illness in its secretarial staff, it has been impossible to conduct correspondence necessary to the collection of material which is needful if its reply comments are to be appropriately comprehensive and helpful to the Commission in reaching its conclusions.

3. The Commission is of the view that the public interest, convenience and necessity would be served by extending the time for filing reply comments in this proceeding as requested.

4. In view of the foregoing: *It is ordered*, That the petition for extension of time to file reply comments filed by the Advisory Council for Educational Television of the Commonwealth of Virginia is granted and the time for filing reply comments in the above-entitled proceeding is extended from October 16, 1963 to October 25, 1963.

5. Authority for the action taken herein is found in sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and § 0.241(d)(8) of the Commission rules.

Adopted: October 15, 1963.

Released: October 16, 1963.

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

[F.R. Doc. 63-11148; Filed, Oct. 21, 1963;
8:48 a.m.]

[47 CFR Part 3]

[Docket No. 15084]

AM STATION ASSIGNMENT STANDARDS; RELATIONSHIP BETWEEN THE AM AND FM BROADCAST SERVICES

Order Extending Time for Filing Reply Comments

1. The closing date for the filing of comments in the above-captioned proceeding was September 16, 1963, and reply comments were to have been filed not later than October 16, 1963.

2. On October 7, 1963, the Association on Broadcasting Standards, Inc., filed a petition requesting that the time for filing reply comments be extended to November 15, 1963. The Association states that some difficulty has been encountered in obtaining copies of other comments filed in Docket 15084, that various subcommittees of the Association must consider various phases of proposed reply comments, and that the Association's

Board of Directors hoped to consider the proposed reply comments as a whole on November 4-6, 1963. It was also stated that the National Association of FM Broadcasters joins in the present request and that the American Broadcasting Company, Columbia Broadcasting System, Inc., and National Broadcasting Company, Inc., have no objection to the extension requested.

3. On these facts, we agree that some limited extension of time to file reply comments should be granted. However, since we wish to bring this proceeding to a prompt conclusion and eliminate the present AM "freeze," we do not feel that a full thirty day extension is justified. Accordingly, we will extend the date for filing of reply comments to November 6, 1963.

4. In view of the foregoing: *It is ordered*, This 10th day of October 1963, that the time for filing reply comments in this proceeding is extended from October 16, 1963, to November 6, 1963; and that the aforementioned petition for extension is granted to the extent indicated herein and is denied in all other respects.

5. This action is taken pursuant to authority found in sections 4(i), 5(d)(1) and 303(r) of the Communications Act 1934, as amended, and § 0.241(d)(8) of the Commission's rules.

Released: October 15, 1963.

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

[F.R. Doc. 63-11104; Filed, Oct. 21, 1963;
8:46 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[New Mexico 0450842]

NEW MEXICO

Notice of Proposed Withdrawal and Reservation of Lands

OCTOBER 14, 1963.

The Bureau of Reclamation has filed an application Serial Number New Mexico 0450842 for the withdrawal of the lands described below, from all forms of appropriation including the General Mining but not the Mineral Leasing laws. The applicant desires the land for the construction, operation, and maintenance of the proposed Shiprock Substation, a feature of the Transmission Division, Colorado River Storage Project.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, State Director, P.O. Box 1251, Santa Fe, New Mexico.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Bureau of Reclamation.

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.

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

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 30 N., R. 16 W.,

Sec. 24, N $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$.

The area described aggregates 40 acres.

W. J. ANDERSON,
Acting State Director.

[F.R. Doc. 63-11101; Filed, Oct. 21, 1963; 8:46 a.m.]

11282

CIVIL AERONAUTICS BOARD

[Docket No. 14815; Order E-20102]

ALASKA AIRLINES, INC.

Order of Investigation and Suspension Relating to Excursion Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 17th day of October 1963.

Alaska Airlines, Inc. (ASA) has filed a new excursion tariff,¹ marked to become effective on October 19, 1963. The tariff provides for a reduced round-trip fare of \$189.00 for persons traveling between Seattle/Tacoma, Washington, on the one hand, and Kotzebue, Alaska, on the other. The fare applies in the coach compartment of CV-380 equipment, or in the first-class or coach compartment of CV-340 equipment. Return travel must begin not earlier than 6 days nor later than 21 days after departure from point of origin.

Timely complaints were filed by Northwest Airlines, Inc. (NWA) and Pacific Northern Airlines, Inc. (PNA).² In summary, these carriers, which compete with ASA in the Seattle/Tacoma-Anchorage market, allege that the proposed fare of \$189.00 to Kotzebue for single-passenger coach service matches a group travel fare previously filed by ASA and protested by NWA and PNA,³ but that the latest ASA tariff does not contain numerous limitations and restrictions previously imposed by ASA in its group travel tariff; that the proposed coach excursion fare to Kotzebue, when applied at Anchorage, would undercut the present jet coach fare⁴ by \$19.00 and would yield ASA as little as 3.8 cents per passenger-mile (Seattle-Kotzebue); that ASA will suffer self-dilution of passenger revenues far in excess of the revenues which might be received from the alleged potential new traffic; and that if the proposed fare is permitted to take effect, NWA and PNA will be forced to make defensive fare filings with serious revenue dilution to all carriers in the market.

In support of its tariff and in answer to the complaints, ASA states that (1) the Board has previously permitted a similar excursion tariff⁵ to take effect in the Seattle-Fairbanks market and the

¹ Alaska Airlines, Inc., C.A.B. No. 103.

² A late telegraphic complaint was filed by Wien Alaska Airlines, Inc. on October 8, 1963. This complaint has not been docketed, and has not been considered in this order.

³ Group fares proposed by Alaska Airlines, Inc., Order E-20051, September 30, 1963.

⁴ NWA and PNA publish a jet coach, individual, round-trip fare of \$208.00; ASA's comparable rate in the market is \$232.00.

⁵ Alaska Airlines, Inc., C.A.B. No. 99, effective August 11, 1963, names a round-trip excursion fare of \$150.00 (4.88 cents per passenger-mile) between Seattle/Tacoma, Wash. and Fairbanks, Alaska.

current proposed tariff is needed to keep the equivalent pricing structure in line in merchandising of tours on its Anchorage-Nome-Kotzebue route; (2) major tour wholesalers have agreed, if the tariff is approved, to feature the proposed excursion offering in their 1964 itineraries; and (3) the new proposal will attract approximately 400 passengers, representing \$75,000 additional revenues annually.

Upon consideration of the complaints and all relevant matters, the Board finds that the subject proposal may result in unjustifiably low fares and yields and that it is unlikely that sufficient new traffic will be generated to offset the dilution which will result. Consequently, it is found that the proposal of Alaska Airlines should be investigated. In view of the unusually low yields involved and resulting harmful effects upon the revenues of all the carriers in the market, suspension of the effectiveness of the applicable tariff provisions appears to be warranted.

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

It is ordered, That:

1. An investigation be instituted to determine whether the fares and provisions of Alaska Airlines, Inc., C.A.B. No. 103 are, or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful to determine and prescribe the lawful fares and provisions;

2. Pending hearing and decision by the Board, Alaska Airlines, Inc., C.A.B. No. 103 is suspended and its use deferred to and including January 16, 1964, unless otherwise ordered by the Board and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The investigation ordered herein be set for hearing before an Examiner of the Board at a time and place hereafter to be designated;

4. A copy of this order will be served upon Alaska Airlines, Inc., Pacific Northern Airlines, Inc., Wien Alaska Airlines, Inc., and Northwest Airlines, Inc., which are hereby made parties to this proceeding; and

5. The complaints of Northwest Airlines, Inc. in Docket 14788, and Pacific Northern Airlines, Inc. in Docket 14783, to the extent granted herein are consolidated in this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 63-11137; Filed, Oct. 21, 1963; 8:47 a.m.]

[Docket No. 13777; Order E-20104]

JOINT CONFERENCE 3-1 OF INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 17th day of October 1963.

Agreement adopted by Joint Conference 3-1 of the International Air Transport Association relating to specific commodity rates; Docket No. 13777, Agreement C.A.B. 17004, R-9.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Joint Conference 3-1 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 (Commodity Rates Board).

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in IATA memorandum SFO Board/9/JT31-Rates 287, names an additional specific commodity rate as follows:

Item 9499: Australasian souvenirs, consisting of animal skins and articles made of wood, fur or animal skin.

Rate: 148 cents per kilogram, minimum weight 45 kilograms, from Sydney to Honolulu.

This rate represents a reduction of 59 percent from the applicable general commodity rate.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the subject agreement to be adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as herein after ordered.

Accordingly, it is ordered, That Agreement C.A.B. 17004, R-9, is approved, provided that such approval shall not constitute approval of the specific commodity description contained therein for purposes of tariff publication.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 63-11138; Filed, Oct. 21, 1963; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 15194]

H. B. "BUSTER" HUGHES, CONTRACTOR

Order To Show Cause

In the matter of H. B. and H. D. Hughes, d/b as H. B. "Buster" Hughes, contractor, Harvey, Louisiana, order to show cause why there should not be revoked the license for Radio Station KKKU-511 in the Special Industrial 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: Letter dated February 11, 1963, concerning violation of § 11.107(c) of the Commission's rules.

It further appearing, that said licensee did not reply to such communication or to a follow-up letter dated March 28, 1963, also mailed 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 11th day of October 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 Post Office Box 55, Harvey, Louisiana.

Released: October 14, 1963.

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

[F.R. Doc. 63-11103; Filed, Oct. 21, 1963; 8:46 a.m.]

[Docket No. 14964; FCC 63M-1139]

BEAMON ADVERTISING, INC.

Notice of Conference

In re application of Beamon Advertising, Incorporated, Daingerfield, Texas, Docket No. 14964, File No. BP-14359; for construction permit.

In view of the Review Board's Memorandum Opinion and Order released October 14, 1963 (FCC 63R-467), there will

be a conference on Monday, November 4, 1963, at 9 a.m., in the offices of the Commission, Washington, D.C.

Dated: October 15, 1963.

Released: October 16, 1963.

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

[F.R. Doc. 63-11139; Filed, Oct. 21, 1963; 8:48 a.m.]

[Docket Nos. 15190, 15191; FCC 63M-1130]

BOARDMAN BROADCASTING CO., INC. AND DANIEL ENTERPRISES, INC.

Order Scheduling Hearing

In re applications of Boardman Broadcasting Company, Inc., Boardman, Ohio, Docket No. 15190, File No. BP-14305; Daniel Enterprises, Inc., Warren, Ohio, Docket No. 15191, File No. BP-14886; for construction permit.

It is ordered, This 14th day of October 1963, that Herbert Sharfman will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on December 9, 1963, in Washington, D.C.; that a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., November 12, 1963; and that counsel for the parties to the proceeding, at the time of their appearance at this conference, will be prepared to discuss to the fullest extent applicable in light of the governing issues, all the pertinent points enumerated in § 1.111 of the Commission's rules of practice and procedure.

Released: October 15, 1963.

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

[F.R. Doc. 63-11140; Filed, Oct. 21, 1963; 8:48 a.m.]

[Docket Nos. 14318, 14319; FCC 63 M-1133]

COLUMBIA BASIN MICROWAVE CO.

Order Continuing Hearing

In re applications of Columbia Basin Microwave Company, for renewal of the license for station KOY40, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Ephrata, Washington, Docket No. 14318, File No. 1464-C1-R-61; for consent to assignment of the license for station KOY40, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Ephrata, Washington from Patricia Hughes, d/b as Columbia Basin Microwave Company to Columbia Basin Microwave Company, Inc., Docket No. 14319, File No. 4082-C1-AL-61.

The Hearing Examiner having under consideration a motion for continuance filed October 11, 1963, by the above-entitled applicant requesting that the hearing now scheduled to begin on Oc-

tober 14, 1963, be continued to December 16, 1963; and

It appearing that the reason for the requested continuance arises from the fact that on October 4, 1963, the applicant filed with the Commission a petition requesting the modification of its license to add Othello, Washington, as a point of communication, with the purpose of rendering service to Othello Community Antenna Television System, Inc., a corporation which, it is alleged, is not under the control of or under common control with the applicant and has no other affiliation between the applicant and its principals; and

It further appearing that the requested continuance is to enable the Commission's staff to determine whether in view of the requested amendment the applicant will, in fact, meet the requirements of § 21.709 of the Commission's Rules or whether an evidentiary hearing on the above applications will be necessary; and

It further appearing that there are no objections to the immediate favorable consideration of the motion for continuance, and good cause for granting the same having been shown;

It is ordered, This the 14th day of October 1963, that the motion for continuance is granted and the evidentiary hearing in the above-entitled proceeding is continued from Monday, October 14, 1963, to Monday, December 16, 1963.

Released: October 15, 1963.

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

[F.R. Doc. 63-11141; Filed, Oct. 21, 1963;
8:48 a.m.]

[Docket Nos. 14693, 14694; FCC 63-953]

JOHN A. EGLE AND KLFT RADIO, INC.

Memorandum Opinion and Order

In re applications of John A. Egle, Golden Meadow, Louisiana, Docket No. 14693, File No. BP-15478; KLFT Radio, Inc., Golden Meadow, Louisiana, Docket No. 14694, File No. BP-15536; for construction permits.

1. By memorandum opinion and order, released January 28, 1963, the Review Board dismissed with prejudice the application of KLFT Radio, Inc., for a new standard broadcast station in Golden Meadow, Louisiana, granted the competing application of John A. Egle, and denied the joint request for approval of agreement between KLFT and Egle. The Commission now has before it for consideration KLFT's application for review of that portion of the Board's decision denying the joint request for approval of the agreement whereby KLFT would be compensated for its out-of-pocket expenses.

2. Certain background facts are necessary to a decision in this case. On November 28, 1962, KLFT and Egle filed a joint petition seeking: (a) Dismissal of KLFT's application; (b) a grant of Egle's application; and (c) approval of an agreement whereby Egle agreed to pay KLFT approximately \$3,100 as par-

tial reimbursement of its expenses. In this connection, it is noted that contrary to the general practice of parties in a so-called "pay-out" situation, KLFT did not condition its request for dismissal of its application upon Commission approval of the reimbursement agreement. In its application for review, KLFT explains that there was no contingency with respect to its request for dismissal because both parties mutually recognized the importance of the Commission's desire to expedite the hearing in order to restore Golden Meadow's first transmission service as soon as possible.¹

3. The Review Board granted the requests for dismissal of the KLFT application and the grant of Egle's application, but denied the joint request for approval of the reimbursement agreement since the "unresolved issues are concerned with possible misrepresentation as well as other possible abuses of the Commission's processes." The Board took the position that since uncontroverted character matters had been raised, the burden of proof thereon rested upon KLFT and that KLFT had failed to meet its burden. In its application for review, KLFT asserts that it has met the issues by the "precise, specific, unequivocal" affidavits which it had filed denying any undisclosed association with Theriot, any relationship to him admitting of undisclosed principalship, and denying any misrepresentation whatsoever. Alternatively, KLFT urges the Commission to remand the proceedings to the Examiner for additional hearing in accordance with 47 CFR 1.85(i) in order to afford KLFT an opportunity to refute all allegations of misrepresentation or lack of candor which might be raised against it. In regard to the matter of a further hearing, the Broadcast Bureau maintains that such a separate hearing on character issues should not be undertaken since KLFT no longer has an application pending before the Commission but appears solely as one who has been deprived of reimbursement in connection with the dismissal of its application.

4. We believe that before a determination can be made here pursuant to section 311(c)(3) of the Communications Act of 1934, as amended, as to whether the reimbursement agreement is consistent with the public interest, a hearing must be held at which the unresolved character issues will be determined.

Accordingly, it is ordered, This 16th day of October, 1963, that that portion

¹ In March 1962, the Commission revoked Leo Joseph Theriot's license to operate Class III standard broadcast station KLFT in Golden Meadow, Louisiana. This action temporarily left Golden Meadow without a local transmission service. Subsequently, the two applicants here involved, Egle and KLFT, applied for the vacated frequency occasioned by the Theriot revocation. The Commission designated their applications for a comparative hearing on an expedited basis. Egle thereupon petitioned for an enlargement of the issues as to the basic character qualifications of KLFT's principals. Based upon the uncontroverted allegations presented to it, the Review Board enlarged the issues as requested.

of the Review Board's decision of January 28, 1963, which denied the joint request for approval of agreement between KLFT Radio, Inc. and John A. Egle, is vacated and set aside;

It is further ordered, That this proceeding is remanded to the Hearing Examiner for further hearing consistent herewith on the following issues:

1. To determine whether any agreements or understandings exist between Leo Joseph Theriot and KLFT Radio, Inc., Edward Diaz and Clerville Kief, Sr., or either of them, relating to the above-captioned application of KLFT Radio, Inc., and to its proposed station, which have not been disclosed to the Commission.

2. To determine whether the agreements, disclosed or undisclosed, between Theriot and the above corporation or individuals (a) were intended to constitute Theriot as an undisclosed principal to the application of KLFT Radio, Inc., or to permit him to exercise control of or participate in the operation of its proposed station; or (b) do, in fact, provide Theriot with the opportunity to exercise such control or participation.

3. To determine whether, in connection with the filing of its application and its communications with the Commission, KLFT Radio, Inc., and its principals misrepresented facts to the Commission and/or were lacking in candor.

4. To determine the character qualifications of Edward Diaz and Clerville Kief.²

5. To determine, in the light of the evidence adduced with respect to the foregoing issues, whether approval of the reimbursement agreement between KLFT Radio, Inc., and John A. Egle would be consistent with the public interest.

Released: October 17, 1963.

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

[F.R. Doc. 63-11142; Filed, Oct. 21, 1963;
8:48 a.m.]

[Docket Nos. 14755-14757; FCC 63M-1143]

JUPITER ASSOCIATES, INC., ET AL.

Order Scheduling Hearing

In re applications of Jupiter Associates, Inc., Matawan, New Jersey, Docket No. 14755, File No. 14178; William S. Halpern and Louis N. Seltzer, d/b as Somerset County Broadcasting Company, Somerville, New Jersey, Docket No. 14756, File No. BP-14234; Radio Elizabeth, Inc., Elizabeth, New Jersey, Docket No. 14757, File No. BP-14812; for construction permits.

Upon the Hearing Examiner's own motion, *It is ordered*, This 17th day of October 1963, that further hearing in the above-entitled proceeding will be held

² Issues 1 through 4 are identical with those designated by the Review Board in its Memorandum Opinion and Order released October 11, 1962, FCC 62R-67, granting Egle's Petition to Enlarge Issues.

on October 18, 1963, 10:00 a.m., in the Commission's offices, Washington, D.C.

Released: October 17, 1963.

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

[F.R. Doc. 63-11143; Filed, Oct. 21, 1963;
8:48 a.m.]

[Docket No. 15193; FCC 63M-1132]

LAKE VALLEY BROADCASTERS, INC.

Order Scheduling Hearing

In re application of Lake Valley Broadcasters, Inc., Crystal Lake, Illinois, Docket No. 15193, File No. BP-15509; for construction permit.

It is ordered, This 14th day of October, 1963, that Sol Schildhouse will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on December 9, 1963, in Washington, D.C.; that a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., November 20, 1963; and that counsel for the parties to the proceeding, at the time of their appearance at this conference, will be prepared to discuss, to the fullest extent applicable in light of the governing issues, all the pertinent points enumerated in § 1.111 of the Commission's rules of practice and procedure.

Released: October 15, 1963.

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

[F.R. Doc. 63-11144; Filed, Oct. 21, 1963;
8:48 a.m.]

[Docket Nos. 14031-14035; FCC 63M-1131]

WEXC, INC., ET AL.

Order Scheduling Prehearing Conference

In re applications of WEXC, Inc., Depew, New York, Docket No. 14031, File No. BP-12793; Leon Lawrence Sidel, Hamburg, New York, Docket No. 14032, File No. BP-13688; De-Lan, Inc., Depew, New York, Docket No. 14034, File No. BP-14084; Seaport Broadcasting Corporation, Lancaster, New York, Docket No. 14035, File No. BP-14085; for construction permits.

Pursuant to the Commission's Memorandum Opinion and Order (FCC 63-911) released October 11, 1963 remanding this proceeding to the Examiner for further hearing consistent therewith, It is ordered, This 14th day of October, 1963, that:

- (1) The record in this proceeding is reopened; and
- (2) A Prehearing Conference of the parties, or their counsel, will be held on November 7, 1963, at 9:00 a.m., in the offices of the Commission at Washington, D.C. to make procedural arrangements for further evidentiary proceed-

ings as contemplated by the aforementioned Commission's remand action.

Released: October 15, 1963.

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

[F.R. Doc. 63-11145; Filed, Oct. 21, 1963;
8:48 a.m.]

[Docket No. 15192; FCC 63M-1129]

WHITEVILLE BROADCASTING CO. (WENC)

Order Scheduling Hearing

In re application of Whiteville Broadcasting Company (WENC), Whiteville, North Carolina, Docket No. 15192, File No. BP-13390; for construction permit.

It is ordered, This 14th day of October 1963, that Basil P. Cooper will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on December 11, 1963, in Washington, D.C.; that a prehearing conference in the proceeding will be convened by the presiding officer at 9 a.m., November 12, 1963; and that counsel for the parties to the proceeding, at the time of their appearance at this conference, will be prepared to discuss, to the fullest extent applicable in light of the governing issues, all the pertinent points enumerated in § 1.111 of the Commission's rules of practice and procedure.

Released: October 15, 1963.

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

[F.R. Doc. 63-11146; Filed, Oct. 21, 1963;
8:48 a.m.]

[FCC 63-964]

BROADCAST LICENSEES

New Operator Requirements and Examination Procedure

OCTOBER 17, 1963.

On October 16, 1963, by Memorandum Opinion and Order the Commission, with some variations, reaffirmed a previous decision in Docket No. 14746, which changed the operator requirements for certain standard and FM broadcast stations. Among other matters the changes are concerned with the grade of operator license (permit) under which many stations are routinely operated.

On and after April 19, 1964, the restricted radiotelephone operator permit, presently valid for limited operation of certain standard and FM stations, will no longer be accepted. Instead of such permit, it will be necessary for limited operators to hold, as a minimum, a radiotelephone third class operator permit endorsed for broadcast operation.

A written examination is required for the third class permit consisting of Elements 1 and 2 of the Commission's examination material. A written examination in Element 9 is required for the endorsement. The subject matter of the examination is as follows:

- Element 1: Basic law.
- Element 2: Basic operating practice.
- Element 9: Basic broadcast.

Each element is graded separately with a passing score of 75 percent required.

As a prerequisite to operating the transmitters of broadcast stations after April 19, 1964, in a routine manner, those persons now required to hold a restricted permit must successfully complete Elements 1, 2, and 9 thus obtaining the third class permit with endorsement for broadcast use, and those operators holding a radiotelephone third class operator permit must secure the broadcast endorsement by successfully completing Element 9 prior to that date.

The Commission is preparing a special study guide pamphlet containing sample questions covering the scope of Elements 1, 2 and 9 for those persons who wish to prepare for these examinations. The pamphlet and an examination schedule will be distributed without cost to all AM and FM broadcast licensees at an early date.

Applicants may appear for examination at any of the Commission's 30 field offices and 56 special examination points after January 1, 1964 in accordance with the regular examination schedule. Arrangements have also been made with the National Association of Broadcasters to develop additional field examination points in order to facilitate examinations and avoid excessive travel by individual applicants. When information is available as to the additional points, a Public Notice will be issued.

Adopted: October 16, 1963.

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

[F.R. Doc. 63-11147; Filed, Oct. 21, 1963;
8:48 a.m.]

[Docket No. 15160; FCC 63M-1128]

ALL AMERICA CABLES AND RADIO, INC.

Order Continuing Hearing

In the matter of all America Cables and Radio, Inc., multiple leased teleprinter channel charges between Miami, Florida, and San Juan, Puerto Rico.

Pursuant to agreements reached at a prehearing conference held on October 11, 1963;

It is ordered, This 14th day of October 1963, that the following schedule shall govern the preparation of this case for hearing:

All America Cables and Radio, Inc., Mackay Radio and Telegraph Company, Inc., and Aeronautical Radio, Inc., shall furnish all parties, and the Examiner, with a sworn written copy of their respective direct cases and all exhibits in support thereof, on or before November 1, 1963.¹

¹ The participation of Aeronautical Radio, Inc., in this proceeding is subject to favorable action upon its pending Petition for Leave to Intervene, filed September 30, 1963.

RCA Communications, Inc., and the Common Carrier Bureau shall furnish the other parties, and the Examiner, with a sworn written copy of their respective cases in opposition to the proponents' direct cases, and copies of all exhibits in support thereof, on or before November 7, 1963.

All parties to the proceeding shall exchange notification, on or before November 8, 1963, as to the identity of any witnesses of other parties desired for cross-examination at the hearing.

It is further ordered, That the hearing herein presently scheduled for October 28, 1963, is postponed to November 12, 1963, at the time and place heretofore specified.

Released: October 14, 1963.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,

Secretary,

[F.R. Doc. 63-11102; Filed, Oct. 21, 1963;
8:46 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-5316 etc.]

SKELLY OIL CO. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates¹

OCTOBER 15, 1963.

Skelly Oil Company, Docket No. G-5316; J. R. Welch (Successor to F. S. Deem), Docket No. G-8316; Woods Petroleum Corporation, Docket No. G-10692; Tidewater Oil Company, Docket No. G-11049; Walter Kuhn (Successor to PWC Oil Company), Docket No. G-12440; Ferguson Oil Company (Successor to Rupp-Ferguson Oil Company (Operator), et al.), Docket No. G-12783; Skelly Oil Company (Operator), et al., Docket No. G-16546; E. J. Dunigan, Jr., Docket No. CI62-409; Compass Exploration, Inc., Operator, et al., Docket No. CI62-579; Union Texas Petroleum, a Division of Allied Chemical Corporation, Docket No. CI63-213; Hays & Company, Agent for Grimm & Dorward, Docket No. CI63-982; Southern Triangle Oil Co., Inc., et al., Docket No. CI64-80; Amerada Petroleum Corporation, Docket No. CI64-403; O. W. Gerwig, et al., Docket No. CI64-404; H. H. Allen Gas Company, Docket No. CI64-405; Amerada Petroleum Corporation, Docket No. CI64-406; Humble Oil & Refining Company, Docket No. CI64-407; Sun Down Oil Company, Docket No. CI64-408; Alva Maze Oil & Gas Partnership, Docket No. CI64-409; Kanlin Oil & Gas Company, Docket No. CI64-410; Skelly Oil Company, Docket No. CI64-411; Apache Corporation, Docket No. CI64-412; Aztec Oil & Gas Company, Docket No. CI64-413; Shelton Equipment and Machine Company, Inc., Docket No. CI64-414; Gulf Oil Corporation, Docket No. CI64-415; Texaco Inc., Docket No. CI64-416; John O.

Farmer, Inc., Operator, et al., Docket No. CI64-417; Union Pacific Railroad Company, Docket No. CI64-418; Cities Service Company, Docket No. CI64-419; Texaco Inc., Docket No. CI64-420; Gunn-Stevens, et al., Docket No. CI64-421; Claude Drake, Jr., et al., Docket No. CI64-422; Ashland Oil & Refining Company, Docket No. CI64-423; Arthur I. Appleton, d.b.a. Appleton Oil Company, Docket No. CI64-424; Columbian Fuel Corporation, Docket No. CI64-425; Sinclair Oil & Gas Company (Operator), Docket No. CI64-426; Frank A. Schultz, et al., Docket No. CI64-427; Ralph Mace, et al., Docket No. CI64-428; Phillips Gas Company, Docket No. CI64-429; Drilco Oil Productions, Docket No. CI64-430; Morris Drilling Company, Docket No. CI64-431; Louboys Oil Company, Docket No. CI64-432; Phillips Petroleum Company, Docket No. CI64-433; R. H. Feuille, Docket No. CI64-434; J. M. Huber Corporation, Docket No.

CI64-435; Jake L. Hamon (Operator), et al., Docket No. CI64-436; Anadarko Production Company, Docket No. CI64-437; Sinclair Oil & Gas Company, Docket No. CI64-438; R. C. Turner (Operator), et al., Docket No. CI64-439; Amerada Petroleum Corporation, Docket No. CI64-440; James A. Ford, d.b.a. Maytex Gas Company (Operator), et al., Docket No. CI64-441; An-Son Corporation, Docket No. CI64-442.

Take notice that each of the above Applicants has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Docket No. and date filed	Purchaser	Field and location	Price per Mcf	Pressure base
G-5316 C 10-3-63 C 10-7-63	El Paso Natural Gas Co.	Gallegos-Gallup Sand Unit, San Juan County, N. Mex.	13.508	15.025
	do	Mesa Verde Formation, San Juan County, N. Mex.	13.508	15.025
G-8316 E 10-8-63	Hope Natural Gas Co.	Murphy District, Ritchie County, W. Va.	20.0	15.325
G-10692 C 10-9-63	Cities Service Gas Co.	Acreage in Grant and Alfalfa Counties, Okla.	13.0	14.65
G-11049 C 9-26-63	Tennessee Gas Transmission Co.	Acreage in Offshore Cameron Parish, La.	18.5	15.025
G-12440 E 9-27-63	Northern Natural Gas Co.	Acreage in Kearny County, Kans.	11.055	14.65
G-12783 E 9-30-63	Colorado Interstate Gas Co.	Greenwood Field, Morton County, Kans.	15.1125	14.65
G-16546 C 10-3-63	El Paso Natural Gas Co.	Acreage in San Juan County, N. Mex.	13.053625	15.025
CI62-409 C 10-7-63	do	Acreage in Beckham County, Okla.	13.0	14.65
CI62-579 C 10-7-63	do	Acreage in Rio Arriba County, N. Mex.	13.0	15.025
CI63-213 C 10-3-63	do	Acreage in San Juan County, N. Mex.	13.24863	15.025
CI63-982 C 10-8-63	Hope Natural Gas Co.	Lee District, Calhoun County, W. Va.	25.0	15.325
CI64-80 C 10-8-63	do	Central District, Doddridge County, W. Va.	25.0	15.325
CI64-403 A 10-2-63	El Paso Natural Gas Co.	Humble Pembroke Unit, Upton County, Tex.	12.1152	14.65
CI64-404 B 10-3-63	Hope Natural Gas Co.	Center District, Gilmer County, W. Va.	(⁹)	
CI64-405 B 10-3-63	do	Murphy District, Ritchie County, W. Va.	(⁹)	
CI64-406 B 10-3-63	Transcontinental Gas Pipe Line Corp.	Tilden Area, McCullen County, Tex.	(⁹)	
CI64-407 B 10-4-63	Natural Gas Pipeline Co. of America.	Blair Unit, Texas County, Okla.	(⁹)	
CI64-408 A 10-4-63	Hope Natural Gas Co.	Grant District, Ritchie County, W. Va.	25.0	15.325
CI64-409 A 10-4-63	do	Sheridan District, Calhoun County, W. Va.	25.0	15.325
CI64-410 A 10-4-63	do	Maldon District, Kanawha County, W. Va.	25.0	15.325
CI64-411 B 10-4-63	Arkansas Louisiana Gas Co.	Darley Field, Bienville Parish, La.	(⁹)	
CI64-412 A 10-4-63	Cities Service Gas Co.	Deer Creek North Field, Grant County, Okla.	13.0	14.65
CI64-413 A 10-4-63	El Paso Natural Gas Co.	Barker Creek Dome Field, San Juan County, N. Mex.	8.0	15.025
CI64-414 A 10-4-63	Northern Natural Gas Co.	West Follett (Cherokee) Field, Lipscomb County, Tex.	15.0	14.65
CI64-415 A 10-4-63	Natural Gas Pipeline Co. of America.	Northwest Dower Gas Pool, Beaver County, Okla.	17.4	14.65
CI64-416 A 10-4-63	Banquette Gas Co., a Division of Crestmont Consolidated Corp.	East Taft Field, San Patricio County, Tex.	10.0	14.65
CI64-417 A 10-4-63	Cities Service Gas Co.	Acreage in Barber County, Kans.	13.0	14.65
CI64-418 A 10-4-63	Colorado Interstate Gas Co.	Wamsutter Unit Area, Sweetwater County, Wyo.	15.0	14.65
CI64-419 B 10-7-63	Texas Eastern Transmission Corp.	Puerto Bay Field, Aransas County, Tex.	(⁹)	
CI64-420 B 10-7-63	United Gas Pipe Line Co.	Lisbon Field, Claiborne Parish, La.	(⁹)	
CI64-421 A 10-7-63	Cabot Corp.	Sheridan District, Calhoun County, W. Va.	15.2	15.325
CI64-422 A 10-7-63	United Fuel Gas Co.	Acreage in Roane County, W. Va.	23.0	15.325

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Change in name.

See footnotes at end of table.

¹ This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

Docket No. and date filed	Purchaser	Field and location	Price per Mcf	Pressure base
CI64-423 A 10-7-63	Transwestern Pipeline Co.	Acreage in Ellis County, Okla.	17.0	14.65
CI64-424 A 10-7-63	Arkansas Louisiana Gas Co.	Deer Creek Field, Grant County, Okla.	11.0	14.65
CI64-425 A 10-7-63	Northern Natural Gas Co.	Acreage in Stevens County, Kans.	(1)	14.65
CI64-426 A 10-7-63	El Paso Natural Gas Co.	Lancaster Hills Area, Crockett County, Tex.	15.68309	14.65
CI64-427 A 10-8-63	do	Dakota Formation, San Juan County, N. Mex.	12.0	15.025
CI64-428 A 10-8-63	Hope Natural Gas Co.	Lee District, Calhoun County, W. Va.	25.0	15.325
CI64-429 A 10-8-63	do	Murphy District, Ritchie County, W. Va.	25.0	15.325
CI64-430 A 10-8-63	do	Union District, Ritchie County, W. Va.	25.0	15.325
CI64-431 A 10-8-63	do	Murphy District, Ritchie County, W. Va.	25.0	15.325
CI64-432 A 10-8-63	do	do	25.0	15.325
CI64-433 B 10-7-63	Texas Gas Pipe Line Corp.	Robinson Lake Field, Chambers County, Tex.	(2)	
CI64-434 A 10-8-63	El Paso Natural Gas Co.	San Juan Field, San Juan County, New Mexico:		
		Pictured Cliffs	10.0	15.025
		Mesa Verde	11.0	15.025
		Dakota	12.0	15.025
		Various Fields in Beaver and Harper Counties, Oklahoma and Ochiltree County, Tex.	17.0	14.65
CI64-435 A 10-9-63	Northern Natural Gas Co.	Acreage in McMullen County, Tex.	(4)	
CI64-436 B 10-9-63	Texas Eastern Transmission Corp.			
CI64-437 A 10-9-63	Northern Natural Gas Co.	Ivanhoe and Mocane-Laverne Fields, Beaver County, Okla.	17.0	14.65
CI64-438 A 10-9-63	El Paso Natural Gas Co.	State McIntyre Unit, Rojo Caballos Field, Pecos County, Tex.	18.0	14.65
CI64-439 A 10-9-63	Natural Gas Pipeline Co. of America.	Escobas Area, Zapata County, Tex.	16.0	14.65
CI64-440 A 10-9-63	Cities Service Gas Co.	Sawyer Unit, Grant County, Okla.	13.0	14.65
CI64-441 A 10-9-63	Texas Gas Transmission Corp.	Northeast Bethany Field, Panola County, Tex.	14.0	14.65
CI64-442 A 10-10-63	Cities Service Gas Co.	Northeast Solman Field, Harper County, Okla.	16.0	14.65

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions to intervene may be filed is December 4, 1963. The application is on file with the Commission for public inspection.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 63-11094; Filed, Oct. 21, 1963; 8:46 a.m.]

[Project No. 2398]

CENTRAL VERMONT PUBLIC SERVICE CORP.

Notice of Application for License

OCTOBER 15, 1963.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Central Vermont Public Service Corporation (correspondence to: Porter E. Noble, Clerk and General Counsel, 77 Grove Street, Rutland, Vermont) for license for constructed Project No. 2398, known as the West Dummerston Plant, located on West River in the vicinity of West Dummerston, Windham County, Vermont.

The project consists of: A timber crib, rock filled dam about 29 feet high consisting of 214 feet of spillway with four feet of flashboard at the crest and an intake structure containing head gates and trash racks; two 8 foot diameter steel penstocks 60 feet long; a reservoir with an area of about 27.5 acres; a powerhouse of concrete and masonry construction with wood framing and stucco finish housing two generating units rated at 1,000 horsepower and power output at 720 kilowatts; and appurtenant and electrical facilities. The plant is connected to the North Brattleboro substation by a 44,000 volt transmission line.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is December 4, 1963. The application is on file with the Commission for public inspection.

GORDON M. GRANT,
Acting Secretary.

F.R. Doc. 63-11095; Filed, Oct. 21, 1963; 8:46 a.m.]

[Project No. 2392]

GILMAN PAPER CO.

Notice of Application for License

OCTOBER 15, 1963.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Gilman Paper Company (correspondence to: Arthur L. Graves, Attorney, 20 Citizens

¹ Price is 14.0 cents for gas from base of the Wolfcamp to the top of the Morrowan Series; 16.0 cents for gas below the top of the Morrowan Series.

² Wells located on said lease have ceased to produce gas in commercial quantities.

³ Uneconomical.

⁴ Depleted.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 4, 1963.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 63-11061; Filed, Oct. 21, 1963; 8:45 a.m.]

[Project No. 2396]

CENTRAL VERMONT PUBLIC SERVICE CORP.

Notice of Application for License

OCTOBER 15, 1963.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r), by Central Vermont Public Service Corporation (correspondence to: Porter E. Noble, Clerk and General Counsel, 77 Grove Street, Rutland, Vermont) for license for constructed Project No. 2396, known as Pierce Mills, located on Passumpsic River, in the vicinity of St. Johnsbury Center, Caledonia County, Vermont.

The project consists of: A concrete gravity dam about 18 feet high creating a reservoir of about 24.7 acres. The dam is about 130 feet long consisting of 93 feet of spillway and about 37 feet of abutment section containing head gate and trash rack. A 6-foot, 6-inch diameter wood stave penstock 246 feet long conducts water to the powerhouse, a one story structure of steel frame and masonry construction containing a vertical shaft turbine rated at 364 horsepower and a generator rated at 250 kilowatts. The plant is connected to the Bay Street Substation in St. Johnsbury Center by two 12,500-volt transmission line. The project also includes appurtenant mechanical and electric facilities.

Bank Building, St. Johnsbury, Vermont) for license for constructed Project No. 2392, known as the Gilman Project, located on the Connecticut River, in the Towns of Lunenburg and Guildhall, Essex County, in the vicinity of the Village of Gilman, Vermont, and in the Towns of Dalton and Lancaster, Coos County, New Hampshire.

The project consists of: A dam with crest elevation at about 828 feet, topped with 5 foot flashboards, extending from the left bank, including a concrete gravity section, with two sluice gates, about 108 feet long, and a rock filled timber crib section about 211 feet long, including a 27 foot long sluiceway with crest elevation at about 827 feet, and a 15 foot long bulkhead with crest elevation at about 839 feet; a powerhouse extending to the right bank, containing one 1250 horsepower turbine and three 1000 horsepower turbines directly connected to one 990 kva and three 1000 kva generating units; and appurtenant facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is January 4, 1964. The application is on file with the Commission for public inspection.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 63-11096; Filed, Oct. 21, 1963;
8:46 a.m.]

[Docket No. CP63-258]

MOUNTAIN FUEL SUPPLY CO.

Notice of Application To Amend Order

OCTOBER 15, 1963.

Take notice that on September 23, 1963, Mountain Fuel Supply Company (Applicant), 180 East First South Street, Salt Lake City 10, Utah, filed in Docket No. CP63-258 an application to amend the Commission's order, issued June 17, 1963, in Docket No. CP63-258, to authorize Applicant to construct and operate 3.7 miles of 16-inch pipe in lieu of 3.7 miles of 24-inch pipe presently authorized by said order, all as more fully set forth in the application to amend on file with the Commission and open to public inspection.

The subject order authorized Applicant to construct and operate, among other facilities, 3.7 miles of 24-inch pipeline in Weber Canyon, Utah, replacing and relocating a portion of a 14-inch line. Such replacement and relocation was due to the construction of Interstate Highway 80. The relocated line was to be constructed along a bench high above the canyon, and Applicant desired to install 24-inch pipe because it was understood that the bench would be too narrow to allow for the looping, at a subsequent time, of a smaller diameter pipe in the event that increased capacity would be required. It has now been determined that the bench will have sufficient room to permit looping in the future, if required.

Therefore, Applicant request that the subject order be amended to permit the installation of 16-inch pipe.

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 November 8, 1963.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 63-11097; Filed, Oct. 21, 1963;
8:46 a.m.]

[Docket Nos. CP63-286 and CP63-339]

SOUTH TEXAS NATURAL GAS GATHERING CO. AND SOUTH TEXAS NATURAL GAS GATHERING CO.

Notice of Postponement of Hearings

OCTOBER 15, 1963.

South Texas Natural Gas Gathering Company, Docket No. CP63-286; South Texas Natural Gas Gathering Company, Docket No. CP63-339.

Take notice that the hearings now scheduled to be held in Washington, D.C., on October 22 and October 23, 1963, in Docket Nos. CP63-286 and CP63-339, respectively, by notices issued on October 4 and October 8, 1963, respectively, are hereby postponed to a date or dates to be hereafter fixed.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 63-11098; Filed, Oct. 21, 1963;
8:46 a.m.]

[Project No. 2299]

TURLOCK IRRIGATION DISTRICT AND MODESTO IRRIGATION DISTRICT

Notice of Postponement of Oral Argument

OCTOBER 15, 1963.

Upon consideration of the request filed on October 7, 1963, by the applicants' special counsel for postponement of the oral argument presently scheduled for October 28, 1963, in the above-designated matter;

Notice is hereby given that the oral argument is postponed to 10:00 a.m., e.s.t., December 5, 1963.

By direction of the Commission.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 63-11099; Filed, Oct. 21, 1963;
8:46 a.m.]

FEDERAL RESERVE SYSTEM

BANK OF SOUTH HAVEN

Order Approving Acquisition of Bank's Assets

In the matter of the application of Bank of South Haven for approval of acquisition of assets of Peoples State Bank of Bloomingdale.

There has come before the Board of Governors, pursuant to the Bank Merger

Act of 1960 (12 U.S.C. 1828(c)), an application by Bank of South Haven, South Haven, Michigan, a member bank of the Federal Reserve System, for the Board's prior approval of its acquisition of assets of and assumption of deposit liabilities in Peoples State Bank of Bloomingdale, Bloomingdale, Michigan. As an incident to such application, Bank of South Haven, the title of which will be changed to Citizens Trust and Savings Bank, has applied, under section 9 of the Federal Reserve Act, for the Board's prior approval of the establishment of a branch by that bank at the present location of Peoples State Bank. Notice of the proposed acquisition of assets and assumption of deposit liabilities, in form approved by the Board of Governors, has been published pursuant to said Bank Merger Act.

Upon consideration of all relevant material, including the reports furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Department of Justice on the competitive factors involved in the proposed transaction,

It is hereby ordered, For the reasons set forth in the Board's Statement¹ of this date, that said applications be and hereby are approved, provided that said acquisition of assets and assumption of deposit liabilities and establishment of a branch shall not be consummated (a) within seven calendar days following the date of this Order, or (b) later than three months after said date.

Dated at Washington, D.C., this 15th day of October, 1963.

By order of the Board of Governors.²

[SEAL]

MERRITT SHERMAN,
Secretary.

[F.R. Doc. 63-11100; Filed, Oct. 21, 1963;
8:46 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

COTTON TEXTILE PRODUCTS IN CATEGORIES 53 AND 61 PRODUCED OR MANUFACTURED IN THE PHILIPPINES

Restriction on Entry or Withdrawal From Warehouse

OCTOBER 17, 1963.

There is published below a letter of October 17, 1963, from the Chairman, President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that the amount of cotton textile products in Categories 53 and 61 produced or manufactured in the Philippines which may be entered, or withdrawn from warehouse, for con-

¹ Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington 25, D.C., or to the Federal Reserve Bank of Chicago.

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

sumption in the United States from October 25, 1963, through October 24, 1964, be limited to certain designated levels. This is a continuation of the arrangement presently in effect between the United States Government and the Government of the Philippines on the exports of such goods to the United States in Categories 53 and 61, produced or manufactured in the Philippines, during the twelve-month period which began October 25, 1962.

G. ERVIN DIXON,
Acting Chairman, Interagency
Textile Administrative Com-
mittee, and Acting Deputy
to the Secretary of Commerce
for Textile Programs.

THE SECRETARY OF COMMERCE
PRESIDENT'S CABINET TEXTILE ADVISORY
COMMITTEE

Washington 25, D.C.
October 17, 1963.

COMMISSIONER OF CUSTOMS,
DEPARTMENT OF THE TREASURY,
Washington, D.C.

DEAR MR. COMMISSIONER: Under the terms of the Long Term Arrangement Regarding International Trade done at Geneva on February 9, 1962, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, you are directed to prohibit, effective October 25, 1963, and for the period extending through October 24, 1964, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Categories 53 and 61, produced or manufactured in the Philippines, in excess of the following levels of restraint:

Categories:	Levels of restraint dozen
53-----	300,000
61-----	1,145,000

A detailed description of Categories 53 and 61 in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on October 1, 1963 (28 F.R. 10551).

In carrying out this directive, entries of cotton textile products in Categories 53 and 61, produced or manufactured in the Philippines, which have been exported to the United States from the Philippines prior to October 25, 1963, shall, to the extent of any unfiled balances, be charged against the levels of restraint established for such goods during the period October 25, 1962, through October 24, 1963. In the event that the levels of restraint established for the period October 25, 1962, through October 24, 1963, have been exhausted by previous entries, such goods shall be subject to the directives set forth in this letter.

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Philippines and with respect to imports of cotton textile products from the Philippines have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of Section 4 of the Administrative Procedure Act. This

letter will be published in the FEDERAL REGISTER.

Sincerely yours,
LUTHER H. HODGES,
Secretary of Commerce, and Chair-
man, President's Cabinet Textile
Advisory Committee.

[F.R. Doc. 63-11156; Filed, Oct. 21, 1963;
8:48 a.m.]

OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

Trade Information Committee

[Docket No. 63-2]

NOTICE OF PUBLIC HEARING RELAT- ING TO ARTICLES TO BE CONSID- ERED FOR TRADE AGREEMENT NEGOTIATION

Timetable

1. Requests to present oral testimony must be received by Wednesday, November 20, 1963.
2. For due dates for written briefs, see section 5 of this notice.
3. Hearings begin December 2, 1963.

1. *Notice of public hearing.* Pursuant to section 223 of the Trade Expansion Act of 1962 (76 Stat. 872, 19 U.S.C. 1843), section 3(g) of Executive Order No. 11075 of January 15, 1963, as amended (28 F.R. 473), section 202.3 of Directive No. 1 of the Office of the Special Representative for Trade Negotiations (48 CFR, Part 201, 28 F.R. 3974), and § 211.2 (a) of its Regulations (48 CFR, Part 211, 28 F.R. 7947), the Trade Information Committee in the Office of the Special Representative for Trade Negotiations has ordered public hearings to be held concerning the notice of proposed trade agreement negotiations and articles to be considered for negotiation published this day by the President in the FEDERAL REGISTER.¹

NOTE: See also F.R. Doc. 63-11132, Tariff Commission, in Notices section, *infra*.

2. *Subject matter of public hearings.* The subject matter of the public hearing will include any matter pertaining to the proposed trade agreements announced in the notice of proposed trade agreement negotiations required to be heard by section 223 of the Trade Expansion Act of 1962. That section provides, in pertinent part, that any interested person may present his views "concerning any article on a list published pursuant to section 221, any article which should be so listed, any concession which should be sought by the United States, or any other matter relevant to such proposed trade agreement".

In view of the fact that briefs and testimony presented to the Tariff Commission concerning the subject matter set forth in section 221 of the Act will

¹ See Presidential Notice of October 21, 1963, *supra*.

be made available to the Trade Information Committee, the same material need not be submitted to the Committee. It is suggested that persons appearing before the Committee devote particular attention to the following subjects comprised within section 223 of the Act:

(1) Reductions in rates of duty which the United States should seek to obtain from other nations.

(2) Restrictions and barriers to trade other than rates of duty imposed by other nations which the United States should seek to have removed or modified.

(3) Articles upon which elimination, reduction, or continuance of the United States rate of duty should be offered.

(4) Other United States import restrictions which should be offered for modification or continuance under the authority of section 201(a) of the Trade Expansion Act of 1962.

3. *Time and place of public hearing.* The public hearing will commence on Monday, December 2, 1963. Hearings held before January 1, 1964, will be held in Room 105, 722 Jackson Place NW., Washington, D.C. Hearings held after January 1, 1964, will be held in Conference Room B of the Interdepartmental Auditorium, Labor Department Building, Constitution Avenue and 14th Street NW., Washington, D.C.

The sequence of the hearings will follow Schedules 1 through 8 of the Tariff Schedules of the United States (TSUS). Each Schedule will be treated as a unit for the purpose of conducting the hearing. Matters not specifically related to any commodity will be scheduled as the Committee deems appropriate.

Hearings on Schedules 1 and 2 will commence on December 2, 1963. The opening date for hearings concerning Schedules 3 through 8 and any other matters will be announced in the FEDERAL REGISTER on Tuesday, December 10, 1963.

4. *Requests to present oral testimony.* All requests to present oral testimony, regardless of subject matter, must be received by the Executive Secretary of the Trade Information Committee not later than Wednesday, November 20, 1963. The entire schedule for the proposed hearing will be formulated on the basis of requests to appear received as of that date.

Requests to present oral testimony must conform with the regulations of the Committee, 48 CFR, Part 211, 28 F.R. 7947. Requests shall be submitted in an original and three copies. Requests must include the following information:

(a) The name, address, and telephone number of the party submitting the request;

(b) The name, address, telephone number, and official position of the person submitting the request;

(c) The description and TSUS item number (to the extent practicable) of the commodity or commodities in which the party has an interest;

(d) The subject or subjects to be dealt with in the proposed testimony, listed

individually and, in the case of import restrictions other than duties, with sufficient particularity to identify the restriction to be discussed;

(e) A brief indication of the position to be taken by the party;

(f) The name, address, and telephone number of the person (or persons) who will present oral testimony; and

(g) The amount of time requested for the presentation of oral testimony, and if more than 15 minutes is requested, the reasons therefor.

Each party submitting a request will be notified of the Committee's disposition thereof. Each person whose request is granted will also be notified of the date on which he is scheduled to appear and the amount of time allotted for his presentation. The Committee reserves the right to restrict the time allotted for oral presentation. Any person whose request is denied will be notified of the reasons therefor.

5. *Submission of written briefs.* Any interested party may submit a written brief to the Committee concerning the subject matter of this hearing. Each party presenting oral testimony must file a brief. All briefs must be filed within the time specified in the following paragraph.

Written briefs concerning commodities contained in Schedule 1 of the TSUS must be received by the Executive Secretary by November 25, 1963, and briefs concerning commodities contained in Schedule 2 must be received by December 2, 1963. Written briefs concerning commodities contained in other Schedules of the TSUS must be filed fifteen calendar days before the date on which hearings concerning that Schedule are to begin. Hearing dates for subsequent Schedules will be announced in the FEDERAL REGISTER on December 10, 1963.

Briefs must conform to the Committee's Regulations, 48 CFR, Part 211, 28 F.R. 7927. Briefs must be submitted in twenty (20) copies, one of which must be made under oath or affirmation. In addition, each brief shall clearly designate on the first page the name and address of the party submitting the brief, the description and TSUS item number of the commodities to which the brief pertains, and the subject matter of the brief.

Suggestions for the preparation of written briefs will be sent to all parties requesting to present oral testimony, and will otherwise be furnished upon request to the Executive Secretary.

In order to aid preparation for the hearings, statistics of United States imports on a world-wide basis, according to TSUS item numbers, will be available shortly from the Government Printing Office in a Census Bureau publication entitled "United States Imports of Merchandise for Consumption: TSUS Schedule by Part by Item, 1961". A breakdown of United States imports by country will be published later in the year.

6. *Rebuttal briefs.* In order to assure each party equal opportunity to contest the information provided by other interested parties, the Committee will entertain rebuttal briefs filed by any party within one week after the close of hearings on a particular schedule. Rebuttal briefs shall conform, in form and num-

ber, to the Regulations of the Committee and the provisions of this notice applicable to written briefs. Rebuttal briefs should be strictly limited to demonstrating errors of fact or analysis not pointed out in the briefs or hearing, and should be as concise as possible.

7. *Information exempt from public inspection.* Parties are referred to §§ 211.7 and 211.8 of the Committee's Regulations, 48 CFR, Part 211, 28 F.R. 7947, for the regulations concerning information exempt from public inspection. In addition, the following should be noted:

(1) Requests to present oral testimony should contain no confidential information, and any requests marked "For Official Use Only" will not be accepted. (2) Every written brief must present in nonconfidential form, on separate pages, a statement of the party's position and supporting arguments sufficient to inform any other party of the arguments he must meet in order to oppose the position taken in the brief.

8. *Public inspection of written materials.* Subject to the regulations of the Committee, and in particular §§ 211.7 and 211.8, all written materials filed with the Committee in connection with this hearing will be open to public inspection, by appointment, at the office of the Executive Secretary, Executive Office Building, 17th Street and Pennsylvania Avenue NW., Washington, D.C., 20506. Transcripts of the hearing will also be available for inspection, but not for reproduction. Transcripts may be purchased from the official reporter.

9. *Communications.* All communications with regard to these hearings should be addressed to: Executive Secretary, Trade Information Committee, Office of the Special Representative for Trade Negotiations, Executive Office Building, 17th Street and Pennsylvania Avenue NW., Washington, D.C., 20506.

SIDNEY PICKER, Jr.,
Executive Secretary.

[F.R. Doc. 63-11183; Filed, Oct. 21, 1963;
5:00 p.m.]

TARIFF COMMISSION

[TEA-221(b)-1]

PRESIDENT'S LIST OF ARTICLES FOR POSSIBLE CONSIDERATION IN TRADE AGREEMENT NEGOTIATIONS

Notice of Investigation and Hearings

1. Tariff Commission public hearings will begin on December 2, 1963.

2. The final date for filing requests to testify at the Tariff Commission public hearings is November 20, 1963.

On October 22, 1963, the President, pursuant to section 201(a) of the Trade Expansion Act of 1962 (hereinafter referred to as "the Act"), furnished the United States Tariff Commission (hereinafter referred to as "the Commission") a list of articles (hereinafter referred to as the "President's list") to be considered for modification or continuance of United States duties or other import restrictions, or continuance of United States duty-free or excise treatment, in

connection with trade-agreement negotiations to be conducted under the Act. The President's list is published in the FEDERAL REGISTER concurrently with this notice.¹

I. *Investigation instituted.* In accordance with Part 205 of the Commission's rules of practice and procedure, the Commission has instituted an investigation for the purpose of obtaining, to the extent practicable, information of the kind described in section 221(c) of the Act for use in connection with the preparation of advice to the President required by section 221(b) of the Act, namely, advice with respect to each article included in the President's list of the Commission's judgment as to the probable economic effect of modifications of duties or other import restrictions on industries producing like or directly competitive articles.

II. *Procedure for conduct of hearings and submission of written views.* A. Public hearings in connection with the investigation will commence at 10:00 a.m. on Monday, the 2d day of December, 1963, in the Hearing Room, Tariff Commission Building, 8th and E Streets NW., Washington, D.C.

1. Requests to appear at the public hearings must be filed in writing with the Secretary of the Commission on or before November 20, 1963. Such requests must contain the following information:

a. The item number or numbers in the Tariff Schedules of the United States covering the article or articles on which testimony will be presented.

b. The name and organization of the witness or witnesses who will testify, and the name, address, telephone number, and organization of the person filing the request.

c. A statement indicating whether the testimony to be presented will be on behalf of importer or domestic-producer interests.

d. A careful estimate of the aggregate time desired for presentation of oral testimony by all witnesses for whose appearances the request is filed.

2. Allotment of time: Because of the extensive scope of the President's list, limitation of time for the presentation of oral testimony is in the public interest. Accordingly, in scheduling appearances at the hearings the time to be allotted to witnesses for the presentation of oral testimony will be limited as circumstances require. Supplemental written statements will be allowed in all cases, and should be submitted at the time of presentation of oral testimony.

3. Notification of date of appearance: Persons who have properly filed requests to appear will be individually notified in advance of the date on which they will be scheduled to present oral testimony and of the time allotted for presentation of such testimony.

4. Order of hearings: To the extent practicable the hearings will follow the order of the Tariff Schedules of the United States, beginning with Schedule 1, Animal and Vegetable Products.

5. Questioning of witnesses will be limited to members of the Commission.

¹ See Presidential Notice of October 21, 1963, *supra*.

B. Written information and views in lieu of appearance at the public hearings may be submitted by interested persons. A signed original and nineteen true copies of such statements shall be submitted. Business data which it is desired shall be treated as confidential shall be submitted on separate sheets, each clearly marked at the top "Business Confidential." All written statements, except for confidential business data, will be made available for inspection by interested persons. To be assured of consideration by the Commission, written statements in lieu of appearance should be submitted at the earliest practicable date, but not later than the date of the closing of the public hearings.

III. *Requests for reservation of certain items from negotiations.* Under conditions set forth in section 225(b) of the Act, certain articles included in the President's list must be reserved by the President from negotiation for the reduction of duty or other import restriction or the elimination of duty. This reservation provision applies to any article with respect to which (1) the Commission, in escape-clause proceedings concluded prior to October 11, 1962, found by majority vote that it was being imported in such increased quantities as to cause or threaten serious injury to an industry, (2) there was not in effect on October 11, 1962, any action taken under section 7 of the Trade Agreements Extension Act of 1951, (3) a request in behalf of the industry concerned is filed with the Commission not later than 60 days after publication of the President's list, and (4) the Commission finds and advises the President that economic conditions in such industry have not substantially improved since the date of the report of the finding referred to in (1).

A. Articles subject to request for reservation under section 225(b) of the Act are listed in the Annex to this notice.

B. Requests for reservation may be filed by or on behalf of any firm or firms which in 1962 accounted for more than 50 percent of the production (by quantity) of the domestic article concerned in an escape-clause investigation which resulted in a majority Commission finding of serious injury or the threat thereof. Interested persons who intend filing requests are urged to do so within the time specified in part II A 1 for the filing of requests to appear at the public hearings in connection with the President's list. Persons doing so will be allowed additional time for the presentation of evidence at the hearings. (Note § 205.9 of the Commission's rules of practice and procedure (19 CFR 205.9) which provides that investigations for the purposes of section 225(b) of the Act will be consolidated with the investigation for the purposes of section 221 of the Act.)

C. Requirements for requests. Requests for reservation shall include the following: (1) The names and addresses of the firms known by the persons filing the request to be producing the domestic article concerned, and the location of the separate establishments, if any, of such firms in which such article is produced; (2) data on production by quantity of the domestic article concerned

for each of the years 1958 through 1962; and (3) a statement of the facts forming the basis of the claim that economic conditions in the industry producing the domestic article concerned have not improved since the date of the report of the Commission which contained the finding of serious injury or the threat thereof.

IV. *Related hearings before the Trade Information Committee.* Published in the FEDERAL REGISTER concurrently with this notice is an announcement by the Trade Information Committee² regarding public hearings to be held by the Committee on the articles included in the President's list, and on other matters, to begin on December 2, 1963. Oral testimony and written statements of interested persons received by the Commission in connection with its investigation for the purposes of section 221 of the Act will be made available by the Commission to the Trade Information Committee. Accordingly, as stated in the Trade Information Committee's notice, appearance before the Trade Information Committee for the purpose of submitting the same information, although permissible, will not be necessary.

V. *Communications to be addressed to Secretary.* All communications regarding the Commission's investigation should be addressed to the Secretary, United States Tariff Commission, Washington, D.C., 20436.

Issued October 22, 1963.

By direction of the United States Tariff Commission.

[SEAL] DONN N. BENT,
Secretary.

ANNEX—ARTICLES REFERRED TO IN PART III OF TARIFF COMMISSION NOTICE

[NOTE: "TSUS" refers to "Tariff Schedules of the United States"; "pt" after an item number means that only part of the item is involved]

TSUS item No.	Articles	Number and date of Tariff Commission report
110.50 110.55	Cod, cusk, haddock, hake, pollock, and Atlantic ocean perch (rosefish), "otherwise processed".	7-47 10/12/56
126.23	Alsike clover seed	1-10401-2 5/8/57
136.30	Garlic	177, 2d Ser. 6/6/52
186.20	Fur, not on the skin, prepared for hatters' use, and carotated furskins.	178, 2d Ser. 11/9/51
346.15 346.20 346.22 346.24	Velveteens, of cotton	7-49 10/24/56
372.65(pt)	Screen-printed scarves, of silk	7-19 4/13/53
425.94	Tartaric acid	7-69 1/14/59
426.76	Cream of tartar	7-70 1/14/59
532.21(pt)	Ceramic mosaic tiles (except such tiles valued at 95 cents or more per square foot, and except tiles in sheets (1) containing over 300 tiles per square foot, or (2) having none, or not more than half, of the tiles with faces which (disregarding rounded corners) are in the form of triangles, rectangles, or polygons and with such triangles, rectangles, or polygons as there may be forming an integral part of the pattern).	7-100 5/10/61

² See F.R. Doc. 63-11183, in Notices section, supra.

ANNEX—ARTICLES REFERRED TO IN PART III OF TARIFF COMMISSION NOTICE

[NOTE: "TSUS" refers to "Tariff Schedules of the United States"; "pt" after an item number means that only part of the item is involved]

TSUS item No.	Articles	Number and date of Tariff Commission report
650.91	Scissors and shears and blades therefor, valued over \$1.75 per dozen.	7-24 3/12/54
725.04(pt)	Violas and violas valued not over \$25 each.	7-55 1/29/57
732.02 732.04 732.06 732.08 732.10 732.12 732.14 732.16 732.18 732.20 732.22 732.24	Bicycles	7-37 3/14/55
734.55(pt)	Baseball (including softball) gloves and mitts.	7-97 5/1/61
745.52	Dressmakers' or common pins	7-52 1/30/57 7-109 2/28/62
751.20(pt) 751.25(pt)	Ribs and stretchers of metal for umbrellas or parasols of the kind commonly carried in the hand when in use, in frames or otherwise, and tubes (rods) for such umbrellas, whether or not of metal.	7-62 1/14/58
755.35(pt)	Ferrocium and other cerium alloys.	7-41 12/21/55
756.20(pt)	Tobacco pipes and pipe bowls, of brier wood or root, valued not over \$5 per dozen.	7-10 12/22/52
790.05	Spring type clothespins	7-57 9/10/57

[F.R. Doc. 63-11132; Filed, Oct. 21, 1963; 5:00 p.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ENRICHED FLOUR DEVIATING FROM IDENTITY STANDARD

Notice of Issuance of Temporary Permit To Cover Market Testing

Pursuant to § 10.5(j) of Title 21 of the Code of Federal Regulations concerning temporary permits to facilitate market testing of foods varying from the requirements of standards of identity promulgated pursuant to section 401 of the Federal Food, Drug, and Cosmetic Act, notice is given that a temporary permit has been issued to the Fant Milling Company, 408 Magnolia Street, Sherman, Texas, to cover interstate marketing tests of enriched flour deviating from the requirements of the standard of identity for that food (21 CFR 15.10). The product has been modified so that it no longer meets the granulation specification of the standard. The product is to be labeled "free flow enriched flour."

This permit expires August 1, 1964.

Dated: October 15, 1963.

JOHN L. HARVEY,
Deputy Commissioner
of Food and Drugs.

[F.R. Doc. 63-11107; Filed, Oct. 21, 1963; 8:46 a.m.]

MONSANTO CHEMICAL CO.

Notice of Filing of Petition Regarding Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b) (5), 72 Stat. 1786; 21 U.S.C. 348 (b) (5)), notice is given that a petition (FAP 1231) has been filed by Monsanto Chemical Company, 800 North Lindbergh Boulevard, St. Louis 66, Missouri, proposing that paragraph (c) (4) of § 121.2562 *Rubber articles intended for repeated use* be amended as follows:

1. By inserting alphabetically in subdivision (ii) (b) a new item "*N,N*-Dimethylcyclohexylamine salt of di-butylthiocarbamic acid."

2. By inserting alphabetically in subdivision (viii) a new item "*Sodium* decylbenzenesulfonate."

3. By inserting alphabetically in subdivision (ix) the new items "2-Ethoxyethanol" and "Tall oil."

Dated: October 15, 1963.

J. K. KIRK,
Assistant Commissioner
of Food and Drugs.

[F.R. Doc. 63-11108; Filed, Oct. 21, 1963; 8:46 a.m.]

betically in the "List of substances" the new item:

Polyethylene glycol 200.

Dated: October 16, 1963.

J. K. KIRK,
Assistant Commissioner
of Food and Drugs.

[F.R. Doc. 63-11128; Filed, Oct. 21, 1963; 8:47 a.m.]

NEW-DRUG APPLICATIONS

Notice of Approvals August 1963

As provided in § 130.33 of the new-drug regulations (21 CFR 130.33; 28 F.R. 6377), notice is given of the following new drugs for which applications have been approved during the month of August 1963:

Established name (if any) or active ingredients	Trade name	Class of compound	Applicant	Date approved	How dispensed ¹
<i>Drugs for Human Use</i>					
Dexamethasone phosphate sodium.	Hexadrol Cream.	Glucocorticoid.	Organon, Inc., 375 Mt. Pleasant Ave., West Orange, N.J.	Aug. 9, 1963	R _x
Do.	Hexadrol Cream With Tar.	do.	do.	do.	R _x
Meprobamate.	do.	Tranquillizer.	The Lannett Co., Frankford Ave., Allen St., Philadelphia, Pa.	do.	R _x
Dequalinium acetate, cetyl pyridinium chloride.	Band-Aid Liquid Antiseptic.	Antiseptic.	Johnson & Johnson, 500 George St., New Brunswick, N.J.	Aug. 15, 1963	OTC
Cyclothiazide.	Anhydron No. 1850.	Diuretic.	Eli Lilly & Co., Box 618, Indianapolis, Ind.	Aug. 20, 1963	R _x
Meprobamate.	Vio-Bamate.	Tranquillizer.	Rowell Laboratories, Inc., Baudette, Minn.	Aug. 22, 1963	R _x
Radio-cyanocobalamin (cobalt ⁵⁷), cyanocobalamin.	Racobalamin-57 Capsules.	Diagnostic agent.	Abbott Laboratories, 14th & Sheridan Rd., North Chicago, Ill.	Aug. 23, 1963	R _x
Radio-cyanocobalamin (cobalt ⁵⁷), cyanocobalamin, intrinsic factor concentrate.	Racobalamin-57 Anemia Diagnostic Kit.	do.	do.	do.	R _x
Radio-cyanocobalamin (cobalt ⁵⁷), cyanocobalamin.	Racobalamin-57 Sterile Solution.	do.	do.	do.	R _x
<i>Drugs for Veterinary Use</i>					
Trimeprazine tartrate, prednisolone.	Temaril-P Granules.	Antihistamine, glucocorticoid.	Norden Laboratories, Inc., Lincoln, Nebr.	Aug. 10, 1963	R _x
Oxytetracycline hydrochloride.	Terramycin for Poultry.	Antibiotic.	Chas. Pfizer & Co., Inc., 235 East 42d St., New York 17, N.Y.	Aug. 23, 1963	OTC

¹ The abbreviation "R_x" means restricted by law to prescription only; the abbreviation "OTC" applies to drugs that by law are not required to be sold on prescription.

Correction. The item "3,4,4'-Trichlorocarbanilide, 4,4'-dichloro-3-(trifluoromethyl) carbanilide, 4',5-di- and 3,4',5-tribromosalicylanilides", published in the FEDERAL REGISTER August 6, 1963 (28 F.R. 7998) should read "3,4,4'-Trichlorocarbanilide, 4,4'-dichloro-3-(trifluoromethyl) carbanilide, 3',5-di- and 3,4',5-tribromosalicylanilides".

Dated: October 15, 1963.

JOHN L. HARVEY,
Deputy Commissioner
of Food and Drugs.

[F.R. Doc. 63-11109; Filed, Oct. 21, 1963; 8:46 a.m.]

NOPCO CHEMICAL CO.

Notice of Filing of Petition Regarding Food Additive Polyethylene Glycol 200

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b) (5), 72 Stat. 1786; 21 U.S.C. 348 (b) (5)), notice is given that a petition (FAP 1245) has been filed by Nopco Chemical Company, 60 Park Place, Newark 1, New Jersey, proposing that paragraph (b) of § 121.2571 *Components of paper and paperboard in contact with dry food* be amended by inserting alpha-

INTERSTATE COMMERCE COMMISSION

[Notice No. 883]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 17, 1963.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 65499. By order of October 15, 1963, the Transfer Board approved the transfer to Harlan W. Thompson and Keith H. Chittim, a partnership, doing business as Tower Transportation Co., Newcastle, Wyo.; of certificate in No. MC 112575, issued February 6, 1962, to Sven Johanson, doing business as Johanson and Carbis Oil Field Trucking and Moving, Newcastle, Wyo., authorizing the transportation of: Commodities similar to those described in the "Merse Description", and those which, because of size or weight, require the use of special equipment, between points in Weston County, Wyo.; on the one hand, and, on the other, points in a specified part of Nebraska and South Dakota. Vincent A. Ross, 314-321 Hynds Building, Cheyenne, Wyo., attorney for applicants.

No. MC-FC 65990. By order of October 15, 1963, the Transfer Board approved the transfer to Salvatore Finocchiaro, doing business as Finocchiaro Motor Freight, 1342 Carpenter Street, Philadelphia, Pa., of certificate in No. MC 42087, issued October 8, 1942, to Rosario Finocchiaro, doing business as Finocchiaro Motor Freight, 1342 Carpenter Street, Philadelphia 47, Pa., authorizing

the transportation of: Agricultural commodities, from Swedesboro, N.J., to Baltimore, Md., Philadelphia, Pa., Wilmington, Del., and New York, N.Y., and from Bridgeton, N.J., to Philadelphia, Pa.; canned goods, from Baltimore, Md., to Philadelphia, Pa., from Philadelphia, Pa., to Swedesboro, N.J., from Swedesboro, N.J., to Baltimore, Md., Philadelphia, Pa., Wilmington, Del., and New York, N.Y., and from Bridgeton, N.J., to Philadelphia, Pa.; fertilizer, from Philadelphia, Pa., to Swedesboro, N.J., and Bridgeton, N.J.; paints, from New York, N.Y., to Swedesboro, N.J.; petroleum products in containers, from Paulsboro, N.J., to New York, N.Y., and from New York, N.Y., to Swedesboro, N.J.; such merchandise as is dealt in by wholesale and retail grocery stores, and equipment, materials, and supplies used in the conduct of such business, between New York, N.Y., Brooklyn, N.Y., and Jersey City, N.J., on the one hand, and, on the other, Trenton, N.J., Wilmington, Del., Camden, N.J., Philadelphia, Pa., and Baltimore, Md., and from Philadelphia, Pa., to Trenton, N.J., and Wilmington, Del.; tagua or ivory nuts, and vegetable ivory nut slabs, between New York, N.Y., and Brooklyn, N.Y., on the one hand, and, on the other, Philadelphia, Pa., medicinal preparations, tonics and drugs, between New York, N.Y., and Philadelphia, Pa., and empty containers between Philadelphia, Pa., and New York, N.Y.

No. MC-FC 66084. By order of October 15, 1963, the Transfer Board approved the transfer to Mey Transfer, Inc., of Newburg, Wis., of the operating rights claimed in No. MC 104876 (Sub-No. 2) under the "grandfather clause" of section 206(a)(7)(B), Interstate Commerce Act by A. F. Mey, doing business as A. F. Mey Transfer, Newburg, Wis., and the substitution of transferee as applicant for a certificate of registration from this Commission, corresponding to the grant of intrastate authority to transfer or issued by the Wisconsin Public Service Commission in Certificate No. CC-407. Robert H. Suran, 230 West Capiton Drive, Milwaukee, Wis., attorney for applicants.

No. MC-FC 66200. By order of October 15, 1963, the Transfer Board approved the transfer to the Picton Cartage Co., Ltd., a corporation, Hamilton, Ontario, Canada, of permit in No. MC 123292 issued July 24, 1961, to Frank Calzonetti, doing business as Picton Cartage Co., Hamilton, Ontario, Canada, authorizing the transportation of scrap metals, in dump vehicles over irregular routes, between points on the United States-Canada boundary line located on the Niagara River, on the one hand, and, on the other, Niagara Falls and Buffalo, N.Y. Francis Rocchi, 64 Hughson Street, South, Hamilton, Ontario, Canada, attorney for applicants.

No. MC-FC 66208. By order of October 15, 1963, the Transfer Board approved the transfer to Rochester Moving, Inc., Rochester, N.Y., of a portion of certificate in No. MC 36060 issued June 23, 1941, to Rochester Carting Co., a

corporation, Rochester, N.Y., authorizing the transportation of household goods, over irregular routes, from Rochester, N.Y., to points in Pennsylvania, New Jersey, Delaware, Connecticut, Rhode Island, Massachusetts, New Hampshire, Maine, Vermont, Ohio, Indiana, Illinois, Maryland, Virginia, North Carolina, Georgia, Florida, and the District of Columbia, traversing South Carolina for operating convenience only; and from points in the above specified destination territory, to points in New York. Robert V. Gianniny, 900 Midtown Tower, Rochester, New York, attorney for applicants.

[SEAL] HAROLD D. McCoy,
Secretary.

[F.R. Doc. 63-11125; Filed, Oct. 21, 1963;
8:46 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 17, 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. 38601: *Commodity rates—Sea-Land Service, Inc.* Filed by Sea-Land Service, Inc. (No. 51), for itself and interested carriers. Rates on chemicals, as described in the application, in trailer loads, moving in part over the highways and in part via water in container ships in intercoastal service, from Buffalo, N.Y., to Los Angeles and San Francisco, Calif.

Grounds for relief: All-rail competition.

Tariff: Supplement 35 to Sea-Land Service, Inc., tariff I.C.C. 14.

FSA No. 38602: *Substituted service—CGW for Seuring Transit, Inc., et al.* Filed by A. R. Fowler, agent (No. 11), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars, between Chicago, Ill., and St. Paul, Minn., on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motortruck competition.

Tariff: A. R. Fowler, agent, tariff MF-I.C.C. A-94.

FSA No. 38603: *Joint motor-rail rates—Middlewest Motor Freight.* Filed by Middlewest Motor Freight Bureau, agent (No. 338), for interested carriers. Rates on property moving on class and commodity rates, loaded in highway trailers, and moving over joint routes of applicant rail and motor carriers, between points in Arkansas, Kansas, Missouri, Oklahoma, Tennessee, and Texas, on the one hand, and points in central States, and middlewest territories, on the other.

Grounds for relief: Motortruck competition.

Tariff: Supplement 1 to Middlewest Motor Freight Bureau, agent, tariff MF-I.C.C. 417.

By the Commission.

[SEAL] HAROLD D. McCoy,
Secretary.

[F.R. Doc. 63-11124; Filed, Oct. 21, 1963;
8:46 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS IN RETAIL OR SERVICE ESTABLISHMENTS AT SPECIAL MINIMUM WAGES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulation on employment of full-time students (29 CFR Part 519), and Administrative Order No. 561 (27 F.R. 4001), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates, type of establishment and total number of employees of the establishment are as indicated below. Pursuant to § 519.6(b) of the regulation, the minimum certificate rates are not less than 85 percent of the minimum applicable under section 6 of the Fair Labor Standards Act.

The following certificates were issued pursuant to paragraphs (c) and (g) of § 519.6 of 29 CFR Part 519, providing for an allowance not to exceed the proportion of the total number of hours worked by full-time students at rates below \$1.00 an hour to the total number of hours worked by all employees in the establishment during the base period, or 10 percent, whichever is lesser, in occupations of the same general classes in which the establishment employed full-time students at wages below \$1.00 an hour in the base period.

REGION I

Ward Bros., Inc., 72 Lisbon Street, Lewiston, Maine; effective 10-1-63 to 3-31-64. (apparel store; 84 employees).

REGION III

W. T. Grant Co., 17 South Front Street, Milton, Pa.; effective 10-18-63 to 9-2-64 (variety store; 14 employees).

S. S. Kresge Co., No. 492, Springfield Shopping Center, 799 Sproul Road, Springfield, Pa.; effective 9-19-63 to 3-31-64 (variety store; 38 employees).

REGION IV

Kuhn's 5-10-25¢ Store, 306 South First Avenue, East, Cullman, Ala.; effective 10-3-63 to 9-2-64 (variety store; 30 employees).

REGION V

Neisner Brothers, Inc., No. 18, 241 West Western Avenue, Muskegon, Mich.; effective 10-1-63 to 9-2-64 (variety store; 18 employees).

REGION VI

M. Gilbert & Sons Co., 813 South Michigan Street, South Bend, Ind.; effective 9-18-63 to 3-31-64 (apparel store; 156 employees).

G. C. Murphy Co., No. 270, 1566 University Avenue, St. Paul (4E), Minn.; effective 9-1-63 to 3-31-64 (variety store; 143 employees).

REGION VII

Hested Brentwood Corp., No. 775, 2005 South Federal Boulevard, Denver, Colo.; effective 9-5-63 to 3-31-64 (variety store; 32 employees).

Hested Laramie Corp., No. 725, Laramie, Wyo.; effective 9-24-63 to 3-31-64 (variety store; 24 employees).

Lee Sidney Corp., No. 732, Sidney, Nebr.; effective 6-10-63 to 3-31-64 (variety store; 31 employees).

J. J. Newberry Co., No. 201, 2703 North 14 Street, St. Louis, Mo.; effective 6-10-63 to 3-31-64 (variety store; 18 employees).

Olson Mercantile Co., 1406 West Main Street, Chanute, Kans.; effective 6-10-63 to 8-31-63 (food store; 21 employees).

Yunker Brothers, Inc., Seventh and Walnut Streets, Des Moines, Iowa; effective 7-16-63 to 3-31-64 (department store; 1573 employees).

Yunker Brothers, Inc., Merle Hay Plaza, 503 Merle Hay Plaza, Des Moines, Iowa; effective 7-16-63 to 3-31-64 (department store; 239 employees).

Yunker Brothers, Inc., Fourth and Nebraska and Fourth and Pierce, Sloux City, Iowa; effective 7-16-63 to 3-31-64 (department store; 715 employees).

REGION VIII

Grayson Shops, Inc. of Texas, No. 448, 324 East Houston Street, San Antonio, Tex.; effective 10-3-63 to 9-2-64 (apparel store; 54 employees).

NORTH CAROLINA

Big Dollar Grocery, East Main Street, Franklin, N.C.; effective 9-27-63 to 3-31-64 (food store; 17 employees).

The following certificates were issued to establishments coming into existence after May 1, 1960, under paragraphs (c), (d), (g), and (h) of § 519.6 of 29 CFR, Part 519. The certificates permit the employment of full-time students at rates of not less than 85 cents an hour in the classes of occupations listed, and provide for limitations on the percentage of full-time student hours of employment at rates below \$1.00 an hour to total hours of employment of all employees. The percentage limitations vary from month to month between the minimum and maximum figures indicated.

Britts Freehold Corp., Route No. 9, Freehold, N.J.; effective 10-1-63 to 9-2-64; office clerk, sales clerk, stock clerk, janitor, window trimmer, markers; between 8.0 percent and 10 percent (variety store; 75 employees).

Hested Stores Co., No. 793, 2547 11th Avenue, Greeley, Colo.; effective 10-1-63 to 9-2-64; sales clerk, stock clerk, markers; between 3.5 percent and 10 percent (variety store; 16 employees).

McCrary-McLellan-Green, 1114 Candelaria NW., Albuquerque, N. Mex.; effective 10-1-63 to 3-31-64; stock clerks, sales clerks; between 0.0 percent and 10 percent (variety store; 33 employees).

Neisner Brothers, Inc., No. 204, 2726 Mt. Pleasant Street, Burlington, Iowa; effective 10-1-63 to 9-2-64; selling, stocking, clerical;

between 4.3 percent and 10 percent (variety store; 19 employees).

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not tend to displace full-time employees. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 15 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 519.9.

Signed at Washington, D.C., this 10th day of October 1963.

ROBERT G. GRONEWALD,
Authorized Representative of
the Administrator.

[F.R. Doc. 63-11134; Filed, Oct. 21, 1963;
8:47 a.m.]

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), and Administrative Order No. 561 (27 F.R. 4001) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods, for certificates issued under general learner regulations (29 CFR 522.1 to 522.9), and the principal product manufactured by the employer are as indicated below. Conditions provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Anvil Brand, Inc., 1624 North Main Street, High Point, N.C.; effective 10-6-63 to 10-5-64 (men's work shirts).

Blue Bell, Inc., Commerce, Ga.; effective 10-18-63 to 10-17-64 (men's, boys', and misses' outerwear jackets).

Blue Bell, Inc., Fulton, Miss.; effective 10-14-63 to 10-13-64 (men's and boys' work and sport trousers).

E-Town Sportswear Corp., Elizabethtown, Ky.; effective 10-3-63 to 10-2-64 (men's slacks).

Glenn Manufacturing Co., Inc., Amory, Miss.; effective 10-15-63 to 10-14-64 (men's, boys', and ladies' dress and casual slacks and walking shorts).

Honea Path Shirt Co., Honea Path, S.C.; effective 10-17-63 to 10-16-64 (men's and ladies' sport shirts).

Lebanon Garment Co., East Market Street, Lebanon, Tenn.; effective 10-15-63 to 10-14-64 (men's and boys' trousers).

Martin Shirt Co., 27 East Poplar Street, Shenandoah, Pa.; effective 10-1-63 to 9-30-64 (ladies' blouses).

Middletown Garment Co., Middletown, Ohio; effective 10-4-63 to 10-3-64 (women's dresses).

The Morehead Co., 800 West Main Street, Morehead, Ky.; effective 10-1-63 to 9-30-1964 (men's and boys' dungarees).

Newport News Children's Dress Co., 824 39th Street, Newport News, Va.; effective 10-5-63 to 10-4-64 (children's and girls' dresses and playsuits).

Olney Manufacturing Co., Olney, Texas; effective 10-7-63 to 10-6-64 (men's and boys' dress slacks).

Oshkosh B'Gosh, Inc., Celina Division, Celina, Tenn.; effective 10-8-63 to 10-7-64 (men's work and casual pants and shirts).

Phillips-Van Heusen Factory, Clayton, Ala.; effective 10-4-63 to 10-3-64 (men's sport shirts).

Royal Manufacturing Co., Inc., Sandersville, Ga.; effective 10-12-63 to 10-11-64 (men's and boys' sport shirts).

Southland Manufacturing Co., 1510 South Third Street, Wilmington, N.C.; effective 10-3-63 to 10-2-64 (men's sport and dress shirts).

Standard Romper Co., Inc., 558 Roosevelt Avenue, Central Falls, R.I.; effective 10-4-63 to 10-3-64 (children's outerwear—blouses, shirts, and pants).

Standard Romper Co., Inc., Verney Building, Brunswick, Maine; effective 10-11-63 to 10-10-64 (children's pants).

Standard Romper Co., Inc., 321 Canco Road, Portland, Maine; effective 10-4-63 to 10-3-64 (children's shirts).

Tic Tac Co., Inc., Dicey Creek Road, Camden, S.C.; effective 9-26-63 to 9-25-64 (children's outerwear—slacks, shirts, and coveralls).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Apco Manufacturing Co., 922 Exchange Avenue, Brodhead, Wis.; effective 10-11-63 to 10-10-64; 10 learners (infants' and children's cotton knit polo shirts).

Irene Sportswear Co., Inc., Plant No. 2, Main Street, Dalton, Pa.; effective 10-2-63 to 10-1-64; 10 learners (ladies' blouses).

Knitwear Associates, Inc., 1427 Chew Street, Allentown, Pa.; effective 10-3-63 to 10-2-64; 10 learners (men's and boys' shirts and girls' shifts).

R & K Apparel Co., 40 West Main Street, Plymouth, Pa.; effective 10-7-63 to 10-6-64; 10 learners (ladies' dresses).

Southern Garment Co., P.O. Box 608, Robbins, N.C.; effective 10-4-63 to 10-3-64; 10 learners (women's cotton wash dresses).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Dee-Mure Brassiere Co., Inc., Hamlin, W. Va.; effective 10-4-63 to 4-3-64; 20 learners (women's brassieres).

Diane Co., Inc., d.b.a. Clinton Garment Co., 1058 South Fourth Street, Clinton, Ind.; effective 9-27-63 to 3-26-64; 20 learners (women's dresses and blouses).

Denise Lingerie Corp., 425 West Walnut Street, Johnson City, Tenn.; effective 9-30-63 to 3-29-64; 35 learners (women's and misses' full and half slips).

The Eastern Isle Manufacturing Corp., Richlands, Va.; effective 10-7-63 to 4-6-64; 50 learners (ladies' woven pajamas and sleepwear).

Eileen Hope, Inc., 122 Juniper Street, Harrisburg, Pa.; effective 10-2-63 to 4-1-64; 10 learners (women's dresses).

The H. D. Lee Co., Inc., Sulphur Springs, Tex.; effective 10-3-63 to 4-2-64; 50 learners (men's western pants).

Middletown Garment Co., Middletown, Ohio; effective 10-4-63 to 4-3-64; 115 learners (women's dresses).

Olney Manufacturing Co., Olney, Tex.; effective 10-15-63 to 4-14-64; 75 learners (men's and boys' dress slacks).

Cigar Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.80 to 522.85, as amended).

Bayuk Cigars, Inc., Morgan Street, Selma, Ala.; effective 9-27-63 to 9-26-64; 10 percent of the total number of factory production workers for normal labor turnover purposes (cigars).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.60 to 522.65, as amended).

The Glove Corp., Heber Springs, Ark.; effective 10-4-63 to 10-3-64; 10 learners for normal labor turnover purposes (work gloves).

William E. Seal & Co., East North Street, Millersburg, Pa.; effective 10-1-63 to 9-30-64; 10 learners for normal labor turnover purposes (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.40 to 522.43, as amended).

Burlington-Balfour Mills, Burlington Industries, Inc., Post Office Box 610, Asheboro, N.C.; effective 10-12-63 to 10-11-64; 5 percent of the total number of factory produc-

tion workers for normal labor turnover purposes (seamless).

Burlington Industries, Inc., Scottsboro Hosiery Co., Scottsboro, Ala.; effective 10-9-63 to 10-8-64; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Greensboro Hosiery Mills, Inc., Greensboro, N.C.; effective 10-12-63 to 10-11-64; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Kayser-Roth Hosiery Co., Inc., Hickory Knitting Division, Hickory, N.C.; effective 10-16-63 to 10-15-64; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Walnut Cove Hosiery Mills, Walnut Cove, N.C.; effective 10-3-63 to 10-2-64; 5 learners for normal labor turnover purposes (seamless).

Wee-Sox Hosiery Mills, Inc., Randleman, N.C.; effective 10-12-63 to 10-11-64; five learners for normal labor turnover purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.30 to 522.35, as amended).

Bellaire Garment Co., Post Office Box 19, Bellaire, Ohio; effective 9-30-63 to 9-29-64; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' bathing suits).

Eagle Knit, Inc., Shawano, Wis.; effective 10-1-63 to 9-30-64; five learners for normal labor turnover purposes (children's knit headwear and knit sweaters).

Hardwick Knitwear, Inc., Main Street, Hardwick, Vt.; effective 10-2-63 to 10-1-64; five learners for normal labor turnover purposes (ladies' pajama suits, and cardigans).

Kingston Knitting Mills, Inc., 139 Cornell Street, Kingston, N.Y.; effective 10-2-63 to

4-1-64; 10 learners for plant expansion purposes (men's and boys' sweaters).

Loralyn Manufacturing Co., Inc., Post Office Box 165, Corner Upright and Ryder Streets, Landis, N.C.; effective 10-4-63 to 4-3-64; 10 learners for plant expansion purposes (infants' and children's sleepwear).

Rocky Mount Undergarment Co., Inc., 1536 Boone Street, Rocky Mount, N.C.; effective 10-1-63 to 9-30-64; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' and children's lingerie).

Spofford Knitting Mills, Inc., Morganton, N.C.; effective 10-2-63 to 10-1-64; five learners for normal labor turnover purposes (knitted cotton piece goods and knitted piece goods other than cotton).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR Part 528.

Signed at Washington, D.C., this 11th day of October 1964.

ROBERT G. GRONEWALD,
*Authorized Representative
of the Administrator.*

[F.R. Doc. 63-11135; Filed, Oct. 21, 1963; 8:47 a.m.]

CUMULATIVE CODIFICATION GUIDE—OCTOBER

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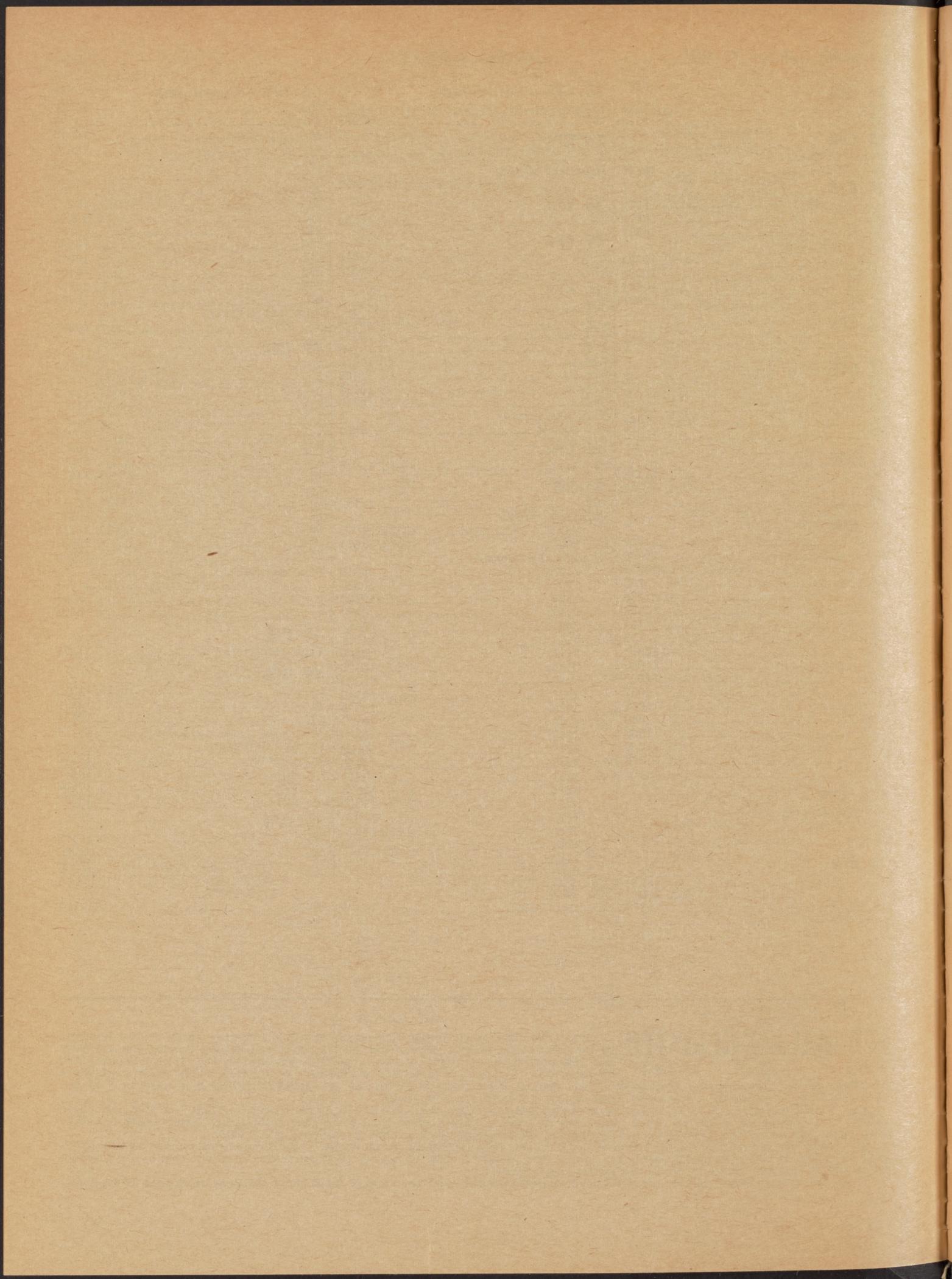


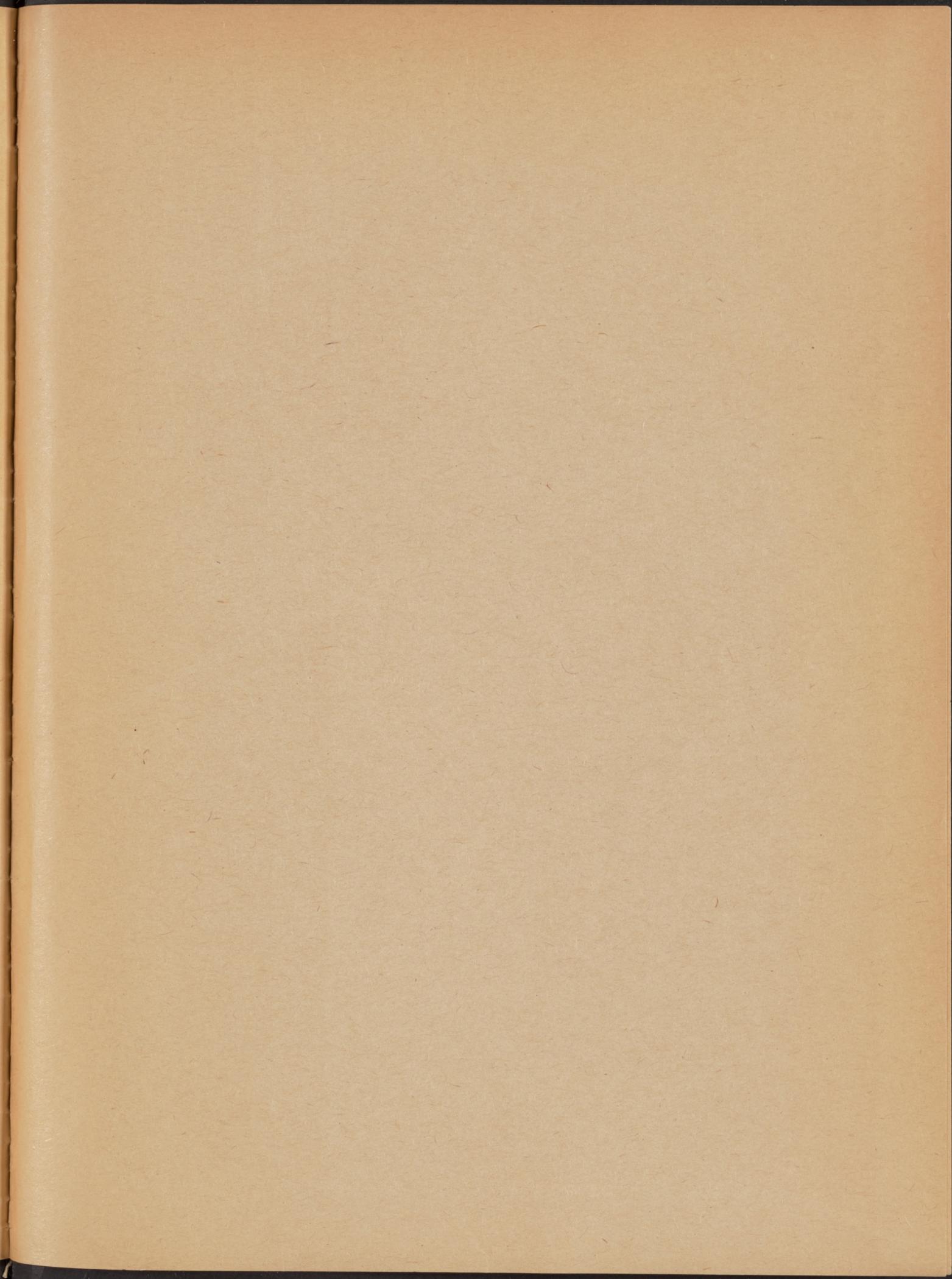
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