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UNITED STATES STATUTES AT LARGE

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Lists all prior laws and other Federal instruments which were amended, repealed, or otherwise affected by the provisions of public laws enacted during the years 1956-1960. Includes index of popular name acts affected in Volumes 70-74.

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Rules and Regulations

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER G—PROCUREMENT

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

This subchapter is amended in detail as set forth below:

PART 590—GENERAL PROVISIONS

1. Subparts B, C, D, E, and F are revised, Subpart G is revoked, Subparts I and J are revised, Subpart K is revoked, and Subpart L is revised, as follows:

Subpart B—Definition of Terms

Sec.	
590.201	Definitions.
590.201-50	Chief officer responsible for procurement.
590.201-51	Ordering officer.
590.201-52	Breakout procedure.
590.201-53	Purchasing office.
590.201-54	Overseas area.

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590.302-50	Integration of current procurement with mobilization planning.
590.302-51	Procurement during national emergency.
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590.350	Advance procurement planning.
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590.352	Public release of long-range procurement estimates.
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590.452	Selection and appointment of ordering officers.

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Subpart G—Small Business Concerns [Revoked]

Subpart I—Responsible Prospective Contractors

590.902	General policy.
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Subpart J—Publicizing Procurement Actions

590.1005-5	Authority and delegation (under 44 U.S.C. 324).
590.1005-6	Request for authority to place advertisement.

Subpart K—Qualified Products [Revoked]

Subpart L—Specifications, Plans, and Drawings

590.1202-50	Deviations and waivers.
590.1206	Purchase descriptions.

Subpart B—Definition of Terms

§ 590.201 Definitions.

As used in connection with Army procurement the words and terms defined in this subpart shall have the meanings set forth below, unless the context in which they are used clearly requires a different meaning or a different definition is prescribed for a particular part, section, or paragraph thereof.

§ 590.201-50 Chief officer responsible for procurement.

The term "chief officer responsible for procurement" means the head of procuring activity (§ 1.201-7 of this title).

§ 590.201-51 Ordering officer.

An ordering officer is an individual (military or civilian) operating under the jurisdiction of the Department of the Army who has been appointed an ordering officer in accordance with the

provisions of § 590.452 and who is thereby granted limited, specific authority to place orders under contracts entered into by others and to effect other minor procurement actions as described in § 590.452(c).

§ 590.201-52 Breakout procedure.

The term "breakout procedure" applies to the process whereby a component, subassembly or suitable element of a weapon system or major item of equipment, initially obtained only from the system or major item prime contractor, is procured under a prime contract separate from that under which it was initially procured and which opens the procurement to competition. Objectives of the breakout procedure include reduction in concentration of procurement, increasing competition, and reduction of costs.

§ 590.201-53 Purchasing office.

The term "purchasing office" means any installation or activity, or any division, office, branch, section, unit, or other organizational element of an installation or activity within the Department of the Army (including post, camp, or station), charged with the functions of buying, purchasing, or contracting for supplies or services. The term "purchasing activity" shall be interpreted to mean "purchasing office."

§ 590.201-54 Overseas area.

The term "overseas area" when applied to a procuring activity means a procuring activity in Alaska, the Caribbean, Europe, Hawaii, or Japan.

Subpart C—General Policies

§ 590.302-2 Sources outside the Government.

In procurements where sanitation is a significant factor the following provisions implement § 1.302-2 of this title. Procurement of foods of animal origin (including meat and meat food products, poultry and poultry products, milk and dairy products, fish and fishery food products, fats and cooking oils, and game) and food supplies of which foods of animal origin form a significant part, shall be made only from those sources which are approved with respect to sanitation in accordance with standards and procedures prescribed in AR 40-657.

§ 590.302-50 Integration of current procurement with mobilization planning.

(a) Defense Mobilization Order DMO VII-7, as amended, contains the following statement of policy with respect to current procurement in maintaining the mobilization base:

a. Procurement agencies shall integrate current procurement with their industrial mobilization plans to the greatest possible extent with the objective of supporting the mobilization base within authorities and funds available.

b. Data assembled on essential mobilization suppliers by the industrial mobilization planning of these agencies shall be used in planning current procurement. The policy of using contractors and facilities essential to the mobilization base is considered to be in the best interest of the Government. Suppliers that are deemed to be part of the mobilization base normally will be invited to participate in appropriate current procurement.

(b) DOD Directive 3005.3 requires that a review be made of proposed procurement of items meeting the criteria of the Master Urgency Planning List and that responsibility for such review be maintained at the level of the Procurement Secretaries or their authorized designees. The Commanding General, U.S. Army Materiel Command, is designated to monitor the overall review assignment of items for review; each head of procuring activity subordinate to Headquarters, U.S. Army Materiel Command, is appointed an authorized designee of the Assistant Secretary of the Army (Installations and Logistics) for the purpose of reviewing those items meeting the criteria of the Master Urgency Planning List for which his procuring activity has been assigned procurement responsibility. A head of procuring activity may designate a senior officer of his headquarters staff responsible for procurement or a chief of purchasing office to perform the review required by DOD Directive 3005.3. The review shall take into consideration the following factors:

- (1) Maintaining multiple sources of supply;
- (2) Geographic dispersal;
- (3) Avoidance of undue concentration of contracts in a few leading suppliers;
- (4) Multiple awards;
- (5) Preservation of essential skilled labor forces;
- (6) Utilization of existing open industrial capacity;
- (7) Preservation of essential management organization and "know-how";
- (8) Maximum subcontracting; and
- (9) Any other factors relevant to maintaining a sound mobilization base, including the utilization of small business concerns to the maximum extent practicable.

§ 590.302-51 Procurement during national emergency.

Department of the Army policies with respect to procurement by formal advertising or by negotiation are set forth in §§ 1.300 and 2.102 of this title and § 591.102 of this chapter respectively. All procuring activities and agencies will give particular attention to the following factors in effecting procurement.

- (a) Placement of contracts with a view to economies in the use of transportation facilities;
- (b) Greatest possible integration of current procurement contracts with the industrial mobilization program and the accepted schedules of production;
- (c) Utilization of manpower in areas of substantial labor surplus and distressed industries;
- (d) Utilization of existing open industrial capacity to the maximum. Expansion of facilities should not be authorized when open capacity can be

found. Whenever time permits, and in order to broaden the production base, additional contractors should be utilized in lieu of multishift or overtime operation;

(e) Equitable distribution of procurement contracts among the maximum number of competent suppliers;

(f) Utilization in negotiation of competition and multiple awards, whenever possible;

(g) Aggressive encouragement or requirement of subcontracting by prime contractors;

(h) Provision of maximum incentive to the producer for the reduction of his costs;

(i) Fulllest possible use of small business concerns; and

(j) Reservation of special skills and abilities for the more difficult production tasks.

§ 590.307 Priorities, allocations, and allotments.

See AR 715-5.

§ 590.307-2 Required use of priorities, allocations, and allotments clause.

Reference is made to Priorities and Allocations Manual 2-4.1 pertaining to requirements type contracts. A single rating (either C 3 or C 9) will be assigned to requirements type contracts.

§ 590.308 Record of contract actions.

This section establishes a system for the organization of the contract file data, listed in § 1.308 of this title, which will facilitate locating any particular document with the least practicable delay and specifically incorporates into the contract file certain additional data not listed in § 1.308 of this title.

(a) *Section A—Preamble Section.* This section of the contract file consists of the items listed in § 1.308(b)(1) through (14) and (16) of this title.

(b) *Contract Administration File—*

(1) *Section B—Contract Section.* (i) Contract (signed number) including any letter contract;

(ii) Contract modifications in numerical sequence, a single numerical series will be used for change orders and supplemental agreements;

(iii) Bonds, except Bid Bond;

(iv) Insurance policies or certificates of insurance which apply to operations under several contracts, shall be filed with one contract and a cross reference placed in all other applicable contract files;

(v) Copy of Individual Procurement Action Report (DD Form 350);

(vi) Information regarding royalties;

(vii) Contractor's Statement of Contingent Fees;

(viii) Neutrality Act certification of registration;

(ix) Priority data and Controlled Materials Plan data;

(x) Price adjustment data, including contractors' proposals, price analyst recommendations, audit reports and negotiation reports;

(xi) Waivers;

(xii) Information and data appropriate for renegotiation purposes (§ 1.319 of this title) if applicable to the contract; and

(xiii) Any other documents and correspondence not covered by above items which properly belong in this section.

(2) *Section C—Property Section.* (Separate file sections may be maintained for Government-furnished property and for property delivered under the contract.)

(i) End item delivery date, i.e., Material Inspection and Receiving Report—or other shipping documents with recapitulation and storage data as appropriate (item 303.3, § 30.2 of this title and § 602.1711-1 of this chapter);

(ii) Subsidiary inspection documents such as Lot No. reports, technical data, report of sub-lot inspection, etc.;

(iii) Inspection requisitions and correspondence from other purchasing offices relating to inspection;

(iv) Other inspection correspondence;

(v) Statement as to quality of contractor's product;

(vi) Bills of lading;

(vii) Report of Survey (incident to shipment) and other instruments affecting relief of responsibility for Government property (item 402, § 30.2 of this title and § 602.1715 of this chapter);

(viii) Copy of contracting officer's written determination and findings concerning loss, damage, shortage, or destruction of contract items or of Government property used, including excess consumption (items 402.1(v) and 402.2(a), § 30.2 of this title and § 602.1715 of this chapter);

(ix) Property disposal data (Subpart E, Part 8 of this title);

(x) Property correspondence in chronological order or sufficiently indexed for ready reference;

(xi) Those records set forth §§ 30.2 or 30.3 of this title necessary for effective property control (§ 602.1711-1) of this chapter, where the Government maintains the official property control records under the deviation authority contained in item 301(a), § 30.2 or item 207.1, § 30.3 of this title;

(xii) Contractor's written receipt for Government-furnished property (item 303.1(c), § 30.2 of this title);

(xiii) Appropriate data in connection with contractor acquired facilities (§ 602.1711-1(b)(3) of this chapter);

(xiv) All other records required to be maintained by § 30.2 or 30.3 of this title.

(3) *Section D—Fiscal Section.* (i) Invoices and vouchers;

(ii) Other documents relating to payments; and

(iii) Documents and correspondence relating to financial assistance to contractor.

(4) *Section E—Termination Section.*

(i) Notice of termination;

(ii) Contractor's settlement proposal;

(iii) Auditor's report;

(iv) Price analyst's report;

(v) Inventory schedule;

(vi) Storage or layaway agreement;

(vii) All termination correspondence;

(viii) Negotiator's report;

(ix) Property disposal; and

(x) If termination for default, (a) copy of contracting officer's findings,

(b) summary of initial action taken to buy against, and all subsequent actions on appeals taken, if any;

(5) *Section F—Renegotiation Data.*

- (i) Efficiency of contractor;
- (ii) Reasonableness of costs and profits;
- (iii) Capital employed;
- (iv) Extend of risk assumed;
- (v) Contribution to the national security; and
- (vi) Character of business.

(c) *Review of contract files.* The contracting officer is responsible for making a complete review of the contract files prior to retirement or disposal. The purpose of the review shall be to insure that all contractual actions have been completed prior to retirement or disposal of the contract files pursuant to applicable paragraphs of AR 345-210. In addition, the review shall insure that such file is documented in accordance with this section and AR 345-210.

§ 590.310 Liquidated damages.

Where a contractor's application for remission of liquidated damages is to be processed to the Comptroller General, pursuant to § 1.310(d) of this title, appropriate action will be taken in accordance with the procedures prescribed in § 591.451 of this chapter, except that:

(a) In the event that all alternative remedial actions available to the contractor under the contract *have not been exhausted* (e.g., unresolved claims for extensions of delivery schedules), the administrative report and the contracting officer's statement required by § 591.451(a) of this chapter will identify the alternatives and state the actions being taken.

(b) In the event that all alternative remedial actions available to the contractor under the contract have been exhausted, the administrative report and the contracting officer's statement will include information as to the reasonableness of the rate of assessment of liquidated damages, in relation to the total contract price, and a summary of the actions taken to mitigate the assessment of the damages.

(c) Each letter forwarded to the Comptroller General in accordance with § 591.451(b)(2) of this chapter will include a brief summary of the information required by paragraph (a) or (b) of this section. In addition, the head of procuring activity shall submit a proposed letter of transmittal to the Comptroller General for the signature of the Assistant Secretary of the Army (Installations and Logistics), containing a recommendation as to whether the contractor's application should be granted or denied.

§ 590.350 Advance procurement planning.

(a) Advance procurement planning will be accomplished on all procurements. The scope of such planning will vary with the complexity and dollar value of the item. Such planning will be coordinated and will consider the following procurement aspects, where applicable: Development, production, future requirements, engineering, programming, fiscal, legal, and contracting. This planning must be accomplished in order that procurement actions comply

with the policy set forth in § 1.300-1 of this title, which provides that procurements will be made on a competitive basis to the maximum practicable extent.

(b) Each head of procuring activity is responsible for the accomplishment of advance procurement planning. One of the primary purposes shall be to achieve competition in procurement whenever feasible. Another basic objective of such planning is to develop Requests for Proposals, Invitations for Bids, and contracts which are expressed in concise, intelligible, and consistent language. Drawing must be consistent with specifications; standards and specifications incorporated by reference must be kept to a minimum; and references to standard specifications having no significance must be eliminated. When a "brand name or equal" specification is necessary, genuine effort will be made to name in the specification several brand names considered to be equal. Requirements personnel shall be directed to accommodate their efforts to the realities of procurement procedures and policies; e.g., they shall not include in special provisions or specifications subject matter or clauses which cover the same ground as prescribed general provisions or conflict therewith; they shall not, without meticulous justification, use restrictive specifications; they shall make every effort to insure that the requirements as described in the contract are complete and unambiguous. Required planning shall include analysis and thinking through all stages of the procurement up to and including contract completion. Development contracts shall be examined by qualified technical personnel for feasibility of obtaining definitive specifications on components as to which design is stable and for which future procurement is contemplated. Incentive contracts shall be analyzed for all possible "break-even" points, for ambiguities in terminology, requirements, or target descriptions, and for combinations of possibilities under any multiple incentives which could result in an undesirable end product or an exorbitant profit. Such planning shall provide for the following as appropriate:

(1) Establishment of time-phased objectives in the integrated procurement plan so that periodic review, including a review of each item in the Army Materiel Control Program to determine the adequacy and availability of the procurement data package, is accomplished and appropriate adjustments made;

(2) Review of proprietary items incorporated in the design to substitute wherever practicable standard items or items already in the supply system which will provide adequate performance characteristics consistent with other design requirements;

(3) Inclusion of the following provisions (subject to the provisions of Subpart B, Part 9 of this title) in development or in production contracts that include requirements for production engineering of items for quantity production:

(i) Requirements for preparation of data suitable for competitive procurement in sufficient detail as to kinds,

types, and forms; legibility; completeness; and conformance to items actually produced, so as to insure practicability of enforcement;

(ii) Requirements for use of standard components and other components in existence or for which nonproprietary documentation already exists;

(iii) Requirements that the contractor avoid use of proprietary items or data except when essential for operational safety and reliability of equipment;

(iv) Requirements for submission of newly designed items and proprietary items with appropriate justification for their use to specified locations for screening by the Government;

(v) Quality assurance provisions that require inspection of data for conformance to the data requirements specified, including, as appropriate, sampling plans, acceptable quality levels, and classification of defects;

(vi) Definition of place and time of acceptance of data, including requirements for submission of evidence that unacceptable drawings have been corrected, and certification by the contractor that, to the best of his knowledge and belief, the data accurately depicts the items manufactured;

(vii) Requirements for the contractor to establish and maintain an effective system of control to assure conformance to data requirements, and to submit his plan for accomplishment to the contracting officer for information; and

(viii) When appropriate, provisions for selection of random data for detailed analysis by Government engineering personnel for compliance with specified requirements and comparison with items produced, and provisions for correction by the contractor for inadequacies found;

(4) Provision by the head of procuring activity, for the purpose of assuring adequate and timely preparation of data by contractors for use in competitive procurement, to—

(i) Provide for continuous guidance to contractors and review of data during the period of its development by technical personnel and inspectors to insure understanding and compliance with contract requirements;

(ii) Screen newly developed components and proprietary data submitted by contractors and substitute standard components, components already in existence, or components already documented whenever practicable (items or components claimed by contractors to be proprietary without justification or proof will be challenged with the assistance and guidance of the procuring activity's legal staff);

(iii) Perform timely administrative followup to insure scheduled delivery dates for data are met; and

(iv) When feasible, perform verification inspection prior to final acceptance of data, utilizing inspection records of contractors to the maximum practical extent, to insure compliance with contract requirements;

(5) Establishment of realistic administrative and production leadtime to permit competitive solicitation, negotiation, analysis, and award schedules for orderly and efficient production;

(6) Provision to insure that the first production contract includes a requirement for changes to the engineering drawings furnished under the research and development contract to reflect production practices and the item actually being produced, unless previously accomplished under advance production engineering. This provision will result in a set of Class I or II (MIL-D-70327) production drawings which will include all data developed under the research and development contract and will form the basis for subsequent competitive procurements. To insure the use of these production drawings for manufacture, inspection, and reprourement, a set of the drawings shall be delivered no later than at completion of delivery of production items under the initial production contract, and preferably concurrently with the initial submission of the production items for acceptance;

(7) Breakout and competitive procurement of components of weapon systems and other complex items without compromise of system performance, safety, or reliability, and with due regard to stability of design, density of the item, and any additional facilities required; and

(8) Dissemination of information regarding availability of procurement data adequate for competitive procurement (see § 591.201-50(b) of this chapter).

§ 590.351 Advance procurement planning during the research and development phase.

The following actions shall be taken in planning during the research and development phase:

(a) Review and analysis of items of equipment proposed for development to ascertain density of potential use, estimated dollar value, and degree of complexity shall be made.

(b) Each procuring activity shall screen items of low density, high dollar value, and technical complexity in order to factually establish the necessity or lack thereof for sole source procurement which may be required from either an engineering or supply viewpoint. If the necessity for future sole source procurement because of proprietary considerations appears probable, such basis shall be documented with statements by responsible engineering and supply personnel. Facts established by the review under this paragraph shall be forwarded to the contracting officer when procurement action is initiated.

(c) Low density items of high dollar value and technical complexity shall be screened prior to the first production contract for possible breakout of components. To provide competitive procurement data at the earliest possible time, priority of review of production drawings shall be afforded those items which are deemed susceptible to breakout.

(d) All other end items of equipment shall be deemed candidates for competitive procurement.

(e) Consideration shall be given to the production leadtime necessary to enable subsequent procurements to be effected competitively inasmuch as proposed

schedules for submission of the procurement data package may be affected.

§ 590.352 Public release of long-range procurement estimates.

Public announcement of unclassified, long range (minimum 9 months) procurement estimates on certain items or groups of items or materials may assist industry in planning production better to serve the requirements of the Department of the Army.

(a) Such public release of long-range procurement estimates may be made by a Head of Procuring Activity or a senior officer of his headquarters assigned to procurement upon his determination that—

(1) The information to be released will actually assist industry in its planning and facilitate meeting the procurement requirements of the Department of the Army;

(2) The announcement will not adversely affect procurement of the Department of the Army requirements by encouraging such malpractices as attempts to corner the market or the hoarding of industrial materials; and

(3) The information to be released will not indicate the extent of industrial mobilization of the industry as a whole or its potential mobilization.

(b) The procedures set forth in this paragraph will be followed in the preparation and issuance of long-range procurement estimates:

(1) The head of procuring activity concerned will be responsible for the determination of the need for, and the preparation of, the proposed announcements;

(2) Only unclassified information will be released;

(3) The information will be publicized as widely as possible, consistent with the needs of the individual case, and will be so released as to reach all potential suppliers as nearly simultaneously as possible;

(4) In each release a statement will be made that the forecast is based on the best information available at the time of publication, but is always subject to modification;

(5) Each release will contain information as to the names and addresses of the purchasing offices that should be contacted by prospective suppliers regarding the forthcoming procurements;

(6) Major modifications in the original announced estimate will be publicized as expeditiously as possible and in the same manner as the original; and

(7) Proposed announcements will be coordinated with the Chief of Information, Department of the Army.

§ 590.353 Manpower policy in placing procurement.

(a) *Procurement in areas of substantial labor surplus.* To the extent practicable, procurement shall be placed in labor market areas having substantial labor surplus. See Subpart H, Part 1, of this title, for applicable policies and procedures.

(b) *Labor market areas.* (1) Contracting officers are responsible for utilizing the Department of Labor list entitled "Areas of Substantial Labor Sur-

plus" and the bimonthly publication "Area Labor Market Trends" to determine classification of labor areas. These publications may be obtained from the Bureau of Employment Security, United States Department of Labor, Washington 25, D.C.

(2) Contracting officers shall secure additional detailed manpower information as necessary (e.g., to determine whether there is an adequate labor supply in market areas in addition to the designated areas) direct from the United States Department of Labor and from the local State Employment Service Office.

§ 590.354 Administrative and managerial services.

Department of the Army contracts shall not be placed for the performance of clerical, administrative, or managerial functions which are normally performed by regular employees of the Government and which by their nature require the exercise of discretion, independence of judgment, decision, or direction, by an official of the Government.

§ 590.355 Scheduling of production of newly developed items and production from new producers.

When contracting for the production of newly developed items, or when contracting for production from new untried producers, deliveries will be scheduled so that large quantities will not be produced prior to the completion of essential confirmatory tests. Contracts may specify that the contractor will control his inventories and other commitments during early production stages so as to permit adequate acceptability tests before incurring heavy expenditures. In order to prevent delays in deliveries, the schedule for the testing of the items and the quantity of items to be tested shall be established prior to the placement of the contract.

§ 590.356 Special factors to be considered in evaluating bids or proposals.

Each invitation for bids or request for proposals shall clearly state those factors which the Government will consider in evaluating such bids or proposals. Where such factors are based upon a point evaluation system the invitation for bids or request for proposals shall contain a summation of the relative importance to be attached to each evaluation factor.

§ 590.357 Extension of contracts.

(a) *General.* Contracts should not be extended or renewed by option or otherwise for protracted periods of time, thus eliminating competition and perpetuating the use of outmoded clauses, terms, and conditions. Contracts involving successive procurements or continuing services should normally be closed out after not more than two extensions of the basic contract. An entirely new contract should be awarded for subsequent procurement of the item or service if further procurement is justified. Nothing in this section shall be construed as (1) authorizing the negotiation of any contract, (2) eliminating any requirement for approvals, or (3) constituting an

exception from any limitation on the use of funds.

(b) *Approval required*—(1) *First or second extension.* The contracting officer may enter into one or two extensions of a basic contract if he considers the action necessary. Written justification supporting this action shall be made a part of the contract file.

(2) *Third or fourth extension.* A third or fourth extension beyond the term of the basic contract shall be made only with the advance written approval of the head of procuring activity. When the contracting officer desires such an extension, the request for approval shall contain a complete justification. To permit timely action, the request must be submitted to reach the head of procuring activity three months prior to the expiration date of the contract.

(3) *Extension beyond fourth.* Extension of the basic contract subsequent to the fourth shall be made only with the advance written approval of (i) the Commanding General, Deputy Commanding General, or the Director of Procurement and Production of the U.S. Army Materiel Command for all activities of that Command, or (ii) the Director of Procurement, OASA (I&L), for all other activities. Requests for approval to take such action shall be submitted to reach the appropriate addressee at least three months prior to the expiration of the previously approved extension date of the contract and shall contain a complete justification.

(c) *Justification.* A complete justification, including specific details, must be shown for each contract extension. Justifications may include but are not limited to such items as—

(1) Excessive burden to renumber Government property records;

(2) Increased costs or delay in production required to establish a new contract;

(3) Increased costs due to elimination of special concessions or other problems peculiar to a new contract;

(4) Substantial financial interests of the Government in severable and non-severable facilities that are not readily transferable to another contractor; and

(5) Relatively small quantity remaining to be produced so that the entire contract can be completed within six months.

(d) *Exceptions.* The approval requirements of paragraph (b) of this section do not apply to the following types of contracts which may normally extend for longer periods of time. The contracting officer shall, however, place written justification in the contract file, fully supporting the continuation of these contracts beyond five years.

- (1) Basic Agreements,
- (2) Facilities Contracts,
- (3) Government-Owned Contractor Operated (GOCO) Ammunition Plants,
- (4) Layaway Contracts,
- (5) Leases,
- (6) Production Engineering Contracts,
- (7) Research and Development Contracts,
- (8) Utility Contracts, and

(9) Corps of Engineers Contracts for Title Evidence.

§ 590.358 Warranty or guarantee provisions.

(a) *Policy.* The Department of the Army generally considers the use of warranty provisions in contracts for procurement of supplies or services to be uneconomical and therefore not in the best interest of the Government. On the other hand, in procurements where the use of such clauses is the custom of the trade or where it can be demonstrated that use of the clause is not uneconomical, it may be used if written justification is placed in the contract file. In other cases warranty clauses may be used in either an individual procurement or in a class of procurements if authorized by the head of procuring activity.

(b) *Factors for consideration prior to authorization.* A head of procuring activity shall consider the following factors in formulating appropriate instructions governing the use of warranty clauses:

(1) The cost of the warranty;

(2) The cost and difficulty of administering the warranty;

(3) The ability of the Army elements using the item to take advantage of the warranty;

(4) The nature of the item (i.e., commercial, semi-military, or military) depending on the origin and control of the design used;

(5) The use of commercial components susceptible to warranty, in semi-military or military items;

(6) The coverage of proposed warranties (i.e., in terms of material or components only or in terms of labor and materials);

(7) Possible effect on the applicable inspection or quality assurance action under the contract; and

(8) Customary trade practices.

(c) *Procedural considerations.* In providing for the use of warranty clauses the head of Procuring Activity shall assure—

(1) That in no event will any warranty clause be written in such a way as to weaken the latent defects provisions of the standard "Inspection" clause;

(2) That any requirement for warranty provisions to be included in bids be expressly stated in the Invitation for Bids; and

(3) That if warranties are to be used in negotiated procurements, the requirement be included in the Request for Proposals or be the object of consideration in negotiations.

§ 590.359 Limitations on purchase and maintenance of motor vehicles or aircraft.

Section 16 of the Act approved August 2, 1946, as amended (5 U.S.C. 78, 78a, and 78a-1) restricts the purchase or hire of passenger motor vehicles or aircraft and their maintenance, operation, and repair.

Subpart D—Procurement Responsibility and Authority

§ 590.401 Responsibility of each procuring activity.

(a) Each head of procuring activity is responsible for insuring that pur-

chases are made in accordance with applicable regulations only by duly authorized contracting officers or by duly designated ordering officers. See §§ 590.402, 590.450, and 590.452.

(b) Authority conferred upon a head of procuring activity under Subchapter A, Chapter 1 of this title, this subchapter, or delegation from higher authority may be withheld or limited to the extent deemed appropriate by the Commanding General, U.S. Army Materiel Command or the Commanding General, U.S. Continental Army Command in the exercise of command prerogatives.

(c) The Director of Procurement and Production, U.S. Army Materiel Command shall exercise the functions of Head of Procuring Activity for—

- (1) U.S. Army Research Office, and
- (2) U.S. Military Academy.

(d) The Commanding General, Military District of Washington, U.S. Army, shall exercise the functions of Head of Procuring Activity for—

- (1) Office of The Adjutant General,
- (2) National Board for the Promotion of Rifle Practice,
- (3) Industrial College of the Armed Forces,

- (4) The National War College,
- (5) The Judge Advocate General School, and

- (6) Office of the Chief of Finance.

(e) Any purchasing activity not under the jurisdiction of a head of procuring activity shall notify the Director of Procurement, OASA (I&L) (see § 590.150(b) (6)), who shall designate an appropriate head of procuring activity or take other appropriate action.

§ 590.402 General authority of contracting officers.

(a) Subject to any limitation in the orders or other instrument designating an individual as a contracting officer, a properly designated contracting officer is granted all authority conferred by law, Subchapter A, Chapter I of this title, this subchapter, and procuring activity instructions.

(b) A contracting officer is responsible for knowing and observing the scope and limitations of his authority and may not exceed such authority.

(c) A contracting officer may enter into, amend, modify, and take other action with respect to contracts, provided

(1) approval of award has been obtained if approval is required and the contract embodies the award as approved, (2) the contract is written (on a standard or approved form if such form is prescribed), (3) the contract is authorized by law and complies with the provisions of Subchapter A, Chapter I of this title and this subchapter, with respect to the use of contract clauses and does not contain any clause or involve matters in conflict with the established policy of higher authority and, (4) complies with all other requirements of law, Subchapter A, Chapter I of this title, this subchapter, and the applicable procuring activity instructions.

(d) A contracting officer shall personally sign all contracts and modifications entered into by him. The authority cannot be delegated except insofar as specifically permitted by § 590.451. The

signing of contractual documents may not be accomplished by facsimile stamps or by proxy, except as provided in § 590.403(b).

(e) A contracting officer must assure himself that the contract is authorized by law and that funds are available (§ 590.403(a)).

(f) A contracting officer has primary responsibility for—

(1) The execution and administration of contracts;

(2) Safeguarding the interests of the United States in contractual relationships;

(3) Determining facts relating to contracts, where necessary;

(4) Maintaining vigilance to assure that contractors fully comply with the terms of contracts;

(5) The legal, technical, and administrative sufficiency of any contract which he executes. He should secure legal and other technical advice through established channels.

(g) A contracting officer has authority, when it is in the best interest of the Government to do so, to consider a contract completed even though an inconsequential quantity of items or services called for by the contract has not been delivered. This authority may be exercised only when—

(1) Payment is provided for on a unit price or other severable basis and no further performance is contemplated;

(2) Payment is made only for the performance actually rendered;

(3) The undelivered portion is inconsequential and the cost of effecting a formal contract modification (including but not limited to taking termination action) is excessive in relation to the benefits to the Government from such action; and

(4) The contracting officer makes a statement in writing, setting forth data identifying the contract, describing the circumstances to show clearly that the criteria above have been met, and stating that the contract is considered completed. This statement shall be distributed to the contract files, the contractor, the appropriate finance officer, and to any other appropriate Government office (e.g., consignee, inspector, etc.). This statement is not necessary where quantities delivered fall within variations permitted by the contract terms.

§ 590.403 Requirements to be met before entering into contracts.

(a) *Availability of funds.* Prior to the execution of any contract, the contracting officer shall assure that sufficient funds are available to effect the procurement and shall include a citation of the funds to be charged together with such assurance as a part of the contract file. Each contract, purchase order, and delivery order shall reflect the complete accounting classification. (See AR 37-21, 37-42, and 37-102.)

(b) *Contracting officer's signature.* In the case of formal advertising, the personal signature of the contracting officer on the award and communication of a notice of award to the successful bidder creates a binding agreement. In the case of negotiated contracts, the con-

tracting officer shall personally sign on behalf of the United States after the contractor has signed, except where otherwise required by the particular contract form or by the circumstances of the procurement. The contracting officer's rank or title shall be indicated. Proxy and facsimile signatures shall not be used, except in the case of a DD Form 1155 used as a purchase order in an amount not to exceed \$2,500 where reproducible masters are authorized or manifold forms containing interleaved carbon copies are used. In the latter case the contracting officer need sign only the reproducible master or the original of the manifold. Each other copy intended to function as an original shall be marked "Duplicate Original," and the signature thereon shall have the same force and effect as a pen and ink signature.

(c) *Signature by agents of contractors.* Contracts executed on behalf of contractors by agents shall be executed in the name of the principal and must be accompanied by evidence, satisfactory to the contracting officer, of the agent's authority.

(d) *Contracts with corporations.* Contracts with a corporation shall be executed in the official corporate name of the contractor. The amount and type of evidence to be required to determine the authority of a particular corporate officer to bind a corporation is for administrative determination by the contracting officer, who shall obtain legal advice as appropriate. Unless called for on a prescribed form, the contracting officer need not require that corporations execute a certificate provided he obtains other evidence which satisfactorily shows that the agent is empowered to bind the corporation. Where a corporate certificate is not called for on a prescribed form, but is otherwise considered necessary or desirable, it may be executed on a separate sheet, identified by contract number, and placed in the contract file.

(e) *Contracts with partnerships.* Contracts entered into with partnerships shall be executed in the partnership name and shall enumerate the names of all the partners. The contract need be signed by only one partner provided the authority of the particular partner effectively to bind the partnership has been established. The amount and type of evidence to be required to determine the authority of a particular partner to bind a partnership is for administrative determination by the contracting officer, who shall obtain legal advice as appropriate.

(f) *Contracts and awards subject to approval.* Where a contract or an award of a contract is subject to approval by an authority at a level higher than the contracting officer, no such contract shall be entered into by a contracting officer until such approval has been obtained. If approval of a contract, modification, or change order by any officer or official of the Department of the Army other than the contracting officer is required, (1) the "Approval of Contract" clause set forth in § 7.105-2 of this title will be included, (2) all changes and

deletions will have been made before such approval is requested, and (3) the contract, modification, or change order is not binding on the Government until so approved, even though signed by the contractor and the contracting officer.

(g) *Date of signature.* Where a signature is required on a contract, agreement, orders requiring acceptance, amendments, or similar instruments in order to constitute a valid agreement in writing sufficient to support the recording of a fund obligation, the signature shall be affixed prior to the expiration of the period for obligation of the appropriation involved. The actual date of the signing shall be placed adjacent to the signature. However, the date of execution of a notice of award or letter contract shall be the date of obligation notwithstanding that a definitive contract may be issued thereafter. (See AR 37-21.)

§ 590.403-50 Legal review.

Legal advice and assistance of a staff judge advocate or other legal counsel will be obtained in the preparation and use of clauses other than standard clauses which are to be contained in invitations for bids and requests for proposals. In each solicitation for bids and proposals which will result in a contract exceeding \$100,000, each invitation for bids and request for proposals shall be reviewed for legal sufficiency by a staff judge advocate or other legal counsel prior to issuance by the contracting officer. In addition, each solicitation for bids or proposals, which will result in a contract over \$10,000 but not over \$100,000 also shall be subject to legal review to the maximum extent possible consistent with the availability of legal services. As warranted by the situation, legal advice and assistance shall be obtained from the command judge advocate or other legal counsel as to the legal aspects of contracts. Each head of procuring activity shall insure that such advice and assistance are available to the procurement personnel at the headquarters of the procuring activity when not available at the field level.

§ 590.450 Selection and appointment of contracting officers.

(a) *Appointing authority.* Contracting officers shall be designated by the persons listed below, or by persons who are authorized by the persons listed in subparagraph (1), (2), or (3) of this paragraph to designate contracting officers.

(1) The Secretary of the Army.
(2) The Under Secretary of the Army or the Assistant Secretary of the Army (Installations and Logistics).

(3) The Director of Procurement, OASA (I&L).

(4) A head of procuring activity, his deputy, or a principal assistant in the headquarters office responsible for procurement. (See § 1.201-7 of this title).

(5) Attachés.

(6) Chiefs of foreign missions (Army).

(7) Chiefs of Department of the Army sections of any joint military mission not operating under the jurisdiction of a major oversea command.

(8) Superintendent, United States Military Academy.

(9) Such others as may be specifically designated in writing from time to time.

The officials designated in subparagraphs (4) through (8) of this paragraph will exercise this authority without power of redelegation. The number of contracting officers designated in any purchasing office shall be kept to a minimum essential to efficient operation. Subject to the availability of funds and to compliance with subchapter A, chapter I of this title, this subchapter, and other pertinent procurement directives, authority is hereby delegated to the officials set forth in subparagraphs (5) through (9) of this paragraph, to make necessary procurement of supplies and services required to carry out their functions.

(b) *Selection.* The following shall be considered as required qualifications of individuals to be designated as contracting officers:

(1) Successful completion of the Procurement Management Course, Army Logistics Management Center, Fort Lee, Va., or equivalent training and experience;

(2) Evidence of business acumen and ability to exercise mature judgment;

(3) High standards of character, reputation, and business ethics;

(4) Desirable personality traits; and

(5) Previous on-the-job training in a purchasing office.

(c) *Evaluation.* The following general guidelines shall be used in evaluating equivalent training referred to in paragraph (b) (1) of this section:

(1) Knowledge of Government contract law,

(2) Familiarity with the preparation of contracts and purchase orders,

(3) Thorough knowledge of subchapter A, chapter I of this title, this subchapter, and other procurement regulations; and

(4) Ability to analyze, interpret, and evaluate the factors involved in the determination of reasonable price.

In evaluating an individual's training on the basis of the above general guidelines, consideration shall be given to the type of procurements to be made by the individual, i.e., formal advertising or negotiation, and the magnitude and complexity of procurements. For example, satisfactory completion of the basic procurement course, conducted at Fort Lee, Va., or equivalent training, should normally provide an individual sufficient training to qualify him for appointment as a contracting officer at a post, camp, or station, or for similar type duties.

(d) *Surveillance.* In view of the high degree of individual responsibility and authority vested in a contracting officer, care shall be exercised to insure that only well qualified individuals are appointed and retained in such positions. Performance of duty by a contracting officer will therefore be kept under close surveillance.

(e) *Appointment.* (1) Each contracting officer shall be designated by name in a written order or instrument signed by the appointing authority, which shall set forth any limitations on his author-

ity. Such designation shall be rescinded in the same manner upon termination of the individual's assignment as contracting officer.

(2) Civilian personnel in grades below GS-12 or military personnel below the grade of major shall not be designated contracting officers with authority to execute a contract in an original amount exceeding \$100,000. Exceptions to this requirement shall be made only in the most unusual cases by an official authorized to appoint a contracting officer. (See paragraph (a) of this section.)

(3) Where a purchasing office does not have a contracting officer of the requisite grade or rank necessary to execute contractual documents involving amounts exceeding \$100,000 such documents should be forwarded to the next higher procurement level for execution by a contracting officer who is qualified and has been designated to execute such documents. The provisions of this section, however, do not prohibit the assignment of administration of such contracts to properly qualified individuals, regardless of their grade or rank.

§ 590.451 Selection and appointment of contracting officers' representatives.

(a) *Designation.* A contracting officer may designate any Government employee (military or civilian), who is appropriately qualified, to act as his authorized representative. A contracting officer's representative may be designated by name and position title; such designation may be by position title only, so long as the designation is unambiguous and understandable to all concerned. A copy of each designation and any change or withdrawal thereof shall be furnished promptly to each contractor concerned. Each designation shall be in writing and shall define the scope and limitations of the authorized representative's authority. Designation of contracting officer's representative will remain in effect throughout the life of the contract unless (1) sooner revoked by the contracting officer having cognizance over the administration of the contract, or (2) revoked by transfer of a contracting officer's representative who has been designated by name and position title. The authority of an individual designated as a representative by position title only is terminated upon his transfer from that position. Copies of designations of contracting officer's representatives will be placed in appropriate contract files (§ 1.308 of this title and § 590.308). Nothing in this section will be construed to require designation as a contracting officer's representative of each individual of an activity responsible for accomplishment of broad functions of contract administration (e.g., engineering evaluation, testing, inspection).

(b) *Authority.* A contracting officer's representative may, if so designated, represent the contracting officer with respect to one or more contracts and may, to the extent not specifically prohibited by the terms of the contract concerned, be authorized to take any or all action thereunder which could be lawfully taken by the contracting officer. In no

event, however, shall an authorized representative, by virtue only of his designation as such, be empowered to execute or agree to any contract or modification thereof; however, the contracting officer may empower his authorized representatives to issue change orders under the "Changes" clause, provided such change orders do not involve a change in unit price, total contract price, quantity, quality, or delivery schedule.

§ 590.452 Selection and appointment of ordering officers.

(a) *Selection.* Individuals selected as ordering officers shall possess the following qualifications: (1) Evidence of business acumen, (2) ability to exercise mature judgment, (3) high standards of character, reputation, and business ethics, (4) desirable personality traits, and (5) a sound working knowledge of Department of the Army small purchase policies and procedures.

(b) *Appointment.* (1) Ordering officers shall be appointed only by (i) persons authorized to appoint contracting officers (§ 590.450) or by contracting officers when authorized by the appointing authority, (ii) by commanders of class I and class II installations having a procurement mission as part of their function, or (iii) by the United States Property and Fiscal Officer of the Army National Guard.

(2) An alternate may be appointed for each ordering officer. He shall have authority to act in the absence of the ordering officer or under other necessary circumstances. Each ordering officer or alternate shall effect purchase actions in his own name, and shall execute documents only under the title "ordering officer."

(3) Letters of appointment substantially in the form set forth in paragraph (f) of this section will state clearly the limitations and authority of individuals appointed as ordering officers. Department of the Army aviators who make purchases as ordering officers in accordance with AR 715-232 do not need letters of appointment as authority to make such purchases but may cite applicable special orders or other authority for flights which make reference to AR 715-232.

(4) The number of ordering officers on class I and class II installations will be kept to a minimum and will not exceed (i) one per supply account, (ii) one per commissary, and (iii) one for each major tenant activity on the installation. Ordering officers may also be appointed for isolated, off-post locations and for other military activities or Government agencies satellited on a Department of the Army purchasing office.

(c) *Authority.* (1) Ordering officers shall be limited to making purchases of \$250 or less and to the use of the following small purchase procedures (§ 592.601 of this chapter): first, Imprest Fund, Standard Form 1165 (Receipt for Cash—Subvoucher), if \$100 or less; second, Standard Form 44 (Purchase Order—Invoice—Voucher); third, Charge Accounts established by contracting officers; fourth, DD Form 1155 (Order for Supplies or Services); and fifth, DD Form

1164 (Service Order for Household Goods) as set forth in subdivision (iii) of this subparagraph. However, purchases in excess of \$250 may be made by ordering officers in the following circumstances:

(i) Commissary ordering officers may make purchases in unlimited dollar amounts against Purchase Notice Agreements published in the SB 10-500-series by signing and using DD Form 1155. Also they may place oral calls or informal requests against charge accounts established by contracting officers, in amounts of not more than \$2,500 for each call or request for brand name resale items, and without dollar limitation for perishable subsistence items;

(ii) Accountable property officers appointed as ordering officers may, subject to availability of funds and approval of the contracting officer concerned, sign and place delivery orders (DD Form 1155) without limitation on dollar amounts against General Services Administration (GSA) stores depots, Federal Supply Schedules, Federal Stock Pile items maintained by the Defense Materials System of GSA, and indefinite delivery type contracts;

(iii) Transportation officers or Transportation and Traffic Management officers may be appointed as ordering officers at installations or activities having (a) assigned area responsibilities under paragraph 1b and appendix I, AR 55-42, or (b) local agreements within the scope of the authority established by paragraph 2c, AR 55-42 to issue service orders (DD Form 1164) estimated to cost \$2,500 or less, subject to the criteria and procedure set forth in AR 55-42 and AR 743-455;

(iv) Department of Army aviators may make purchases in accordance with AR 715-232;

(v) Ordering officers of another military department or other Government agency satellited on a Department of the Army purchasing office may, with the approval of the contracting officer, procure such items as are required to accomplish an assigned mission and may sign and place delivery orders against GSA stores depots and Federal Supply Schedules, and against indefinite delivery type contracts; and

(vi) Subject to the availability of funds and approval of the contracting officer concerned, ordering officers may make purchases without limitation as to dollar amounts against requirement type contracts let by the Defense Petroleum Supply Center.

(2) Except as provided in subparagraph (1) (i) and (ii) of this paragraph, on-post ordering officers are limited to making purchases of supplies and services for the purpose of emergency repairs, repair of deadlined equipment, and nonstocked "fringe items" (AR 711-16) authorized for purchase by AR 715-30.

(3) An individual may be appointed as both the ordering officer and the imprest fund cashier at an isolated or off-post location if it is not feasible to utilize different individuals in each capacity, provided such appointment has been specifically approved by the head of pro-

curing activity concerned. (See AR 37-103-1.)

(d) *Reporting requirements.* (1) The ordering officer shall submit at the beginning of each month information concerning individual purchase transactions completed during the preceding calendar month to the purchasing office to which he is responsible. This information is for consolidation into DD Form 1057 (Monthly Procurement Summary by Purchasing Office). It shall be submitted in such a manner that it may readily be included on DD Form 1057. Appointing authorities shall insure that ordering officers are properly instructed in the preparation and submission of such information.

(2) The ordering officer shall be responsible for preparation, execution, and submission of DD Form 350 (Individual Procurement Action Report). The purchasing office executing the contract under which such orders are placed shall furnish to the ordering officer such information as he will need to complete blocks 7B, 9, 16, 17, 18, 19, 20A, 20B, and 22 and any other information necessary.

(e) *Surveillance.* Installation tenant and on-post ordering officers shall be under the control and technical supervision of the installation purchasing office and will be inspected or reviewed by the contracting officer or his designee at least twice a year. Isolated or off-post ordering officers shall be under the control and technical supervision of the parent installation purchasing office and will be inspected or reviewed at least annually by personnel designated by the parent installation commander. Copies of the inspection findings shall be retained for one year in the file of the ordering office and the supervising purchasing office. Such inspection reports shall include whether ordering officers are—

(1) Purchasing only items authorized to be purchased locally;

(2) Determining reasonableness of prices received;

(3) Rotating purchases amounting to \$250 or less among sources of supply;

(4) Maintaining the standards of conduct as prescribed in AR 600-50, in their dealings with vendors;

(5) Purchasing items on the open market which are required to be purchased from prescribed sources;

(6) Splitting purchase transactions to avoid dollar limitations;

(7) Delegating their responsibility to others; and

(8) Complying with all applicable procurement policies and procedures.

(f) *Sample form of suggested letter for appointing ordering officers.*

(Date)

Subject: Appointment of Ordering Officers

To: (Address to Individual, indicating rank or grade, and section or location)

1. *Appointment.* In accordance with the authority contained in Army Procurement Procedure 1-452 you are appointed an Ordering Officer for the purchase of (indicate category of supplies) effective (insert effective date). You are responsible to and under the technical supervision of the (insert

name of installation) purchasing office for your actions as an ordering officer.

2. *Limitations and Requirements.* Your appointment is subject to the following limitations and requirements, and you will assure that funds have been made available in the estimated amount of the purchase to be made or order to be placed:

a. You may purchase supplies or nonpersonal services of the category stated above by use of Standard Form 44 (Purchase Order—Invoice—Voucher) only when all of the following conditions are satisfied:

(1) The aggregate amount of any one purchase transaction is not in excess of \$----- (insert dollar limitation). Purchases will not be split to avoid this dollar limitation.

(2) The supplies or services are immediately available from the local trade area. Orders will not be placed for future delivery or performance, except against Federal Supply Schedules, General Services Administration stores depots and indefinite delivery type contracts.

(3) One delivery and one payment will be made.

(4) The use of the Standard Form 44 procedure is determined to be more economical and efficient than other small purchase methods.

b. You may purchase supplies or nonpersonal services of the category stated above by use of Standard Form 1165 (Receipt for Cash—Subvoucher) from Imprest Funds only when all of the following conditions are satisfied:

(1) The aggregate amount of the purchase transaction is not in excess of \$100. Purchases will not be split to avoid this dollar limitation.

(2) The supplies or services are immediately available from the local trade area, with cash payment to be made immediately upon pickup or delivery. Orders will not be placed for future delivery or performance, except for C.O.D. shipments and against Federal Supply Schedules and indefinite delivery type contracts.

(3) The purchase does not require detailed technical specifications or technical inspection.

(4) The use of the imprest fund procedure is administratively more economical and efficient than other small purchase methods.

c. Whenever a purchase transaction is in an aggregate amount of \$250 or less, you will insure that the price is fair and reasonable and will rotate purchases among sources of supply.

d. Whenever a purchase transaction is in excess of \$250 you will obtain competition from at least three sources of supply, where available, and will place the order with that source offering the lowest price, and which otherwise meets the purchase requirements as to delivery, quantity, quality, etc.

e. You will purchase only those supplies and services of the category stated above which are authorized to be purchased on the open market. Any doubtful cases will be referred to the contracting officer for determination prior to purchase. The contracting officer will inform you from time to time of supplies and services which are mandatory purchases from prescribed sources.

f. You will comply with the standards of conduct prescribed in AR 600-50, a copy of which will be furnished you by the contracting officer for your retention.

g. At the end of each month and no later than the ----- working day of the following month, you will furnish the purchasing officer named above, information concerning individual purchase transactions which you have made during the month. The format of DD Form 1057 (Monthly Procurement Summary by Purchasing Office) will be used in the submission of such information.

h. You will prepare, execute and submit a DD Form 350 (Individual Procurement Action Report) in accordance with the provisions of Section XVI, Part 9 of ASPR and APP. (See APP 1-452(d).)

NOTE. Paragraph 2 of the letter of appointment should state clearly the forms, i.e., Standard Form 44 (Purchase Order—Invoice—Voucher); Standard Form 1165 (Receipt for Cash—Subvoucher); DD Form 1155 (Order for Supplies or Services); DD Form 1164 (Service Order for Household Goods) and the procedures which the individual is authorized to use in effecting purchases and placing orders.

§ 590.453 Responsibility for contract administration.

(a) Commanders are responsible for administration of contracts under their cognizance in the same manner and to the same degree as any other mission or function assigned to their command. Direct responsibility for execution and administration of a specific contract rests upon the duly appointed contracting officer concerned (§ 590.402(f)). This does not mean that the contracting officer must personally act in each and every matter relating to the administration of contracts although the ultimate responsibility is his. He can properly discharge certain of his responsibilities through designated representatives (items 103.1 and 103.2, § 30.2 of this title, item 103.2, § 30.3 of this title, and § 590.450).

(b) A contracting officer is responsible for the administration of each contract which he executes until the contract file is closed or the contract is transferred by proper authority to another contracting officer for administration. A contracting officer assigned or attached to a particular installation or activity may be authorized to administer any contract under cognizance of that installation or activity.

(c) When the responsibility for administering a contract is transferred from one installation or activity to another, such transfer shall be accomplished by an official exchange of written communications from the transferring installation or activity to the receiving installation or activity. The contract file shall be forwarded along with data pertinent to the contract such as status of funds, payment, and statement indicating the property administrator who will maintain accountability. Appropriate written notification will also be furnished promptly to the contractor. Duplication of matter in the contract file shall be avoided.

(d) The commander of an installation or activity receiving a contract for administration will be responsible for—

(1) Insuring that the receiving contracting officer under his jurisdiction has coordinated with the transferring contracting officer prior to the actual date of transfer as to the effective date and all significant details;

(2) Insuring prompt review of the contract file and, if acceptable, reply by indorsement to that effect to the transferring activity or installation. In the event that the contract file is not acceptable, prompt action will be taken by both the receiving and transferring agencies to resolve discrepancies;

(3) Insuring prompt notification to the contractor of details relating to the change in responsibility for administration of the contract, including information as to name, address, and telephone number of the new contracting officer and others who will assist in administration of the contract; and

(4) Insuring that the contract file is fully documented with respect to the transfer.

(e) The transfer of administration of a contract from one installation to another will not relieve the original contracting officer or other contracting officers who have executed amendments or modifications to the contract from full responsibility for all acts performed by them prior to the transfer (§ 590.402).

Subpart E—Contingent or Other Fees

§ 590.503. Covenant against contingent fees clause.

Every contract for the sale or lease of Government-owned real or personal property shall contain the following modification of the clause in § 7.103-20 of this title:

COVENANT AGAINST CONTINGENT FEES

The Contractor warrants that no person or selling agency has been employed or retained to solicit or secure this contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees or bona fide established commercial or selling agencies maintained by the Contractor for the purpose of securing business. For breach or violation of this warranty the Government shall have the right to annul this contract without liability or in its discretion to require the Contractor to pay, in addition to the contract price or consideration, the full amount of such commission, percentage, brokerage, or contingent fee.

§ 590.508-1 Failure or refusal to furnish Standard Form 119.

If the otherwise successful bidder fails or refuses to furnish a completed form or statement upon request of the contracting officer, the matter will be referred to the head of procuring activity concerned or his duly authorized representatives for instructions.

§ 590.508-2 Misrepresentations or violations of the covenant against contingent fees.

If the contracting officer, after award, believes that the otherwise successful bidder has made misrepresentations or has otherwise acted in a manner inconsistent with the "Covenant Against Contingent Fees" clause, he shall report the matter for determination by the head of procuring activity concerned.

§ 590.508-50 Authority of head of procuring activity.

In any case forwarded by a contracting officer pursuant to this section, the head of procuring activity or his authorized representative shall take one or more of the actions set forth in § 1.508-2 of this title. If the head of procuring activity determines that the matter should be referred to the Department of Justice, he shall prepare and forward a report in accordance with § 590.650.

Subpart F—Debarred, Ineligible, and Suspended Bidders

§ 590.600-50 Authority.

An Assistant Judge Advocate General is the authorized representative of the Assistant Secretary of the Army (Installations and Logistics) to administer the provisions of Subpart F, Part 1 of this title and this subpart.

§ 590.601-3 Joint consolidated list.

The Assistant Secretary of the Army (Installations and Logistics) (Assistant Judge Advocate General) will publish the Joint Consolidated List of debarred, ineligible, and suspended contractors (DA Cir 715-1).

§ 590.601-4 Protection of list.

The Joint Consolidated List shall be marked "For Official Use Only." All reports and correspondence relating to debarment or suspension of contractors or recommendations for such debarment or suspension shall be marked "For Official Use Only," unless information therein warrants a security classification.

§ 590.604-50 Restrictions during period of debarment.

(a) No bids or proposals shall be solicited from and no contracts shall be awarded to any firm or individual during the term of his debarment.

(b) A bid or proposal received from a debarred firm shall be received and recorded. If such a bid or proposal is low (or in the case of surplus or salvage sales, the bid or proposal is high), it will be rejected, and the reason therefor documented in the contract file.

(c) If the head of procuring activity believes that an award to a debarred firm would be in the best interest of the Government, he will furnish complete information of the contemplated procurement, with the reasons requiring such award, to the addressee in § 590.150 (b) (2), for determination.

§ 590.605-3 Restrictions during period of suspension.

(a) *New awards.* (1) No bids or proposals shall be solicited from and no contracts shall be awarded to any firm or individual during the period of his suspension.

(2) A bid or proposal received from a suspended firm shall be received and recorded. If the bid or proposal is low (or in the case of surplus or salvage sales, the bid or proposal is high), it will be rejected, and the reason therefore documented in the contract file.

(3) If the head of procuring activity believes that an award to a suspended firm would be in the best interest of the Government, he will furnish complete information of the contemplated procurement, with the reasons requiring such award, to the addressee in § 590.150 (b) (2) for determination.

(b) *Current contracts.* Administration of current contracts with suspended contractors may be continued at the discretion of the head of procuring activity unless otherwise directed by the Assistant Secretary of the Army (Installations and Logistics) (Assistant Judge Advocate

General). Suspension is a temporary measure pending possible criminal and civil prosecution. Exercise of certain contract rights may have an important effect on the outcome of such prosecution; however, certain of such rights (e.g., recovery for latent defects, actions under warranty clauses, rejection of non-conforming supplies) must be timely taken or such rights may be lost to the Government.

In case of doubt of the advisability or propriety of any such action, the matter should be expeditiously referred, with accompanying recommendations, to the addressee in § 590.150(b) (2).

(c) **Terminations.** Negotiation toward settlement of terminated contracts and subcontracts will cease with the suspension of the contractor. All authorizations granted to such contractor under Part 8 of this title and Part 597 of this chapter, will be revoked immediately. If the contracting officer believes that settlement of a terminated contract or subcontract would be in the best interest of the Government, a recommendation for such action will be made to the addressee in § 590.150(b) (2).

(d) **Payments.** No payments of any type will be made to any suspended contractor. Contracting officers holding or in receipt of invoices covering amounts due to the suspended firm will prepare, process, and certify the necessary accompanying vouchers and forward them to the signed disbursing officer. Contracting officers will insure that, insofar as possible, vouchers are submitted and processed in accordance with these instructions for all completed work. Disbursing officers will promptly forward all properly certified approved vouchers in favor of suspended contractors to the Finance and Accounts Office, U.S. Army, Attn: Chief, Accounts Receivable Section, Accounting Branch, Washington 25, D.C. Where the contracting officer believes that a complete or partial release of withheld funds to the suspended firm is required, he will recommend such action by a full statement of particulars through channels to the addressee in § 590.150(b) (2).

§ 590.650 Reports.

The reports required herein are exempt from reports control under paragraph 397, AR 335-15.

§ 590.650-1 General.

The prompt reporting of allegations of fraud or criminal conduct in connection with procurement activities, and of all other irregularities which could lead to debarment or suspension of a contractor is of extreme importance. Notification to the Federal Bureau of Investigation pursuant to paragraph 3, AR 22-160, submission of a "Blue Bell" report pursuant to AR 1-55, or submission of a litigation report pursuant to AR 27-5, does not eliminate the requirement for the report required by sections in the 590.650 series.

§ 590.650-2 Situations in which report is required.

A report incorporating the information required in § 590.650-3 will be prepared and submitted through channels

to the addressee in § 590.150(b) (2) in any of the following situations:

(a) When a contractor has committed, or is suspected of having committed any of the acts described in §§ 1.604-1(a) and 1.605-1 of this title; or

(b) When substantial evidence exists that a contractor has failed to perform or has violated his contract in the matter described in § 1.604-1(b) of this title; or

(c) When a report is required by § 590.111-1 (§ 590.650-3 does not concern reports required to be submitted to the Department of Justice on Identical Bids under Executive Order No. 10936, dated April 24, 1961 (26 F.R. 3555));

(d) When a report is required by § 590.508-50;

(e) When a report is required by § 8.206 of this title; or

(f) When a contractor has done or failed to do any other act or series of acts, the results of which action or non-action are so serious as to support a recommendation that the contractor be debarred or suspended under the provisions of §§ 1.604-1(c) or 1.605-1(b) of this title.

§ 590.650-3 Contents of report.

Each report submitted pursuant to § 590.650-2 will include the following information:

(a) The name and address of the contractor, and names of its principal officers, partners, owners, or managers; all known affiliates, subsidiaries, or parent firms, and the nature of the affiliation;

(b) A description of the contract or contracts concerned, including the contract number, and all office identifying numbers or symbols; the amount of each contract; the degree of completion; the amount paid the contractor and the amount still due; and the percentage of work to be completed;

(c) The status of vouchers required to be processed and forwarded under § 590.605-3(d);

(d) whether the contract has been assigned pursuant to the Assignment of Claims Act, and if so assigned, the name and address of the assignee, and a copy of the assignment;

(e) whether any other contracts are outstanding with the contractor or any of his affiliates, and if so, the amount of such contracts and whether they are assigned pursuant to the Assignment of Claims Act, and the amounts paid or due on such contracts;

(f) a complete summary of all pertinent evidence;

(g) a recommendation as to the administration of all current contracts with a full explanation of the reason for such recommendation, and an explanation of the reasons if no recommendation is made;

(h) an estimate of damages, if any, sustained by the Government as a result of the action of the contractor, including an explanation of the method used in making the estimate;

(i) the comments and recommendations of the contracting officer and of each successive echelon as to (1) whether the contractor should be suspended or debarred, (2) whether any limitations

should be applied to such action, and (3) the period of any suspension or debarment;

(j) as an inclosure, a copy of the contract (or contracts) or of pertinent excerpts therefrom, appropriate exhibits, testimony or statements of witnesses, copies of assignments, and other relevant documentation.

§ 590.650-4 Supplemental reports.

(a) When all of the information required by § 590.650-3 is not immediately available, the report should be prepared and forwarded with the information at hand, followed by supplemental reports from time to time as further facts are developed. Failure to include in the initial report any of the items set forth in § 590.650-3 should be explained.

(b) Any changes to the information furnished in the initial and subsequent reports, and all developments in the matter will be promptly forwarded by supplemental report.

§ 590.650-5 Distribution of reports.

All reports and supplemental reports will be prepared in six copies and forwarded through channels to the head of procuring activity. Four of the six copies should be complete with copies of all documents, contracts, and exhibits. Each successive echelon will attach its comments and recommendations, particularly as to § 590.650-3 (g), (h) and (i). The head of procuring activity will add his comments and recommendations and forward three copies of the report, with all inclosures thereto, to the addressee in § 590.150(b) (2); one copy without inclosures to the addressee in § 590.150(b) (6); and one copy without inclosures to The Inspector General, Department of the Army, Washington 25, D.C.

§ 590.651 Responsibilities.

(a) The contracting officer is responsible for prompt initiation, complete and accurate preparation, and submission of initial and supplemental reports.

(b) The head of procuring activity is responsible for supervision of the contracting officer; and for administration of current contracts with contractors recommended for suspension or debarment, or suspended or debarred contractors.

(c) The Judge Advocate General is responsible for all liaison with the Department of Justice. No officer or employee of the Department of the Army will correspond with any representative of the Department of Justice or a United States Attorney concerning a matter reported pursuant to sections in the 590.650 series without prior approval of the Judge Advocate General. This section in no way affects the requirement of AR 22-160, that certain offenses be reported to the Federal Bureau of Investigation, nor the requirement for cooperation with the FBI during the course of its investigation.

§ 590.652 Provisional withholding of funds.

When the report prepared pursuant to sections in the 590.650 series includes a recommendation that the contractor be suspended, all funds becoming due to

the contractor will be withheld pending contrary advice by the head of procuring activity or the Assistant Secretary of the Army (Installations and Logistics) (Assistant Judge Advocate General). All vouchers will be administratively processed in accordance with § 590.605-3(d).

§ 590.653 Attempted evasions.

Some firms and individuals have attempted to evade the prohibitions of §§ 1.604 and 1.605 of this title and §§ 590.604-50 and 590.605-3 by change of address, multiple addresses, formation of new companies, or by other devices. Where it can be reasonably established that any such attempt is being made, the basic prohibitions will be applied, and a report will be submitted through channels to the addressee in § 590.150(b)(2). Doubtful cases will be referred to the latter addressee for determination.

§ 590.654 Inquiries from debarred, ineligible, or suspended firms and individuals.

(a) *Suspended firms or individuals.* In the event a suspended contractor or his representative makes inquiry as to the reason or cause of any of the prohibitions indicated in § 590.605-3 or for any other reason, no information relating to the suspension or the fact that the contractor has been suspended will be given to the inquirer. Instead, the contractor will be informed that consideration is being given his contractual relationship by the Assistant Secretary of the Army (Installations and Logistics) (Assistant Judge Advocate General), and that all inquiries regarding such matters should be addressed in writing direct to the addressee indicated in § 590.150(b)(2). All inquiries from other parties will be forwarded to that addressee.

(b) *Debarred firms and individuals.* All inquiries relating to debarred bidders, including those from a debarred bidder, will be forwarded to the addressee in § 590.150(b)(2).

(c) *Ineligible or disqualified firms or individuals.* Inquiries from contractors or individuals listed as ineligible or disqualified by the Comptroller General and the Department of Labor under the Walsh-Healey or Davis-Bacon Acts shall be answered by indicating the nature of the prohibition as indicated on the consolidated list and requesting that the inquirer communicate with the Wage and Hour and Public Contracts Division, Department of Labor, 14th Street and Constitution Avenue NW., Washington 25, D.C.

Subpart G—Small Business Concerns [Revoked]

Subpart I—Responsible Prospective Contractors

§ 590.902 General policy.

(a) When a pre-award survey is not made and there is no evidence to the contrary, the contracting officer may determine, on the basis of any other suitable information, that a prospective contractor can conform to the requirements of the standard nondiscrimination clause, as required by § 1.903-1(e) this

title. When a prospective contractor is considered to be not responsible solely because he appears to be unable to conform to the requirements of the nondiscrimination clause, the facts and circumstances together with the recommendation of the head of procuring activity will be forwarded to the addressee in § 590.150(b)(6) for review and appropriate action.

(b) In unclassified research contracts in which security matters are not likely to be encountered, the major consideration regarding the contract with respect to the personnel involved should be their professional integrity and ability. Considerations relating to the loyalty of of individual researchers engaged in work under Government contracts should recognize the principle that it would be contrary to the national interest to give aid and comfort to a person disloyal to the United States. In conformance with this principle, the following policy has been adopted:

(1) A procuring activity, in appraising the merit of a proposal for a contract for unclassified research not involving security considerations, will assure that the experience, competence, and integrity of the researcher are always taken carefully into account. A procuring activity will not knowingly award or continue a contract for research under which any significant role is performed by a person who—

- (i) Is an acknowledged Communist, or
- (ii) Has been established as being a Communist by a judicial proceeding, or
- (iii) Advocates change in the United States Government by other than constitutional means, or

(iv) Has been convicted of sabotage, espionage, sedition, subversive activity, or of a similar crime involving the Nation's security.

(2) Where a procuring activity receives information indicating that a researcher under Government contract or a prospective researcher may have violated a Federal statute relating to the national security, such information shall be forwarded on a priority basis to the addressee in § 590.150(b)(6).

(c) Where a prospective contractor cannot be determined to be responsible (regardless of the reason), even though there is evidence to the effect that a future event would probably justify such a determination, an award contingent on such a future event is prohibited.

Subpart J—Publicizing Procurement Actions

§ 590.1005-5 Authority and delegation (under 44 U.S.C. 324).

(a) Authority to approve the publication of paid advertisements in newspapers, magazines, and other periodicals in connection with the dissemination of procurement information (invitations for bids and proposed purchases), recruitment of both military and civilian personnel, and other forms of advertising authorized by law has been delegated by the Assistant Secretary of the Army (Installations and Logistics) to—

(1) The Adjutant General, Department of the Army, for recruiting purposes only.

(2) Commanding generals and their deputies, ZI armies, for recruiting purposes only.

(3) The Commanding General, U.S. Army, Europe (Rear)/Communication Zone, for the recruiting of indigenous labor at local wage rates.

(4) Commanding General, U.S. Army Materiel Command, for advertising Army-owned interchange freight and passenger car equipment in official train equipment registers and for recruitment of civilian personnel.

(5) Director of Personnel and Training, U.S. Army Materiel Command, for recruitment of civilian personnel.

(6) Director of Materiel Readiness, U.S. Army Materiel Command, for advertising Army-owned interchange freight and passenger car equipment in official train equipment registers.

(7) Chief of Engineers, for real estate and civil and military construction matters in CONUS and overseas and for recruitment of civilian personnel.

(8) Division Engineers, Corps of Engineers, for real estate, civil and military construction matters.

(9) The Surgeon General, for recruitment of civilian personnel.

(10) Chief, U.S. Army Audit Agency, for recruitment of civilian personnel.

Such delegated authority shall not be redelegated.

(b) No advertisement, notice, or proposal shall be published in any newspaper except in pursuance of written authority for such publication from the Secretary or the appropriate official named above.

§ 590.1005-6 Requests for authority to place advertisement.

Requests for authority to place advertisements in newspapers will be submitted on DA Form 192 (Request for Authority to Advertise), in quadruplicate, through channels, to the appropriate official delegated authority by the Secretary to authorize such advertising. The original of the approved DA Form 192 shall be filed with the first voucher making payment thereunder and a copy thereof shall be filed with the duplicate voucher. A reference to the DA Form 192 shall be made in the space provided for that purpose on all subsequent advertising orders placed during the period embraced in the authorization.

Subpart K—Qualified Products [Revoked]

Subpart L—Specifications, Plans, and Drawings

§ 590.1202-50 Deviations and waivers.

All deviations from and waivers of Federal and Military Specifications shall be subjected to review in accordance with instructions of the head of procuring activity exercising supervision over the contracting officer. Such instructions must provide for—

(a) adequate surveillance to minimize the use of deviations and waivers;

(b) expeditious routing of data pertinent to waiver, amendment, or revision of the specifications to the activity responsible for requirements and standards therefor; and

(c) if the head of procuring activity exercises jurisdiction over the requirements and standards of a specification, prompt correction or revision so that the specification accurately reflects the essential needs of the Government. If the head of procuring activity does not exercise jurisdiction over the requirements and standards of a specification which needs revision, his instructions shall provide for frequent followup action to the responsible activity.

§ 590.1208 Purchase descriptions.

(a) The phrase "or equal" shall not be used to procure a particular "brand name" product under the guise of competitive procurement procedures to the exclusion of similar products of at least equal quality and performance that meet the actual needs. Use of a purchase description with the phrase "or equal" is not intended as a device to grant an advantage to particular manufacturers by favoring one product over other products or to substantiate a determination that no other manufacturer's products are equal in quality and performance to the products specifically named. Rejection of a low bid offering products as equal to the product named in the purchase description will be based on a determination that the products are in fact not the equal of the named product and do not meet the actual needs of the Government. Where a proper determination has been made that only one supplier can furnish the required item or items, the procurement must be accomplished by negotiation in accordance with Part 3 of this title and Part 592 of this chapter.

(b) In a competitive procurement, before a contracting officer uses a purchase description containing an "or equal" standard, he shall either include the brand names of all products known to be "equal" or include a statement in the contract file, prior to solicitation of offers, describing efforts made to ascertain such brands and explaining the failure to name more than a single brand name in the purchase description. The head of procuring activity concerned is responsible for assuring that each competitive procurement incorporating a "brand name or equal" standard be reviewed prior to solicitation with particular emphasis upon the following items:

(1) Eliminating the use of the "or equal" standard when it is not necessary (e.g., when the invitation for bid calls for a service which the contractor must provide in part by use of a tractor capable of performing a certain function, requiring use of a brand name tractor or equal is improper—instead, the function which the tractor must be capable of performing should be described; or when a specification is used together with a brand name reference, and the specification itself, without reference to the brand name, adequately describes the Government's needs, the brand name reference should be omitted as being a requirement which serves no material purpose);

(2) Naming several acceptable brand name products and insuring that each is reasonably comparable with the other from the standpoint of quality and suitability for the Government's needs;

(3) Utilizing proper clauses and procedures as provided in § 1.1206 of this title.

(4) Amplifying the requirement for furnishing with the bid descriptive material needed (i) to determine equality of an offered "or equal" product, and (ii) to determine exactly what the bidder proposes to furnish, to make abundantly clear the information which said material must disclose (taking into account that where a bidder has previously furnished an acceptable equal item and offers to do so again the circumstances may justify omission of detailed descriptive data (40 Comp Gen 435)); and

(5) Insuring that the characteristics described in § 1.1206-2(b) of this title are stated in unambiguous terms, that they are generally descriptive of factors the Government considers essential, and that they are not so restrictive as to amount to a requirement for a single brand name product.

(c) Queries and requests to the contracting officer for clarification of brand name or equal standards from prospective offerors will be coordinated with the appropriate technical and requirements personnel before reply. If an ambiguity exists in the solicitation, an appropriate clarifying amendment will be issued.

2. Add new § 590.1302-2 and revise § 590.1313-2, as follows:

§ 590.1302-2 Shipments from the United States for overseas delivery.

When items to be procured in the United States are specified for delivery at destinations such that ocean transportation and port handling will be involved, available ports or points of exit will be determined after appropriate coordination between the contracting officer and the sources of transportation assistance listed in § 590.1350. Unless the purchase is to be made other than f.o.b. origin under one of the conditions listed in § 1.1302-2(c) of this title on a basis which does not provide for Government election relating to port handling or ocean transportation, the solicitation will provide either for an option by the Government to select the port or the ocean transportation or both; for delivery f.o.b. origin; or for delivery f.o.b. at a point within the United States. In such cases, the solicitation will list the following:

(a) Available ports or points of exit where timely ocean shipping is available;

(b) Ocean transportation rates and port handling charges applicable to each port or point of exit, taken from the publication listed in § 590.1313-2; and

(c) An explanation of the basis upon which the Government will utilize the cost of shipment computed from such rates and charges in the evaluation of offers.

When transportation costs are to be used in the evaluation of offers, the differences in such costs (ocean, port handling, and inland transportation costs as appropriate) will be considered so that the award will reflect the most advantageous price to the United States of the

items landed at the overseas port. Information pertaining to ocean transportation rates, port handling charges, and inland transportation costs can be obtained from the sources of transportation assistance listed in § 590.1350.

§ 590.1313-2 Sources of transportation rates and related costs.

(a) Ocean rates and port handling costs will be determined in accordance with Transportation Corps publication (TCFRT-CT) subject: World-Wide Costs and Capabilities Guide, dated June 1, 1962.

(b) Rates between points outside the United States will be obtained from the Office of the Chief of Transportation.

(Sec. 3012, 70A Stat. 157; 10 U.S.C. 3012. Interpret or apply secs. 2301-2314, 70A Stat. 127-133; 10 U.S.C. 2301-2314)

PART 593—SPECIAL TYPES AND METHODS OF PROCUREMENT

3. A new Subpart G is added to read as follows:

Subpart G—Special Types of Contracts

§ 593.701 Study type contracts.

Each contract requiring performance of a study shall contain a provision similar to that set forth below. The provision shall require the contractor to submit, in draft form, a copy of the report of the study to the contracting officer, prior to any publication or dissemination of the information contained therein, in order to determine the security classification, if any, and to insure that the report is factually accurate and complete.

REPORT CLAUSE (APRIL 1961)

The Contractor shall submit, in draft form, a copy of the report of the study called for in this contract prior to any publication or dissemination of the information contained therein. Thirty days shall be allowed for the Contracting Officer's approval unless a longer period is agreed upon.

(Sec. 3012, 70A Stat. 157; 10 U.S.C. 3012. Interpret or apply secs. 2301-2314, 70A Stat. 127-133; 10 U.S.C. 2301-2314)

PART 598—PATENTS, COPYRIGHTS, AND TECHNICAL DATA

4. Part 598 is revised to read as follows:

Sec.	Definitions.
598.050	Definitions.
Subpart A—Patents	
598.102	Authorization and consent.
598.102-1	Authorization and consent in contracts for supplies.
598.102-2	Authorization and consent in contracts for research or development.
598.103-1	Patent indemnification in formally advertised contracts—commercial status predetermined.
598.103-2	Patent indemnification in formally advertised contracts—commercial status not predetermined.
598.103-4	Waiver of indemnity by the Government.
598.103-50	Indemnification of contractor by the Government.
598.104	Notice and assistance.

Sec.	
598.105	Processing of infringement claims.
598.105-50	Authority.
598.105-51	Patent claims received in Department of the Army.
598.105-52	Requirements for an administrative claim for patent infringement.
598.105-53	Failure to meet requirements.
598.105-54	Indirect notice of claim.
598.105-55	Duties of designees.
598.105-56	Action by representative.
598.105-57	Correspondence with claimant.
598.105-58	Clearance to investigate.
598.105-59	Action by referred designees.
598.105-60	Reports by designee.
598.105-61	Action and authority of the Chief, Patents Division.
598.105-62	Settlement of claims and procurement of invention and patent rights by designee.
598.105-63	Review and concurrence by Chief, Patents Division.
598.105-64	Settlement with foreign claimants.
598.105-65	Fiscal procedures.
598.105-66	Approval of agreements.
598.105-67	Contract distribution.
598.105-68	Disclosure of information to claimants and their representatives.
598.105-69	Mandatory contract clauses.
598.105-70	Suggested clauses—contracts except running royalty contracts.
598.105-71	Suggested clauses—contracts providing for payment of a running royalty.
598.105-72	Assignments.
598.105-73	Suggested contract form.
598.105-74	Gratuitous grants.
598.106	Classified contracts.
598.106-1	Classified contracts to be performed outside the United States.
598.107	Patent rights.
598.107-1	General.
598.107-2	Patent rights—domestic contracts.
598.107-4	Contracts relating to atomic energy.
598.107-7	Contracts placed for NASA.
598.109	Follow-up of patent rights.
598.110	Reporting of royalties.
598.111	Adjustment of royalties.

Subpart B—Data and Copyrights

598.202-1	Acquisition of data.
598.202-3	Multiple sources of supplies.
598.202-6	Data furnished on a restricted basis in support of a proposal.
598.203-1	Basic data clause.
598.203-3	Limited rights provision for addition to basic data clause.
598.204-2	Production of motion pictures.
598.205-2	Contracts for existing motion pictures.

Subpart C—Foreign License and Technical Assistance Agreements

598.302	Foreign license and technical assistance contracts between the Government and domestic concerns.
598.303	Supply contracts between the Government and second sources.
598.304-2	Review of agreements.

Subparts D-N [Reserved]

Subpart O—Procurement of Invention and Patent Rights

598.1501	Policy.
598.1502	Action by representative.
598.1503	Reporting of proposed licenses and assignments.
598.1504	Correspondence with invention owner or his representative.
598.1505	Clearance to consider and procure licenses and assignments.

Sec.	
598.1506	Reports by designee.
598.1507	Final report by designee where no license or assignment is procured.
598.1508	Procedures applicable to procurement of invention and patent rights.
598.1509	Gratuitous grants.

AUTHORITY: §§ 598.050 to 598.1509 issued under sec. 3012, 70A Stat. 157; 10 U.S.C. 3012. Interpret or apply secs. 2301-2314, 70A Stat. 127-133; 10 U.S.C. 2301-2314.

§ 598.050 Definitions.

As used in this part the following terms have the meanings assigned:

(a) *Chief, Patents Division.* The term "Chief, Patents Division" means the Chief, Patents Division, Office of The Judge Advocate General, Department of the Army, Washington 25, D.C.

(b) *Designee.* The term "designee" means any office or person delegated or designated to exercise powers and authorities under any of the "applicable statutes" listed in § 598.105(b).

(c) *Claim.* The term "claim" means an administrative claim for compensation which has in fact been asserted against the United States (based upon actual past procurement and not contemplated procurement) under any of the "applicable statutes" listed in § 598.105(b). The requirements for a claim are listed in detail in § 598.105-52.

Subpart A—Patents

§ 598.102 Authorization and consent.

§ 598.102-1 Authorization and consent in contracts for supplies.

The use of the Authorization and Consent clause (§ 9.102-1 of this title) is optional in supply contracts of \$5,000 and less, including purchase orders, but shall be included in supply contracts over \$5,000, including construction work, except as provided in §§ 9.102(b) and 9.102-2 of this title and § 598.102-2.

§ 598.102-2 Authorization and consent in contracts for research or development.

The Authorization and Consent clause (§ 9.102-2 of this title) shall be included in all contracts calling exclusively for research or development work, and may otherwise be included only in those contracts for both supplies and research or development work where the research or development work is the primary purpose of the contract. In all other contracts for both supplies and research or development work, the Authorization and Consent clause (§ 9.102-1 of this title) shall be used in accordance with the provisions of § 598.102-1.

§ 598.103-1 Patent indemnification in formally advertised contracts—commercial status predetermined.

Any items to be excluded in accordance with § 9.103-1(b) of this title shall be listed in detail rather than in general terms.

§ 598.103-2 Patent indemnification in formally advertised contracts—commercial status not predetermined.

The clause set forth in § 9.103-2 of this title shall not be included in a con-

tract without prior approval of the Chief, Patents Division, except that approval may be exercised for Army Materiel Command (AMC) by the Commanding General thereof and any designee of the Commanding General, AMC, having patent counsel.

§ 598.103-4 Waiver of indemnity by the Government.

Specific patents may be excluded in accordance with § 9.103-4 of this title only with the prior approval of Chief, Patents Division.

§ 598.103-50 Indemnification of contractor by the Government.

No provision whereby the Government expressly agrees to indemnify the contractor against liability for patent infringement shall be included in any contract.

§ 598.104 Notice and assistance.

For proper action to be taken by contracting officers or others with respect to reports, received by them, of claims of patent infringement asserted against a contractor or a subcontractor, see §§ 598.105-51 and 598.105-55.

§ 598.105 Processing of infringement claims.

(a) *Policy.* In order to maintain the goodwill of industry, and to encourage invention and the development of scientific arts related to national defense, it is the policy of the Department of the Army to avoid, whenever practicable, the infringement of privately owned rights in inventions and copyrighted works. For this reason, necessary rights with respect to such inventions and copyrighted works should be acquired in accordance with contemplated procurement, where it is in the Government's interest to do so and when such rights can be obtained at a fair value. When infringement of such rights does occur, it is the policy of the Department to take all necessary steps to investigate, and, if appropriate, settle or otherwise dispose of claims of infringement asserted against the Department. To this end, an investigation of each claim shall be made in accordance with the instructions and procedures set forth below. If any patent or copyright upon which a claim is based is found to be infringed, valid, and enforceable, efforts to settle the claim before suit against the United States has been instituted shall be made in accordance with this part. Coordination with the Departments of the Navy and the Air Force, the Defense Supply Agency, and with other interested departments or agencies of the Government in the processing and final disposition of each claim shall be effected by the Chief Patents Division.

(b) *Statutes applicable to processing of administrative claims of infringement.* (1) The Foreign Assistance Act of 1961, as amended September 4, 1961 (22 U.S.C. 2356, formerly the Mutual Security Acts of 1951 and 1954) provides that whenever in connection with the furnishing of foreign assistance under this act (i) an invention or discovery covered by a patent issued by the United States Government is practiced within the United

States without the authorization of the owner, or (ii) information which is protected by law and held by the United States Government subject to restrictions imposed by the owner is disclosed by the United States Government or any of its officers, employees, or agents in violation of such restrictions, the exclusive remedy of the owner shall be suit against the United States Government for reasonable and entire compensation for such practice or disclosure in the Court of Claims or appropriate District Court within six years after the cause of action arises. The head of the Government agency concerned is authorized, before suit is instituted, to settle and pay any claim arising under the circumstances described above. However, no claim may be paid unless the amount tendered is accepted by the claimant in full satisfaction. The period during which the United States Government is in possession of a written claim before mailing of a notice of denial of that claim does not count in computing the six-year period.

(2) The Invention Secrecy Act (Title 35, U.S. Code, Sections 181-188) provides for the withholding of the grant of a patent through the issuance of a secrecy order, for such time as the national interest requires, in those cases where the patent application discloses an invention the publication of which would be detrimental to the national security of the United States. The Government agency or department which caused the issuance of the secrecy order is authorized to enter into an agreement with the owner of an application, which except for the secrecy order would issue as a patent, in full settlement for the damage caused by the secrecy order and/or the use of the inventory by the Government, resulting from his disclosure. If full settlement cannot be effected, the head of the department or agency concerned may award and pay a sum not exceeding 75 percent of the sum considered to be just compensation for the damage and/or use. The Invention Secrecy Act also provides for suit by the owner of the application for an amount which when added to the award would constitute just compensation for the damage and/or use. The Act further provides that a patent owner who does not apply administratively for compensation is given the right to sue in the Court of Claims for just compensation for the damage caused by reason of the secrecy order and/or use by the Government of the invention resulting from his disclosure.

(3) Title 10, U.S. Code, Section 2386 provides that funds appropriated for a military department available for making or procuring supplies may be used to acquire any of the following if the acquisition relates to supplies or processes produced or used by or for, or useful to, that department:

- (i) Copyrights, patents, and applications for patents;
- (ii) Licenses under copyrights, patents, and applications for patents;
- (iii) Designs, processes, and manufacturing data; and

(iv) Releases, before suit is brought, for past infringement of patents or copyrights.

In connection with the acquisition of releases for past infringement of patents and copyrights, the basic statutory provision dealing with infringement by or for the Government is 28 U.S.C. 1498. This Act provides that whenever an invention covered by a patent of the United States is infringed by the Government, or by any person, firm, or corporation on behalf of and with the authorization or consent of the United States, the owner's remedy shall be by suit against the United States in the Court of Claims for the recovery of his reasonable and entire compensation for such infringement. Similar rights are provided whenever the copyright in any work protected under the copyright laws of the United States is infringed by or on behalf of the Government. The statute also provides that a Government employee shall have the right to bring such a suit against the Government except where he was in a position to order, influence, or induce use of the invention or copyright by the Government. No right of action is conferred on any patentee, copyright owner or his assignee with respect to any invention discovered or invented, or copyrighted work prepared by a person while in the employment or service of the United States, where the invention or copyrighted work was related to the official functions of the employee, in cases in which such functions included research and development, or in the making of which Government time, materials, or facilities were used.

§ 598.105-50 Authority.

(a) *Acquisition of releases of past infringement and licenses.* By virtue of 10 U.S.C. 2386, the Department of the Army is authorized to acquire rights in patents, copyrights, and other similar rights, as specified. The Commanding General, U.S. Army Materiel Command; the Chief of Engineers; the Chief Signal Officer; The Surgeon General; and the designees of any of the foregoing are authorized, subject to the limitations of the remainder of § 598.105 to acquire the items and rights described in 10 U.S.C. 2386 and to enter into agreements in settlement of claims thereunder. Other procuring activities will request authority from the addressee in § 590.150(b) (1) of this chapter through Chief, Patents Division.

(b) *Claims under Foreign Assistance Act.* The Commanding General, U.S. Army Materiel Command; the Chief of Engineers; the Chief Signal Officer; and The Surgeon General have been delegated authority to enter into agreements in settlement of claims asserted under Section 606(b) of the Foreign Assistance Act of 1961 and predecessors (section 506 of Mutual Security Act of 1954 and section 517 of Mutual Security Act of 1951).

§ 598.105-51 Patent claims received in Department of the Army.

Any communication received by any activity of the Department of the Army

in which claim is made that the manufacture, use, or disposition of any article, material, or process by or for that agency or any other agency or component of the Army, involves the use of any invention whether patented or unpatented, and making a claim for compensation on account of offering to grant a license therefor, will be transmitted to the Head of Procuring Activity which has ordered the manufacture, use, or disposition of the subject matter in question. Such head of procuring activity shall thereafter cause the claim to be processed in accordance with this part.

§ 598.105-52 Requirements for an administrative claim for patent infringement.

The following minimum requirements should be met to constitute a claim for patent infringement:

(a) There must be a communication in writing to either the Department of Defense, the Department of the Army, or any organization, office, or field establishment of the Department of the Army;

(b) The communication must allege infringement;

(c) The communication must include a request for compensation, either expressed or implied;

(d) There must be a citation of the patent or patents alleged to be infringed;

(e) The communication must designate the alleged infringing item or process sufficiently to permit identification with certainty, giving the military or commercial designation if known to claimant;

(f) Claimant must designate at least one claim of each patent alleged to be infringed; or

(g) In exceptional cases, as an alternative to paragraphs (e) and (f) of this section, claimant must certify that he has made a bona fide attempt to determine the item or process which is infringing, but was unable to do so, giving reasons, and also a reasonable basis for his belief that the Department is infringing his patent or patents.

§ 598.105-53 Failure to meet requirements.

(a) Any communication alleging patent infringement which does not meet the requirements set forth above will be acknowledged, and the writer advised that no claim for infringement has been established. In such case the writer will be advised as to the elements necessary to establish a claim.

(b) A communication to the Department of the Army making proffer of a license in which no infringement is alleged [merely making a statement that the patent owner is willing to license the Government], will not be considered as a claim for infringement.

§ 598.105-4 Indirect notice of claim.

(a) A communication to a Department of the Army contractor alleging that the contractor has committed acts of infringement in performance of a Government contract having a Notice and Assistance article, shall be considered as a communication to said De-

partment as of the date received by the Department of the Army.

(b) A communication alleging infringement addressed to another military department will be considered as alleging infringement by the Department of the Army:

(1) Where infringing use of the invention by the Department of the Army is specifically asserted in such communication;

(2) Where the Department of the Army is either the purchaser or user of the identified alleged infringing item or process;

(3) Where such communication cites as an alleged infringing item or process, an item or process of the Department of the Army.

(c) Upon receipt of a communication alleging patent infringement, the Chief, Patents Division will supply the other military departments with a copy of such communication.

§ 598.105-55 Duties of designees.

Each designee is charged with taking appropriate action on behalf of the Department of the Army with respect to each claim pertaining to his procurement responsibility promptly after the claim is brought to his attention and as a minimum shall—

(a) Examine the claimant's title or other right to assert the claim. (To prevent expenditure of time and effort in investigation of an administrative claim presented by a party not legally entitled to make such claim, the question of title to the patents involved in the claim should be examined at the outset of the investigation. Accordingly, in any claim received by a procuring activity having patent counsel, a title search should be made before clearance is requested and a statement of the results thereof shall be included in such clearance request. In cases where the title search indicates that some question exists as to claimant's right to assert the claim, the question may be resolved by direct correspondence with claimant. Where claimant does not satisfactorily establish such right, the matter should be referred to the Chief, Patents Division, with recommendations for review and necessary action. In the case of Procuring Activities not having patent counsel, the Chief, Patents Division, will conduct the necessary title search before granting clearance.);

(b) Acknowledge in writing receipt of the communication in which the claim is asserted. (A suggested form of acknowledgment is set forth in § 598.105-57.);

(c) Require the representative of the claimant to file in duplicate a Notice of Appearance in the form prescribed by paragraph 1, AR 632-35. (A Notice of Appearance is not required in those instances where it is within the knowledge of the designee that the representative of the claimant is not and has not been within the past two years, an officer or employee (civilian or military) of the United States Government or is not a retired officer of a regular component of the Armed Forces.);

(d) Request clearance within 30 days from the Chief, Patents Division, to in-

vestigate and settle each claim, inclosing a copy of the communication in which the claim was asserted or reported;

(e) Investigate each claim upon clearance from the Chief, Patents, Division;

(f) Request contractors who have agreed to provide "notice and assistance" (§ 9.104 of this title) to furnish evidence and information in their possession which is necessary for proper disposition of such claims. (When such evidence and information is to be furnished at the expense of the Government, the expense may be charged against the funds under which the contract was initially executed or funds available for the purchase of similar items.);

(g) Prepare and transmit to the Chief, Patents Division appropriate reports as listed in § 598.105-60;

(h) Settle the claim pursuant to these instructions; and

(i) Make the required distribution of each contract of settlement pursuant to § 598.105-67.

§ 598.105-56 Action by representative.

The duties indicated in § 598.105-55, and others referred to elsewhere in this regulation, may be performed by an authorized representative of the designee, except for the execution of contracts pursuant to § 598.105-55(h).

§ 598.105-57 Correspondence with claimant.

No designee shall concede in writing addressed to any claimant, potential claimant, or the representative of either, the merit or value of any claim, except so far as such concession may be advisable in the course of negotiations leading to a settlement of the claim or be embodied in an agreement executed in settlement of the claim (AR 345-20). Upon receipt of a notice of infringement, the designee shall promptly acknowledge such receipt and request, when applicable, the information requested in the following form letter which is suggested for this purpose:

(Letterhead of designee)

(Date)

JOHN DOE,
Title Guarantee Building,
Miami, Fla.

DEAR SIR: Your letter to ----- dated -----, 19--, stating that United States Letters Patent No. -----, granted to (patentee's full name), for "(title of invention)," is (are) infringed by the Department of the Army, has been referred to this office for necessary action and direct reply.

The matter presented in your letter will be investigated and you will be informed of the Department's conclusions upon completion of the investigation.

To aid in the investigation, it is requested that you furnish this office the following:

(1) The name and addresses of licensees, if any.

(2) Copies of license agreements and releases for past infringement.

(3) Brief statement of any litigation in which the patent(s) have been or are now involved, and the present status thereof.

(4) List of all notices of infringement which you have sent to alleged infringers of the patent (except the alleged infringers included in your statement of litigation), including but not limited to any other departments and agencies of the Government.

(5) Brief statement of any employment of the Patentee by the U.S. Government including the name of the agency or department and period of employment.

(6) Identification of any Government contracts under which the patentee, his employer and/or the patent owner performed any work relating to the patented subject matter during the conception or reduction to practice of the invention in question.

(7) Evidence of title or other right to assert a claim.

(8) Two executed copies of the inclosed Notice of Appearance, requested of any person appearing in a representative capacity before the Department of the Army in a matter involving a claim against the United States.*

(9) An identification of the equipment or operation alleged to constitute infringement and, if available, name and address of the manufacturer of that equipment.**

Sincerely yours,

(Signature of designee
or representative)

*For use where claim is asserted by a representative of the claimant in accordance with the requirements of AR 632-35.

**For use where this information has not previously been furnished.

§ 598.105-58 Clearance to investigate.

(a) Within 30 days after receipt of a written notice of a claim the designee shall make written request of the Chief, Patents Division for clearance to investigate and settle the claim. The Chief, Patents Division, however, may grant clearance to a designee to investigate and settle a claim even though clearance was not requested by that designee. Insofar as practicable, one designee shall represent the Department of the Army in the investigation and settlement of each claim.

(b) Each request for clearance together with inclosures (except Notice of Appearance) shall be submitted in quadruplicate and shall include the following:

(1) The name and address of each claimant;

(2) The name and address of claimant's representative, if any;

(3) The name and address of each contractor and subcontractor who is believed, to the extent disclosed by a cursory search in the headquarters of the designee, to have performed possibly infringing acts;

(4) The number and date of each patent, and the serial number and filing date of each patent application involved;

(5) Brief description of the patented subject matter;

(6) Description of the alleged infringing subject matter in sufficient detail to permit other procuring activities to determine whether they have an interest in the matter;

(7) A copy of the communication from the claimant, if any;

(8) A copy of the Notice of Appearance when required; and

(9) The names of any other procuring activities of the Department which might have an interest in the claim.

(c) Upon receipt of the request for clearance, the Chief, Patents Division, shall determine, so far as indicated by (1) his files, (2) the Government Register of Patent Rights, and (3) the Department of Justice, whether the De-

partment of the Army or any other department or agency has investigated or settled, or received a notice of a claim pertaining to the same subject matter and whether a Government license may be involved, and shall then grant such clearance in writing as appears proper.

(d) When clearance has been granted, the designee shall proceed with the investigation of the claim.

(e) The Chief, Patents Division shall refer copies of the request for clearance and copies of the clearance to each Head of Procuring Activity (Referred Designee) having a probable interest in the matter. The Chief, Patents Division also shall notify the Departments of Navy and Air Force and the Defense Supply Agency of each claim in which those Departments might have an interest and request those Departments to notify the designee (with informational copies to the Chief, Patents Division) of any pertinent information available to them.

§ 598.105-59 Action by referred designees.

The chief patent or legal officer of each procuring activity to which the Chief, Patents Division has referred a claim pursuant to § 598.105-58(e) shall promptly investigate the procurement in his activity and report to the primary designee any past, present, or possible future interest of his activity in the matter, together with any other pertinent information available. Such reports shall contain any and all information which may be of assistance to the primary designee in the preparation of the reports required by § 598.105-60. Negative reports should be made if applicable. The referred designee shall submit to the primary designee interim reports describing the status of the case in sufficient detail to acquaint the recipient with the course of investigation of the case and prospective defenses, if any, together with an estimate of the date of completion of the investigation by the referred designee. These reports shall be submitted at intervals not to exceed six months. No claim shall be settled or final report submitted pursuant to § 598.105-60 until final reports are received by the primary designee from each referred designee. If any such report is not received and receipt cannot be arranged for by coordination, the designee shall withhold action and report the pertinent facts to the Chief, Patents Division with a request for instructions. The Chief, Patents Division after investigating the matter shall issue appropriate instructions to all parties concerned.

§ 598.105-60 Reports by designee.

(a) *Status reports.* In each case in which clearance has been granted, the designee shall submit to the Chief, Patents Division, interim reports describing the status of the case in sufficient detail to acquaint the recipient with the course of investigation of the case and prospective defenses, if any, together with an estimate of the date of completion of the investigation by the designee. These reports shall be sub-

mitted at intervals not to exceed six months.

(b) *Reports of proposed settlement.* In those cases where settlement of the claim is contemplated, and prior to negotiation with claimant, a report shall be submitted to the Chief, Patents Division, briefly stating the general facts of the case including the amount of procurement, possible terms of settlement and possible defenses, if any, and a summary of indemnification which would tend to mitigate damages.

(c) *Final report where no settlement of claim is made.* A final report (in duplicate) of the results of the investigation made on behalf of the Department, including recommendations and conclusions of the designee, shall be made by him to the Chief, Patents Division with respect to each claim (whether or not the claim is covered by an indemnity agreement) in which, first, settlement is believed to be inadvisable or second, the designee has been unable to settle upon terms deemed reasonable by him. A copy of the final report shall be forwarded by the designee to each interested Head of Procuring Activity at this time. Each such report shall be dated and clearly marked "FINAL REPORT," and shall include so far as applicable and practicable the following information:

(1) Numbers and dates of all contracts and subcontracts for procurement of the item in question and for all other possibly infringing items and including contracts of any other procuring activity concerned;

(2) The name and address of each contractor and subcontractor concerned;

(3) The text of each contractor's agreement, if any, to indemnify the Government against liability for infringement, or a statement that there is no such indemnity agreement;

(4) Extent and dates of alleged infringement, or when no dates are alleged, the period over which infringement has been investigated;

(5) The text of any contract clause granting (or if there is no such clause any other information relating to) authorization and consent by the Government to the manufacture or use of the article, material, design, or process upon which such claim is based;

(6) Copies of patents alleged to be infringed;

(7) Result of title search in the Patent Office Assignment Records;

(8) A full and complete disclosure of any device, material, design or process which is alleged to infringe or which is sufficiently close to the patented item to raise a possible inference of infringement (including detailed description thereof, together with drawings, sketches, photographs, and specimens in proper cases) sufficient to determine whether infringement is present. An analysis of the patent claims and a comparison with the alleged infringing items or items which might raise an inference of infringement should be included in this disclosure;

(9) Report of date and extent of searches, if any, in each of the following categories;

(i) Prior art patents and publications;
(ii) Pending applications filed by the procuring activity conducting the investigation; and

(iii) Prior public uses;

(10) Copies of any prior art patents and publications, and full and complete description (and where practicable, a drawing, sketch, photograph, or specimen) of any prior uses relied upon by the designee;

(11) Statement of the extent to which royalties, if any, have been adjusted by the Department;

(12) Statement as to whether or not the inventor or patent owner was a Government employee in a position to order, influence, or induce use of the invention by the Government;

(13) Statement as to whether or not the invention was made during the time the inventor was in the employment or service of the Government, and if so, a description of the inventor's official functions at the time and a statement as to whether Government time, materials, or facilities were used;

(14) Names and addresses of prospective witnesses (fact and expert) and, where pertinent to validity or infringement, signed statements of witnesses. Where a witness refuses to sign a statement, the interviewing officer shall submit a statement setting forth the facts which the witness may be expected to state if called to testify;

(15) Conclusions regarding infringement with respect to all departmental procurements involved and reasons therefor;

(16) Conclusions regarding validity and reasons therefor, unless the designee's conclusions given under subparagraph (15) of this paragraph are that in his opinion there is no infringement, in which case the only information required pertaining to validity is that which concerns possible statutory bars;

(17) Conclusions regarding the Government's liability, the estimated money value of the claim, and an estimate of future procurement involving possible increase of the claim;

(18) Summary of unsuccessful negotiations for settlement, if any; and

(19) Recommendations.

§ 598.105-61 Action and authority of the Chief, Patents Division.

(a) *Coordination of claims investigation.* The Chief, Patents Division, shall coordinate and expedite the processing of claims and may request status reports from the primary and referred designees for this purpose in addition to reports otherwise required under this part.

(b) *Review and action on final reports of designees.* (1) The Chief, Patents Division, shall review each final report and (i) if the report is approved shall deny the claim on behalf of the Department of the Army or take other appropriate action leading to disposal of the claim, with copies of correspondence to the designee, each interested Head of Procuring Activity, and the other military departments; (ii) prepare a concurring supplementary report if appropriate; and (iii) if the report is not approved, return the report to the des-

ignee with a supplemental nonconcurring report, if appropriate, stating any conclusions which differ with the report of the designee and appropriate instructions for further action.

(2) The Chief, Patents Division, shall review each report of proposed settlement and (i) if the report is concurred in, notify the designee to proceed with negotiations; (ii) provide the designee any additional information pertinent to the proposal; (iii) if the report is not concurred in, notify the designee of all objections with instructions as to resolution of those objections; and (iv) effect any necessary interdepartmental coordination, advising the designee of such action.

(3) When final action has been taken on behalf of the Department, the Chief, Patents Division, shall so advise The Attorney General.

§ 598.105-62 Settlement of claims and procurement of invention and patent rights by designee.

The designee to whom the claim has been cleared may, subject to the availability of appropriations and allotments of funds in his activity, settle such claims in accordance with this part by execution of a contract of release and license or release and assignment.

§ 598.105-63 Review and concurrence by Chief, Patents Division.

No contract shall be made without the written concurrence of Chief, Patents Division which contract includes a release of a claim or a license, which will inure to the benefit of a contractor who has agreed to indemnify the Government (§ 9.103 of this title and § 598.103 of this part) by releasing or discharging such contractor in whole or in part from his obligation of indemnity, unless such contractor is made a party to the contract and appropriate arrangements are made to the end that the contractor shall pay all monetary consideration flowing to the claimant which is attributable to that part of the release or license which benefits the contractor.

§ 598.105-64 Settlement with foreign claimants.

No contract or settlement of patent infringement liability or other liability for use of inventions shall be made with a government or a national of a government which is within the scope of any Foreign Assistance program, without first obtaining the written approval of the Chief, Patents Division.

§ 598.105-65 Fiscal procedures.

(a) An agreement to pay a fixed amount for the purchase of a paid up license and release or an assignment and release, or a release either by way of lump-sum payment or an amount determinable at the time of execution of the contract, is subject to the provision that allotment of funds available for the purpose will not be exceeded. Officers charged with making such agreements shall submit, prior to incurring any obligation, the proposed agreements to the cognizant fiscal officer for verification as to sufficiency of funds for that

purpose. The following statement shall be included on the face of the contract:

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the following allotments, the available balances of which are sufficient to cover the cost of the same:—

(b) An agreement to pay running royalties on future procurement proportioned to use is not subject to the provision mentioned in paragraph (a) of this section.

(c) Any fiscal questions involving patent matters may be referred to the Chief, Patents Division for opinion and/or resolution.

§ 598.105-66 Approval of agreements.

(a) *Agreements requiring approval.* Approval by or on behalf of the Assistant Judge Advocate General for Civil Law is required of all agreements authorized by The Foreign Assistance Act of 1961 (22 U.S.C. 2356), (formerly the Mutual Security Act of 1954), the Invention Secrecy Act (35 U.S.C. 181-188), or 10 U.S.C. 2386 where the agreement—

(1) Provides for total payment, including reasonably anticipated royalties, by the Government of \$25,000 or more;

(2) Includes a license—

(i) Limited to a term less than the life of any patent or copyright involved;

(ii) Limited to any particular Government purpose;

(iii) Limited to less than all Government agencies on the same terms; or

(iv) Not providing for disposition in accordance with law of any article or materiel embodying the subject of the license;

(3) Provides for compensation for damages other than for infringement of patents or copyrights;

(4) Obtains right for a release of past infringement only;

(5) Conveys rights under a patent application only, without conveying rights under an existing patent;

(6) Contains a release or license which may operate to release a contractor from an obligation to indemnify the Government;

(7) Is with a government or a national of a government within the scope of a Foreign Assistance Program;

(8) Contains a deviation from the requirements of subchapter A, chapter I of this title and this subchapter; or

(9) Requires the signature of or concurrence on behalf of another agency of the Government.

(b) *Submission for approval.* Where approval of an agreement is required by paragraph (a) of this section, the designee shall submit the executed agreement in the number of copies required to be approved (plus one unexecuted copy) to the Chief, Patents Division. The agreement shall be accompanied by a memorandum of facts signed by or on behalf of the designee setting forth, where pertinent—

(1) Identification and brief description of the subject matter of the patent, patent application, or invention involved in the claim being settled;

(2) Date of clearance granted pursuant to § 598.105-58;

(3) A brief statement of the designee's conclusions regarding validity and infringement and the reasons therefor;

(4) A statement of the extent of Government use of the invention, including the estimated money value of the claim, if any, and an estimate of future procurement, if any, involving possible increase of the amount of the claim;

(5) A statement of the interest of any other Department in the matter with a summary of extent to which coordination has been effected and/or should be effected;

(6) Specific reference to the reasons the requested approval is necessary as cited in paragraph (a) of this section;

(7) Reasons for any deviation from any prescribed contract clause, and a precise statement of such deviation;

(8) Recommendation, with supporting reasons, that the contract be approved;

(9) Recommendation that the instrument, if approved, be filed in the public register, departmental register, or the secret register of the United States Patent Office; and

(10) A statement that the instrument effects settlement of the claim for which clearance was granted.

(c) *Recordation.* Upon approval of the instrument by or on behalf of the Assistant Judge Advocate General for Civil Law, the Chief, Patents Division will forward one executed copy of the instrument directly to the U.S. Patent Office for recordation in the recommended register. The remaining executed and approved copies will be returned to the designee for distribution.

§ 598.105-67 Contract distribution.

(a) *General.* The designee shall obtain the original and at least one executed copy of each release, license, and assignment made in accordance with this part. The original shall be forwarded by the designee (unless the contract does not involve the payment of money to the contractor) to Audits Branch, United States General Accounting Office, Fort Benjamin Harrison, Indianapolis 49, Indiana. The executed copy, together with a second copy which may be unexecuted (photostatic preferred), shall be transmitted without delay by the designee to the Chief, Patents Division for recording in the United States Patent Office. The memorandum of transmittal shall include the designee's recommendation whether the instrument should be filed in the public register, departmental register, or the secret register. This memorandum shall also set forth: (1) the name of the claimant; name of the releasor, licensor, or assignor; and name of the patentee or inventor; (2) the patent number or patent application serial number; and (3) a statement that the instrument effects settlement of the claim for which clearance was granted.

(b) *Contracts providing for payment of a running royalty.* A copy of each license which provides for the payment of a running royalty shall be transmitted by the designee to each interested head of procuring activity. Receipt of such copy shall constitute notice that future procurement of the licensed subject

matter requires the payment of royalties to the licensor. Where necessary, such interested head of procuring activity shall notify procurement and price analysis offices affected.

§ 598.105-68 Disclosure of information to claimants and their representatives.

In order that settlements advantageous to the Government may be secured, the Chief, Patents Division; any designee; or a representative of either may (subject to the provisions of § 598.105-57 and considerations of military security), in the performance of his official duties and when he has reason to believe that such action would be to the advantage of the United States, disclose to the claimant or his authorized representative any facts or matters of evidence which appear to bear upon his claim or its value. The facts concerning such a disclosure and the extent of the disclosure shall be made of record in the case.

§ 598.105-69 Mandatory contract clauses.

The following clauses are required in every release or license agreement except on the written concurrence of Chief, Patents Division. Minor modifications of language (e.g., pluralization of "Secretary" or "Contracting Officer") in multi-departmental agreements may be made on the basis of a written justification that the modification is necessary to carry out the intent of clause in a particular situation, without such concurrence.

(a) *Assignment of claims.* Section 7.103-8 of this title—Assignment of claims, shall be included in every contract which calls for payments by the Government aggregating \$1,000 or more.

(b) *Disputes.* Section 7.103-12 of this title—Disputes, shall be included in every contract which calls for payment by the Government.

(c) *Other ASPR Clauses.* Section 7.103-19 of this title—Officials Not to Benefit, § 7.103-20 of this title—Covenant Against Contingent Fees, and § 7.104-16 of this title—Gratuities, shall be included in every release, license, and assignment executed by the Government.

(d) *Release of past infringement.* The following clause shall be included in every contract made in accordance with this part which grants rights to the Government under an issued patent:

RELEASE OF PAST INFRINGEMENT

Contractor agrees to and does hereby release each and every claim and demand which Contractor now has or may hereafter have against the Government, its officers, agents, servants and employees, for infringement by or for the Government, prior to the effective date of this contract, of (1) any of the patents and applications for patent specifically identified in this contract (2) and any other patent or application for patent owned or hereafter acquired by Contractor, insofar as and to the extent only as such other patent or patent application covers the manufacture, use or disposition of (description of subject matter)].

NOTE. Bracketed portions of the foregoing clause may be omitted when not appropriate or not encompassed by the release as negotiated.

(e) *Non-estoppel.* The following clause shall be included in every contract made in accordance with this part:

NON-ESTOPPEL

Contractor agrees that the Government shall not be estopped at any time to contest the enforceability, validity or scope of, or the title to, any patent or patent application herein licensed, [but this provision shall not be deemed to modify or avoid the obligation of the Government to pay royalties except as elsewhere herein provided].¹

¹ The bracketed part is to be omitted except in contracts for payment of running royalties.

(f) *Protection against unjust payments.* The following clause shall be included in every contract providing for payment of a running royalty:

PROTECTION AGAINST UNJUST PAYMENTS

(1) If any license has been or shall hereafter be granted under substantially the same patents and authorizing substantially the same acts which are authorized under this contract within the United States, on royalty terms which are in any respect more favorable to the licensee than those contained herein, the Government shall be entitled to the benefit of such more favorable terms with respect to all royalties accruing under this license after the date such more favorable terms become effective, and Contractor shall promptly notify the Secretary of the Army in writing of the granting of such more favorable terms.

(2) In the event any claim of any patent hereby licensed is construed or held invalid by decision of a court of competent jurisdiction, the requirement to pay royalties under this contract insofar as it arises solely by reason of such claim, and any other claim not materially different therefrom, shall be interpreted in conformity with the court's decision as to the scope or validity of such claims; provided, however, that in the event such decision is modified or reversed on appeal, the requirement to pay royalties under this license shall be interpreted in conformity with the final decision rendered on such appeal.

(g) *Termination.* The following clause shall be included in every contract providing for the payment of a running royalty:

The Government shall have the right, notwithstanding any other provision of this contract, to terminate the within license, in whole or in part, by giving notice in writing to Contractor specifying a date when such termination is to be effective.

§ 598.105-70 Suggested clauses—contracts except running royalty contracts.

(a) *License grant.* The following clause is a suggested form for expressing the license grant in all contracts except those providing for payment of a running royalty:

LICENSE

Contractor agrees to and does hereby grant and convey to the Government, as irrevocable, nonexclusive, nontransferable, and paid up license under the following patent(s) (and application(s) for patent) to practice and cause to be practiced for the Government any and all of the inventions thereof in the manufacture, use and disposition of any article or material, and in the use of any method, in accordance with law:

U.S. Patent No. _____ Date _____
Application Serial _____ Filing Date _____
No. _____

(together with corresponding foreign patents and applications for patent, insofar as Contractor has the right to grant licenses thereunder).

Nothing contained herein shall limit any rights which the Government may have obtained by virtue of prior contracts or by operation of law or otherwise.

(b) *License term.* Either of the following clauses is suggested as a form for expressing the license term in any contract not providing for payment of a running royalty:

(Alternate A)

TERM

The license hereby granted shall remain in full force and effect for the full term of the patent(s) referred to above (and any and all patents hereafter issued on applications for patent referred to above).

(Alternate B)

TERM

The license hereby granted shall terminate on the _____ day of _____ 19__; *Provided, however,* That said termination shall be without prejudice to the completion of any contract entered into by the Government prior to said date of termination or to the use or disposition thereafter of any articles or materials manufactured by or for the Government under this license.

§ 598.105-71 Suggested clauses—contracts providing for payment of a running royalty.

In addition to any clauses required in accordance with § 598.105-69, the following clauses are suggested for use, where appropriate, in contracts providing for payment of a running royalty:

(a) *License grant.* No department other than the Department of the Army shall be obligated to pay royalties unless the contract is signed on behalf of such other department. Accordingly, the following license grant clause, limited to the practice of the invention by or for the Department of the Army, is suggested for use:

LICENSE

(1) Contractor agrees to and does hereby grant and convey to the Government, as represented by the Secretary of the Army, an irrevocable, nonexclusive, nontransferable license under the following patent(s) (and application(s) for patent) to practice by the Department of the Army and cause to be practiced for the Department of the Army any and all of the inventions thereof in the manufacture, use and disposition of any article or material, and in the use of any method, in accordance with law:

U.S. Patent No. _____ Date _____
Application Serial _____ Filing Date _____
No. _____

(together with corresponding foreign patents and applications for patent so far as Contractor has the right to grant licenses thereunder).

(2) Nothing contained herein shall limit any rights which the Government may have obtained by virtue of prior contracts or by operation of law or otherwise.

(b) *License term.* The following clause is a suggested form for expressing the license term:

TERM

The License hereby granted shall remain in full force and effect for the full term(s) of the patent(s) referred to above (and any and all patents hereafter issued on applica-

tions for patent referred to above) unless sooner terminated as elsewhere herein provided.

(c) *Computation of royalties.* The contract clause providing for the computation of royalties may be of varying scope. The following alternative clauses are suggested. (Alternate A is based upon a percentage of cost of the articles or materials; alternate B is based upon a fixed amount per item):

COMPUTATION OF ROYALTIES

(Alternate A)

Royalties shall accrue under this contract in favor of Contractor, subject to the limitations hereinafter stated, on all articles or materials embodying or manufactured by the use of any or all of the inventions licensed herein, upon acceptance thereof by the Department of the Army (whether made by or for the Department of the Army), at the rate of -- percent of the Cost of such articles or materials to the Government. "Cost," as used in this paragraph means (1) in respect of articles or materials purchased by or for the Department of the Army, the purchase price of such articles or materials, except that in cost-plus-fixed-fee contracts it means the estimated cost as defined in such contract, and (2) in respect of articles or materials made by the Department of the Army, the actual cost of direct labor and materials without allowance for overhead or supervision.

(Alternate B)

Royalties shall accrue under this contract in favor of Licensor, subject to the limitations hereinafter stated, on all articles and materials embodying or made by the use of any or all of the inventions licensed herein, upon acceptance thereof by the Department of the Army (whether made by or for the Department of the Army), at the rate of (amount) per (name of item).

(d) *Reporting and payment of royalties.* (1) The contract must contain a provision specifying the head of procuring activity of the designee as the officer designated to make any necessary reports to the contractor of the extent of use of the licensed subject matter by the entire Department, and such officer shall be charged with the responsibility of obtaining from all procuring activities the information necessary to make the required reports and corresponding vouchers to make the required payments. The following clause is suggested for this purpose:

REPORTING AND PAYMENT OF ROYALTIES

(1) The (head of procuring activity) shall on or before the 60th day next following the end of each half yearly* period ending June 30 and December 31 during which royalties have accrued under this license, deliver to Contractor a report in writing stating the number of articles and the amounts of materials accepted by the Department of the Army during said half yearly period on which royalties have accrued under this contract, and the cost thereof.

(2) Royalties which have accrued under this contract during each half yearly period ending June 30 and December 31 shall be paid to Contractor, provided appropriations therefor are available, within 60 days next following the receipt of a voucher from the Contractor, submitted in accordance with the report referred to in (a) of this clause; provided, however, that the Government shall not be obligated to pay, in respect of any such half yearly period, an amount greater than ----- (\$-----) Dollars.

(2) In the event military security prohibits the disclosure of the quality of production, the designee may negotiate an appropriate substitute for the above clauses.

(e) *License to other Government agencies.* When it is desired not to limit the practice of the invention to the Department of the Army the following clause is suggested for use:

LICENSE TO OTHER GOVERNMENT AGENCIES

(1) Contractor hereby agrees to grant a separate license under the patents, applications for patents, and improvements referred to in Article 1 hereof, on the same terms and conditions as appear in this license, to any department or agency of the Government other than the Department of the Army at any time on receipt of written request for such a license from such department or agency, provided, however, that as to royalties which accrue under such separate licenses, reports and payments will be made by such department or agency directly to Contractor and not by the (Designee). Contractor shall notify the (Designee) promptly upon receipt of any request for license hereunder.

(2) When two or more departments or agencies shall have subscribed to this license, such agencies shall jointly make the report of royalties called for by subparagraph (a) of Article ----- The royalties payable by such departments or agencies shall be combined for the purpose of computing the Government's total half yearly* obligation as set forth in subparagraph (b) of Article ----- When such combined royalties exceed the said total half yearly obligation, each department or agency shall pay the pro rata share of the said total half yearly obligation as determined by the proportion its accrued royalties bear to the combined total of accrued royalties.

*The frequency, date and length of reporting periods should be selected as appropriate to the particular circumstances of the contract.

§ 598.105-72 Assignments.

(a) The following clause is suggested for use in contracts of assignment of patent rights to the Government:

ASSIGNMENT

Contractor agrees to and does hereby sell, assign, and transfer to the Government and its assigns, as represented by the Secretary of the Army, the entire right, title and interest in and to the following patent(s) (and applications(s) for patent), in and to the invention(s) thereof, and in and to all claims and demands whatsoever for infringement thereof heretofore occurred, the same to be held and enjoyed by the Government through its duly appointed representatives to the full end of the term of said patent(s) (and to the full end of the term(s) of all patents which may be granted upon said application(s) for patent or upon any division, renewal or continuation thereof):

U.S. Patent No.	Date
-----	-----
Name of Inventor	

U.S. Application Serial No.	Filing Date
-----	-----
Name of Inventor	

(together with corresponding foreign patents and applications for patent, insofar as Contractor has the right to assign the same).

(b) To facilitate proof of contracts of assignment, the acknowledgment of the contractor should be executed before a notary public or other officer authorized to administer oaths. (35 U.S.C. 261.)

§ 598.105-73 Suggested contract form.

The following contract form is suggested for use for contracts of release, license or assignment:

Contract No. -----

DEPARTMENT OF THE ARMY

PATENT LICENSE AND RELEASE CONTRACT

This contract, effective as of the ----- day of ----- 19--, between the United States of America (hereinafter called the Government), and ----- (hereinafter called Contractor), [(a corporation organized and existing under the laws of the State of -----) (a partnership consisting of -----) (an individual trading as -----)] of the City of ----- in the State of ----- witnesseth that

Whereas, Contractor warrants that it has the right to grant the within license and release, and the Government desires to procure the same, and

Whereas, this contract is authorized by law, including 10 U.S.C. 2386,

Now, therefore, in consideration of the grant, release and agreements hereinafter recited the parties have agreed as follows:

Article 1. License.²

(Use the clause set forth in APP 9-105.70(a) for a paid up license, or APP 9-105.71(a) for a license on a running royalty basis.)

Article 2. Term.²

(Use the appropriate alternative clause set forth in APP 9-105.70(b) for a paid up license, or the clause set forth in APP 9-105.71(b) for a license on a running royalty basis.)

Article 3. Release of Past Infringement.

(Use the clause set forth in APP 9-105.69(d).)

Article 4. Non-Estoppel.

(Use the clause set forth in APP 9-105.69(e).)

Article 5. Payment.

Contractor shall be paid the sum of ----- dollars (\$-----) in full compensation for the rights herein granted and agreed to be granted. (For a license on a running royalty basis, use the appropriate alternative clause set forth in APP 9-105.71c and also the clause as specified in APP 9-105.69f and APP 9-105.71 d and e.)

Article 6. Officials Not to Benefit. (ASPR 7-103.19)

Article 7. Covenant Against Contingent Fees. (ASPR 7-103.20)

Article 8. Assignment of Claim. (ASPR 7-103.8)

Article 9. Gratuities. (ASPR 7-104.16)

Article 10. Disputes. (ASPR 7-103.12)

Article 11. Successors and Assigns.

This Agreement shall be binding upon Contractor, its successors³ and assigns, but nothing contained in this Article shall authorize an assignment of any claim upon the Government otherwise than as permitted by law.

Article 12. Approval of Contract.⁴

This contract shall be subject to approval for the Secretary of the Army by or in behalf

¹ Select appropriate clause

² If only a release is procured, delete this article; if an assignment is procured, use clause set forth in APP 9-105.72.

³ When contractor is an individual, change "successors" to "heirs"; if a partnership, modify appropriately.

⁴ To be used only where required by APP 9-105.66.

of the Assistant Judge Advocate General for Civil Law, Department of the Army, and shall not be binding until so approved.
In witness whereof, the parties hereto have executed this contract.

THE UNITED STATES OF AMERICA

By _____
(Signature and title of designee)

Date _____
By _____
(Signature and title of contractor)

Date _____
[CORPORATE SEAL]

Two witnesses:

(Address)

(Address)

Pursuant to Army Procurement Procedure 9-106.66, the foregoing contract is hereby approved.

(Assistant Judge Advocate General for Civil Law, Department of the Army)

Date _____

§ 598.105-74 Gratuitous grants.

For a suggested unilateral contract form for use where a patent owner voluntarily grants a royalty-free license, assignment, or release to the Government, see § 598.1508.

§ 598.106 Classified contracts.

(a) Upon receipt from the contractor of a patent application not yet filed which has been submitted by the contractor in compliance with § 9.106(a) of this title the contracting officer shall immediately refer the application to the competent authority within his activity for assistance in determining, within the 30-day period referred to in § 9.106(a) of this title, the proper security classification of the patent application. Upon such a determination, the contracting officer or his representative shall inform the contractor of any instructions deemed necessary or advisable relating to transmittal of the application to the United States Patent Office in accordance with procedures set forth in the Department of Defense Industrial Security Manual for Safeguarding Classified Security Information.

(b) In the case of all applications filed under the provisions of §§ 9.106 and 9.106-1 of this title, the contracting officer or his representative shall obtain the application serial number and filing date from the contractor and submit that information to a proper Department of the Army representative promptly after the filing of the application in order that necessary steps may be taken to place the application under a Secrecy Order pursuant to 35 U.S.C. 181, if such action appears to be advisable.

§ 598.106-1 Classified contracts to be performed outside the United States.

A request for the approval referred to in § 9.106-1 of this title must be considered and acted upon promptly in order to avoid the loss of valuable patent rights of the contractor.

§ 598.107 Patent rights.

§ 598.107-1 General.

(a) *Policy.* The policies stated in § 9.107-1 (a), (b), and (c) shall apply to any contract or modification thereof having experimental, developmental or research work as one of its purposes, irrespective of the contract designation. If a Government agency other than a Department of Defense agency provides all of the funds for such work and requests a special Patent Rights clause, the special clause shall be used. However, with respect to contracts placed for NASA see § 9.107-7 of this title and § 598.107-7.

(b) *Government acquisition of title.* (1) To reflect the determination required by § 9.107-1(d) of this title concerning Government acquisition of title, the file of each proposed contract or modification having experimental, developmental, or research work as one of its purposes shall include the following checklist completed and signed by the contracting officer.

a. Does the proposed contract or modification relate to a new technological field in which there is no significant nongovernmental experience? (Yes, No.) If so, is it probable that inventions which may be made under the proposed contract or modification will dominate the field or be of critical significance in it? (Yes, No.)

b. Do the services of the contractor under the proposed contract or modification largely consist of coordinating and directing the work of others? (Yes, No.)

c. Does the proposed contract or modification require work in a field directly relating to the health and safety of the public? (Yes, No.) If so, is it probable that the availability for public use of inventions arising out of such work will not depend on patent incentives? (Yes, No.)

d. Does the proposed contract or modification involve circumstances similar to those of a, b, or c above? (Yes, No.)

(2) Before including the Patent Rights (Title) clause of § 9.107-2(e) of this title in a request for proposal, approval shall be obtained from the Chief, Patents Division. Such approval shall be considered by the contracting officer as authority for deviation to the Patent Rights (License) clause of § 9.107-2(b) of this title.

(3) If, during negotiations, a contracting officer, in consultation with his technical and patent advisors, determines from facts supplied by a proposed contractor that the procurement should not entail the acquisition of title, the contracting officer has the unilateral right to delete the Patent Rights (Title) clause and insert the Patent Rights (License) clause. This decision does not require approval of higher authority but does require the contract file to be completely documented to support this new decision.

(c) *Gratuitous patent rights.* Procuring activities are not prohibited by § 9.107-2 of this title from accepting, on behalf of the Government, any gratuitous and voluntary grant of patent license rights. (See Subpart O of this part.)

§ 598.107-2 Patent rights—domestic contracts.

The contracting officer shall obtain the advice of cognizant Government pat-

ent counsel prior to excluding any inventions from the license grant in accordance with § 9.107-2(a) of this title. Any questions on the interpretation of § 9.107-2(a) may be referred, through channels, to the Chief, Patents Division.

§ 598.107-4 Contracts relating to atomic energy.

(a) Any provision to be incorporated into the Patent Rights clause which authorizes the contractor to retain license rights, or authorizes any deviation from the Patent Rights clause (§ 9.107-2 of this title) shall be forwarded to the Chief, Patents Division, for referral to the U.S. Atomic Energy Commission for determination as to whether the provision or deviation may be granted.

(b) Disclosures of inventions relating to atomic energy furnished by any contractor shall be forwarded to the Chief, Patents Division, for referral to the United States Atomic Energy Commission.

§ 598.107-7 Contracts placed for NASA.

(a) Requests made by National Aeronautics and Space Administration (NASA), in accordance with § 9.107-7(a) (1) of this title, requiring that the NASA "Property Rights in Inventions" clause be used in contracts for work which is funded only in part by NASA are predicated upon the basis that the project is a NASA project, or a project jointly planned by NASA and the Department of the Army to which the Department of the Army is contributing funds. Department of the Army contracts initiated prior to any proposed contribution of funds by NASA, without a request by NASA for change in specifications shall contain the "Patent Rights" clause in § 9.107-2(b) or § 9.107-3 of this title, as appropriate, and the communication from NASA making funds available to the Department of the Army for such purpose will not be expected to require use of the NASA "Property Rights in Inventions" clause in such cases.

(b) Questions concerning whether a project is a NASA project or a Department of the Army project, or whether the work to be done under any particular contract is of the type which requires use of the NASA "Property Rights in Inventions" clause, may be coordinated directly with National Aeronautics and Space Administration, Office of the General Counsel for Patents.

§ 598.109 Follow-up of patent rights.

Headquarters, U.S. Army Materiel Command, and all heads of procuring activities not subordinate to that headquarters issuing contracts for experimental, developmental, or research work, shall establish a follow-up system as required by § 9.109 of this title. In this connection, see the withholding provisions set forth in § 9.107-2(b) of this title.

§ 598.110 Reporting of royalties.

(a) The following clause shall be included in negotiated contracts in excess of \$10,000 where the work is to be performed in the United States, its possessions, or Puerto Rico.

REFUND OF ROYALTIES

(1) The term "royalties," as used in this clause, refers to any payment or charge such as royalties, license fees, rental fees, amortization costs and the like, for the use of, or rights in copyrights, patents, and patent applications.

(2) If in connection with the performance of this contract or any contract hereunder containing this clause, the amount of royalties paid or required to be paid is less than the amount reported during the negotiation of the contract or subcontract, or any modification of either, the contractor, and the subcontractor through the prime contractor, shall so inform the Contracting Officer and the contract price shall be reduced to the extent of the decrease in royalties. Payment or credit to the Government shall be made as the Contracting Officer may direct.

(3) This clause, including this subparagraph (3) shall be included in those subcontracts which require the approval of the Contracting Officer and in which the amount of royalties reported during negotiation of the subcontract exceeds \$250.00.

(b) The contracting officer shall furnish the head of procuring activity for transmittal to the Chief, Patents Division, a copy of each positive royalty report received in accordance with § 9.110 (b) of this title.

§ 598.111 Adjustment of royalties.

Personnel having cognizance of patent matters shall report, through channels, to the Chief, Patents Division, the final results of any action taken in compliance with § 9.111 of this title, as well as any actions initiated by such personnel themselves.

Subpart B—Data and Copyrights

§ 598.202-1 Acquisition of data.

(a) *General*—(1) *Data pricing requirements.* Where data is to be required under a contract, invitations for bids and requests for proposals shall include the following clause:

DATA PRICING

Where data is specified for delivery, bidders are requested to insert opposite the data items the price of such data. If the price of the data is included in the price of the end items the statement "data price is included in the price of the end items" may be used. If the bidder does not insert the price as requested above, or inserts the words "No Charge For Data," or similar language, the Government will consider and the bidder agrees that the data price is included in the cost of the appropriate end items.

(b) *Supply contracts and subcontracts thereunder.* (1) In determining initially whether data required in supply contracts and subcontracts thereunder is "proprietary data" or "other data" the definitions of § 9.201 of this title may be applied with the assumption that "the contractor has protected such information from unrestricted use by others." (§ 9.201(b) of this title.)

(2) When it has been determined that "other data" only is involved and required, such "other data" shall be specified in the contract Schedule. This "other data" may be specified by setting forth in the schedule a general description of the required data and a reference to a suitable document.

(3) In connection with the negotiation and pricing of data to be acquired under a negotiated supply contract in accordance with § 9.202-1(b) of this title the mere assertion that data is "proprietary data" by a prospective contractor does not itself establish that fact. The burden rests on the prospective contractor to show that the data is "proprietary data." This burden might be satisfied by furnishing the contracting officer information requested by procurement personnel and cognizant patent personnel. In arriving at a determination whether data is "proprietary data" and in assessing the weight to be given a claim that data is "proprietary data," the contracting officer, as required by the head of procuring activity, shall consult with either or both (i) appropriate scientific and technical personnel, or (ii) cognizant patent personnel, who, on the basis of available information and technical advice, shall make recommendations to the contracting officer.

(4) When, in accordance with § 9.202-2(b)(1) of this title, "proprietary data" is being obtained subject to limitations as to its use, the price to be paid for such data shall reflect consideration of such limitations. If the cost of the data includes any factor relating to the cost of developing the information contained in the data, this factor should be given only limited value. Care should also be taken to avoid any duplication of cost between this factor and any element of cost in the price of any other end item called for by the contract.

(c) *Contracts for experimental, developmental, or research work and subcontracts thereunder*—(1) *Consideration of effects of "proprietary data."* Whenever in negotiating a contract which has as one of its principal purposes experimental, developmental, or research work and also calls for models of equipment or practical processes, the contracting officer shall, before awarding the contract to a contractor whose "proprietary data" is to be excluded in accordance with § 9.202-1(c)(2) of this title, consider the impact of the exclusion of the proprietary data upon the Government's future use of the results of the contract in (i) connection with such programs as standardization, cataloging, supply, inventory control of repair and ancillary parts, (ii) the desirability of competition for production contracts, and (iii) the manufacture of the equipment or practicing of the process by or for a co-operating foreign government. If the impact is found to be serious, he shall consider the possibility of having the contractor use a design which eliminates or greatly reduces the impact of awarding the contract to a different contractor.

(2) *Identification of exceptions to requirement for delivery of data.* Whenever, in accordance with the exceptions of § 9.202-1(c)(1) or (2) of this title, it is known that certain portions of an item of data are not required to be delivered under the contract, these exceptions shall be identified by a note immediately after the description of the item in the Schedule substantially as follows:

NOTE: The following portions of this item, which come within the exceptions stated in ASPR 9-202.1(c)(1) and 9-202.1(c)(11), are not required to be delivered under this contract.

[Here insert the identification of those portions of the item which come within these exceptions, but with the specific one of these two exceptions indicated as to each portion.]

(3) *Screening of proprietary data.* In a contract which has as one of its principal purposes experimental, developmental or research work and also calls for models of equipment or practical processes, at least the substance of the following clause shall be included in the contract:

Consideration will be given by the contractor to the performance of the work called for by this contract in such manner as to produce end results that are susceptible of reproduction by or for the Government by equipment which is readily available through Government or commercial channels and by standard or proven production techniques, methods and processes. Unless approved by the contracting officer, the contractor will not knowingly, in the performance of the work called for by this contract, produce an end result requiring the details of secrets of manufacture, such as may be contained in but not limited to manufacturing methods or processes, treatment and chemical composition of materials, plant layout and tooling, to the extent that such information is not disclosed by inspection or analysis of the product itself.

§ 598.202-3 Multiple sources of supplies.

Where arrangements for licensing and technical assistance appear to be required in establishing multiple sources of supplies for domestic or foreign procurement under the provisions of § 9.202-3(a) of this title, the contracting officer shall obtain the advice of cognizant patent personnel.

§ 598.202-6 Data furnished on a restricted basis in support of a proposal.

Where it is desired to acquire the rights to use all or part of the data furnished on a restricted basis, with the proposal on which a contract is to be awarded, the contracting officer should, in his evaluation of the data alleged to be "proprietary," and in his negotiations, follow the policies and procedures set forth in § 598.202 (a) (1) and (b) (3).

§ 598.203-1 Basic data clause.

The following paragraphs shall be added to the Basic Data Clause (§ 9.203-1 of this title) in all cases:

The rights obtained by the Government in data furnished under this contract are set forth in this clause and nothing elsewhere in this contract or in any documents incorporated by reference shall be construed as in any way altering such rights.

§ 598.203-3 Limited rights provision for addition to basic data clause.

Where, in accordance with § 9.202-2 (b)(1) of this title, "proprietary data" is being obtained under a supply contract subject to limitation as to its use, each item of the data which is subject to such limitation shall be identified by a note immediately after the description

of the item in the schedule substantially as follows:

NOTE: The following portions of this item are subject to the limitations stated in Article ----- "Data" of this contract: [Here insert the identification of those portions of the item which are subject to the limitations, except that if the entire item is so subject, the words "The entire item" should be inserted.]

§ 598.204-2 Production of motion pictures.

The clause set forth in § 9.204-2 of this title shall be used in all contracts for the production of motion pictures, with or without accompanying sound, and in all contracts for the preparation (for use in connection with motion pictures) of scripts, musical compositions, sound tracts, translations, adaptations and the like.

§ 598.205-2 Contracts for existing motion pictures.

(a) The clause set forth in § 9.204-2 of this title shall be used in all contracts for the procurement of existing motion pictures, except that the following instructions apply to the use of this clause—

(1) Paragraph (b) may be modified or omitted by the procuring activity;

(2) Paragraph (c) may be modified by the procuring activity only to the extent of limiting the scope of the license granted by this paragraph to that scope which is consistent with the purposes for which the motion picture covered by the contract is being procured. Examples of such restricted rights are—

(i) Limitation as to the type of audience;

(ii) Limitations as to the geographic location; and

(iii) Limitation as to time;

(3) Paragraph (d) may be modified by the procuring activity to make the coverage of the indemnity coextensive with the rights acquired under the modification permitted by subparagraph (2) of this paragraph.

If paragraph (b) of the clause is omitted, the reference to "(c)" and "(d)" in line 1 of paragraph (f), of the clause shall be changed to read "(b)" and "(c)", respectively.

(b) The clause set forth in § 9.204-2 of this title shall be used in all contracts for the procurement of a modification (through the addition of subject matter specified by the contract and not already in existence) of an existing motion picture, except that the instructions given in paragraph (a) (2) and (3) of this section apply in this situation also.

Subpart C—Foreign License and Technical Assistance Agreements

§ 598.302 Foreign license and technical assistance contracts between the Government and domestic concerns.

In addition to the requirements of § 9.302(a) (1) and (2) of this title each contract shall provide that in any separate agreement between the primary source (or any of his subcontractors) and the second source (or any of his sub-

contractors) there shall be included a statement referring to the contract between the Government and the domestic concern.

§ 598.303 Supply contracts between the Government and second sources.

The detailed statement required by § 9.303(a) of this title shall include the "Royalty Information" provision set forth under § 9.110(a) (2) (i) of this title.

§ 598.304-2 Review of agreements.

Proposed foreign license and technical assistance agreements between domestic concerns and foreign governments or concerns forwarded to the Department of the Army under the provisions of § 9.304-1 of this title shall be referred to the cognizant procuring activity for review in accordance with § 9.304-2 of this title by appropriate patent and technical personnel. The comments and recommendations of the reviewing procuring activity shall be forwarded to the Deputy Chief of Staff for Logistics, ATTN: Chief, Procurement Programs Branch, Industrial Division, Department of the Army, Washington 25, D.C.

Subparts D-N [Reserved]

Subpart O—Procurement of Invention and Patent Rights

§ 598.1501 Policy.

It is the policy of the Department of the Army to obtain necessary rights under patents and applications for patents which are pertinent to contemplated procurement activities, in cases where it is in the interest of the Government to do so and the desired rights can be obtained at their fair value. In furtherance of this policy, statutory basis for which may be found in 10 U.S.C. 2386, each proposed license or assignment of rights under patents or application for patents shall be processed in accordance with the instructions set forth in this subpart.

§ 598.1502 Action by representative.

Any actions required by this subpart to be performed by a designee may be performed by his authorized representative, except for the execution of contracts made in accordance herewith.

§ 598.1503 Reporting of proposed licenses and assignments.

Any officer or employee of a procuring activity shall promptly submit to the chief patent or legal officer of his activity any communications received by him relating to proposed licenses or assignments. Any other person receiving such communications shall transmit them to the Chief, Patents Division, for proper action.

§ 598.1504 Correspondence with invention owner or his representative.

Upon receipt of a communication from an invention owner or his representative proposing a license or an assignment, the designee promptly shall acknowledge receipt thereof. The following form letter is suggested for this purpose:

(Letterhead of designee)

(Date)

JOHN DOE,
Title Guarantee Building,
Miami, Fla.

DEAR SIR: Your letter to ----- dated ----- 19--, offering [to grant a non-exclusive license to (the Department of the Army) under] ¹ [to assign to the Government the entire right, title and interest in] ¹ U.S. Letters Patent No. -----, granted (date of patent), to (patentee's full name), for "(Title of invention)," has been referred to this office for necessary action and direct reply.

Your offer will be carefully considered and you will be notified of the Department of the Army's conclusion in this connection upon completion of such consideration.

Sincerely yours,

(Signature of designee)

§ 598.1505 Clearance to consider and procure licenses and assignments.

(a) Promptly after receipt of a communication proposing a license or an assignment (of after a determination has been made to endeavor to obtain a license or assignment) the designee shall request in writing from the Chief, Patents Division, clearance to consider and procure the license or assignment on behalf of the Department.

(b) Each request for clearance shall be submitted in quadruplicate and shall include—

(1) The name and address of the invention owner;

(2) The number and date of each patent and the serial number and filing date of each patent application involved, and the inventor's name;

(3) A copy of the communication from the patent owner (or his representative) making the offer, if any;

(4) A description of the subject matter of the patent (or application) in sufficient detail to permit other procuring activities to determine whether they have an interest in the matter;

(5) A résumé of the nature and terms of the proposed license or assignment (including a copy of the instrument if available);

(6) The names of any other procuring activities of the Department which might have an interest, and a statement as to the probable interest of the Departments of Navy and Air Force; and

(7) Any other pertinent information.

(c) The Chief, Patents Division, upon receipt of the request for clearance, shall determine, so far as his files and the Government Register of Patent Rights indicate, whether the Government has any license or other interest in any patent or patent application involved and shall then grant such clearance in writing as appears proper.

(d) Upon receipt of such clearance, the designee shall proceed to consider the proposed license or assignment on behalf of the Department and, if deemed advisable by him, following coordination with any other interested Department of

¹ The applicable bracketed part should be used.

Defense agencies, to procure the same in accordance with § 598.1507.

(e) The Chief, Patents Division, shall send copies of the request for clearance and of the clearance to the chief patent or legal officer of each procuring activity having a probable interest in the matter. Each such officer promptly shall inform the designee to whom clearance has been granted of the interest, if any, of his service in the matter and of any pertinent information available. (Negative reports should be made if applicable.) The Chief, Patents Division, also shall request the Departments of Navy and Air Force promptly to notify the designee of the interest, if any, of such departments in the matter. No proposed license or assignment shall be procured or final report rendered (pursuant to § 598.1506) until reports are received by the designee from each chief patent or legal officer notified of the clearance, unless adequate explanation is presented.

§ 598.1506 Reports by designee.

(a) *Status reports.* In each case in which clearance has been granted, the designee shall submit to the Chief, Patents Division, interim reports describing the status of the case in sufficient detail to acquaint the recipient with the course of investigation of the case, together with an estimate of the date of completion of the investigation by designee. These reports shall be submitted at intervals not to exceed six months.

(b) *Reports of proposed settlement.* In those cases where the investigation indicates that procurement of a license is warranted and prior to final negotiation with the patent owner, a report shall be submitted to the Chief, Patents Division, briefly stating the general facts of the case including the amount of estimated procurement under the license and possible terms of the agreement.

§ 598.1507 Final report by designee where no license or assignment is procured.

A final report (in duplicate) of the results of the consideration on behalf of the Department shall be made by the designee to the Chief, Patents Division, with respect to each proposed license or assignment the procurement of which is believed to be inadvisable, or the designee has been unable to accomplish upon terms deemed reasonable by him. (A copy of the final report shall be forwarded by the designee to each interested head of procuring activity at this time.) The Chief, Patents Division, if he concurs in the conclusions of the designee, shall write a letter to the invention owner or his representative (with copies to the designee and interested head of procuring activity) stating the final conclusions of the Department.

§ 598.1508 Procedures applicable to procurement of invention and patent rights.

The requirements and procedures of § 598.105 for the investigation and settlement of administrative claims of infringement, § 598.105-65 ("Fiscal Procedures"), § 598.105-66 ("Approval of Agreements"), § 598.105-67 ("Contract

Distribution"), and §§ 598.105-69 through 598.105-73 (Contract Clauses and Forms), are generally applicable to the procurement of licenses and assignments in accordance with this subpart, with the following modifications:

(a) Subparagraphs (1), (2), (3), and (4) of § 598.105-66(b) are changed to read as follows:

(1) "Identification and brief description of the subject matter of the patent or patent application involved in the license or assignment;

(2) "Date of clearance granted pursuant to § 598.1505;

(3) "A brief statement of the designee's conclusions regarding potential infringement of the patent by contemplated procurement and validity of the patent, and the reasons therefor;

(4) "A statement of the estimated extent of contemplated procurement, including the estimated money value of a potential claim for infringement of the patent based upon such procurement;"

(b) Subparagraph (3) of § 598.105-67 (a) is changed to read "a statement that the instrument procured constitutes the license or assignment for which clearance was granted."

§ 598.1509 Gratuitous grants.

Various patent owners, for the purpose of assisting national defense, have voluntarily granted royalty-free licenses, assignments, and releases, to the Government to practice the inventions covered by their patents and applications for patent. In order to provide a simple standardized form for such gratuitous grants, the unilateral contract form set forth below is approved for use. If the contract is to be executed by the Government, the appropriate mandatory articles (§ 598.105-69) must be included unless approval of the Chief, Patents Division is obtained.

DEPARTMENT OF THE ARMY

PATENT LICENSE AND RELEASE CONTRACT

This Contract, made this _____ day of _____ 196__, by _____ (hereinafter called Contractor), [a corporation organized and existing under the laws of _____] ¹ [a partnership consisting of _____] ¹ [an individual trading as _____], ¹ of the City of _____ in the State of _____ in favor of the United States of America (hereinafter called the Government), witnesseth that

Whereas, to aid the national defense and promote the common welfare various patent owners have granted and are continuing to grant royalty-free licenses and releases to the Government to practice the inventions secured by their patents and applications for patents,

Whereas, the Government has utilized many such inventions for the purposes aforesaid, and is desirous of obtaining further royalty-free licenses and releases including this license and release, and

Whereas, this contract is authorized by law, including 10 U.S.C. 2386,

Now, therefore, in consideration of the premises and of the grant by other patent owners of like licenses and releases to the Government, Contractor has agreed as follows:

Article 1. [License] [Assignment]

[Use the clause set forth in APP 9-105.70(a) for a license; or the clause set forth in APP 9-105.72(a) for an assignment.]

Article 2. Term.

[Use the clause set forth in APP 9-105.70(b) for a license; a separate "Term" clause is not required if the "Assignment" clause of APP 9-105.72(a) is used.]

Article 3. Release of Past Infringement. [Use the clause set forth in APP 9-105.69(d).]

Article 4. Non-Estoppel.

[Use the clause set forth in APP 9-105.69(e).]

Successors and Assigns.² This contract shall be binding upon Contractor, its successors and assigns.

In witness whereof, Contractor has executed this contract as of the day and year above written.

By _____ (Name of contractor)

(Signature and title)

(Business address)

[CORPORATE SEAL]

Two witnesses:

(Address)

(Address)

¹ Delete if inapplicable.

² When contractor is an individual, change "successors" to "heirs"; if a partnership, modify appropriately.

PART 606—SUPPLEMENTAL PROVISIONS

5. Section 606.202, *Execution of contracts; requirements*, is revoked.

[C 38, APP, February 25, 1963] (Sec. 3012, 70A Stat. 157; 10 U.S.C. 3012. Interpret or apply secs. 2301-2314, 70A Stat. 127-133; 10 U.S.C. 2301-2314)

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

[F.R. Doc. 63-3851; Filed, Apr. 12, 1963; 8:45 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER D—MISCELLANEOUS EXCISE TAXES [T.D. 6648]

PART 48—MANUFACTURERS AND RETAILERS EXCISE TAXES

Taxes on Sale of Motor Vehicles and Parts or Accessories Therefor

On November 10, 1961, notice of proposed rule making with respect to the regulations under sections 4061, 4062, and 4063 of the Internal Revenue Code of 1954, as amended (relating to the manufacturers excise taxes on motor vehicles and parts or accessories therefor) was published in the FEDERAL REGISTER (26 F.R. 10593). The regulations, except as otherwise provided, are effective January 1, 1959. After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the regulations as so proposed are hereby adopted, subject to the changes set forth below:

PARAGRAPH 1. Section 48.4061(a) is changed by revising section 4061(a) (2) and by revising the historical note.

PAR. 2. Paragraph (b) (1) of § 48.4061 (a)-1 is changed.

PAR. 3. Section 48.4061(b) is changed by revising section 4061(b) and by revising the historical note.

PAR. 4. Paragraph (b) of § 48.4061(b)-1 is changed.

PAR. 5. Paragraphs (c) and (e) of § 48.4061(b)-2 are changed.

PAR. 6. Section 48.4061(b)-3 is changed by revising paragraph (a) and by deleting paragraph (d).

[SEAL] MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

Approved: April 9, 1963.

STANLEY S. SURREY,
Assistant Secretary of the
Treasury.

The following regulations are prescribed under sections 4061, 4062, and 4063 of the Internal Revenue Code of 1954, as amended, relating to taxes on motor vehicles and parts or accessories therefor. Except where otherwise specifically provided, these regulations are applicable to sales of motor vehicles and parts or accessories therefor on or after January 1, 1959. Regulations under § 48.4061(a)-2, relating to bonding of importers, were published in Treasury Decision 6499, approved October 24, 1960, 25 F.R. 10347.

Subpart H—Motor Vehicles, Tires, Tubes, Tread Rubber, Gasoline, and Lubricating Oil

AUTOMOTIVE AND RELATED ITEMS

MOTOR VEHICLES

Sec.	
48.4061(a)	Statutory provisions; imposition of tax; automobiles.
48.4061(a)-1	Imposition of tax.
48.4061(a)-2	Bonding of importers.
48.4061(a)-3	Definitions.
48.4061(a)-4	Parts or accessories sold on or in connection with chassis, bodies, etc.
48.4061(a)-5	Sale of automobile bodies and chassis.
48.4061(b)	Statutory provisions; imposition of tax; parts and accessories.
48.4061(b)-1	Imposition of tax.
48.4061(b)-2	Definition of parts or accessories.
48.4061(b)-3	Rebuilt, reconditioned, or repaired parts or accessories.
48.4062(a)	Statutory provisions; definitions; certain articles considered as parts.
48.4062(a)-1	Specific parts or accessories.
48.4062(b)	Statutory provisions; definitions; sale price of rebuilt parts.
48.4062(b)-1	Rebuilt parts or accessories sold on an exchange basis.
48.4063	Statutory provisions; exemptions.
48.4063-1	Tax-free sales of bodies to chassis manufacturers.
48.4063-2	Other tax-free sales.

AUTHORITY: §§ 48.4061 to 48.4063-2 issued under sec. 7805, I.R.C. 1954; 68A Stat. 917; 26 U.S.C. 7805.

Subpart H—Motor Vehicle, Tires, Tubes, Tread Rubber, Gasoline, and Lubricating Oil

AUTOMOTIVE AND RELATED ITEMS

MOTOR VEHICLES

§ 48.4061(a) Statutory provisions; imposition of tax; automobiles.

SEC. 4061. *Imposition of tax*—(a) *Automobiles*. There is hereby imposed upon the following articles (including in each case parts or accessories therefor sold on or in connection therewith or with the sale thereof) sold by the manufacturer, producer, or importer a tax equivalent to the specified percent of the price for which so sold:

(1) Articles taxable at 10 percent, except that on and after October 1, 1972, the rate shall be 5 percent—

Automobile truck chassis.

Automobile truck bodies.

Automobile bus chassis.

Automobile bus bodies.

Truck and bus trailer and semitrailer chassis.

Truck and bus trailer and semitrailer bodies.

Tractors of the kind chiefly used for highway transportation in combination with a trailer or semitrailer.

A sale of an automobile truck, bus, truck or bus trailer or semitrailer shall, for the purposes of this paragraph, be considered to be a sale of the chassis and of the body.

(2) Articles taxable at 10 percent except that on and after July 1, 1963, the rate shall be 7 percent—

Automobile chassis and bodies other than those taxable under paragraph (1).

Chassis and bodies for trailers and semitrailers (other than house trailers) suitable for use in connection with passenger automobiles.

A sale of an automobile, trailer, or semitrailer shall, for the purpose of this paragraph, be considered to be a sale of the chassis and of the body.

[Sec. 4061(a) as amended and in effect Jan. 1, 1959, and as amended by sec. 3(a) (1), Tax Rate Extension Act 1959 (73 Stat. 157); sec. 202(a) (1), Public Debt and Tax Rate Extension Act 1960 (74 Stat. 290); sec. 204, Federal-Aid Highway Act 1961 (75 Stat. 126); sec. 3(a) (1), Tax Rate Extension Act 1961; (75 Stat. 193); sec. 3(a) (1), Tax Rate Extension Act 1962 (76 Stat. 114)]

§ 48.4061(a)-1 Imposition of tax.

(a) *In general*. Section 4061(a) imposes a tax on the sale by the manufacturer, producer, or importer of the following articles (including in each case parts or accessories therefor sold on or in connection therewith or with the sale thereof):

(1) Automobile truck and bus chassis and bodies;

(2) Truck and bus trailer and semitrailer chassis and bodies;

(3) Tractors of the kind chiefly used for highway transportation in combination with a trailer or semitrailer;

(4) Other automobile chassis and bodies; and

(5) Chassis and bodies for trailers and semitrailers (other than house trailers) suitable for use in connection with passenger automobiles.

(b) *Rates and computation of tax*.

(1) Tax is imposed on the sale of the articles enumerated in section 4061(a) and paragraph (a) of this section at the

rate applicable on the date on which the article is sold, as specified below:

(i) *Automobile truck and bus chassis and bodies, truck and bus trailer and semitrailer chassis and bodies, and tractors sold—*

	Percent
(a) During the period January 1, 1959, to September 30, 1972, inclusive—	10
(b) On or after October 1, 1972—	5

(ii) *Other automobile chassis and bodies sold—*

	Percent
(a) During the period January 1, 1959, to June 30, 1963, inclusive—	10
(b) On or after July 1, 1963—	7

(2) The tax is computed by applying to the price for which the article is sold the rate in effect at the time of the sale. For definition of the term "price" and for application of the tax to leases of articles, see sections 4216 and 4217, respectively, and the regulations thereunder contained in Subpart M of this part.

(c) *Liability for tax*. The tax imposed by section 4061(a) is payable by the manufacturer, producer, or importer making the sale.

(d) *Nonhighway vehicles*. A chassis or body specified in section 4061(a) (see paragraph (a) of this section) which is not designed for highway use is not subject to the tax imposed by such section. The following are examples of vehicles which are not designed for highway use, and, therefore, not taxable: Road graders, bulldozers, power shovels, earth movers, farm tractors, motor-driven vehicles designed and adapted for use in pulling or drawing vehicles around the premises of factories and railway stations, and small trucks for handling baggage and trunks at railway stations.

(e) *Trailers*. (1) A trailer or semitrailer chassis or body primarily designed for highway use in combination with a taxable truck, bus, or tractor is subject to the tax imposed by section 4061(a) (1). Trailers and semitrailers which are suitable for use in combination with passenger automobiles, but which are not house trailers, are subject to the tax imposed by section 4061(a) (2). A trailer designed for use in combination with a passenger automobile which is to be used for purposes other than living or sleeping, commonly referred to as a "utility trailer", is an example of a trailer taxable under section 4061(a) (2). The tax attaches even though the trailer or semitrailer may have equipment to perform functions other than in connection with the transportation of property or persons. However, no tax under section 4061(a) attaches to that part of the selling price of the complete unit which is reasonably attributable to such equipment provided that such part of the selling price is billed separately on the invoice to the customer or can be otherwise established by adequate records.

(2) Examples of trailers and semitrailers subject to the tax imposed by section 4061(a) (1) are:

(i) General purpose pole trailers, combination pole and cable reel trailers, transformer trailers, machinery trailers, tilt-top implement trailers, reel dollies, pole dollies, and highway logging dollies.

(ii) Low-bed trailers or semitrailers designed for transporting heavy equipment over the highways.

(3) A farm wagon primarily designed for use on farms, although it may be used on the highway, illustrates a type of vehicle which is not a trailer within the meaning of section 4061(a).

§ 48.4061(a)-2 Bonding of importers.

NOTE: For regulations under this section 48.4061(a)-2 (26 CFR 48.4061(a)-2), see Treasury Decision 6499, approved October 24, 1960 (25 F.R. 10347).

§ 48.4061(a)-3 Definitions.

For purposes of the tax imposed by section 4061, unless otherwise expressly indicated:

(a) *Automobile truck.* The term "automobile truck" includes automobile buses, and truck and bus trailers and semitrailers.

(b) *Other automobile.* The term "other automobile" means all automobiles other than automobile trucks, and includes trailers and semitrailers suitable for use in connection with passenger automobiles, but does not include house trailers.

(c) *Tractor.* The term "tractor" means any tractor chiefly used for highway transportation in combination with a trailer or semitrailer.

§ 48.4061(a)-4 Parts or accessories sold on or in connection with chassis, bodies, etc.

(a) *In general.* The tax attaches in respect of parts or accessories for articles specified in section 4061(a) sold on or in connection therewith or with the sale thereof at the rate applicable to the sale of the basic article. The tax attaches in such case whether or not the parts or accessories are billed separately. For the tax applicable to parts or accessories which are not sold on or in connection with the sale of a taxable chassis, body, or tractor, see § 48.4061(b)-1.

(b) *Essential equipment.* If taxable chassis, bodies, or tractors are sold by the manufacturer, producer, or importer without parts or accessories which are considered equipment essential for the operation or appearance of such articles, the sale of such parts or accessories will be considered, in the absence of evidence to the contrary, to have been made in connection with the sale of the basic article even though they are shipped separately at the same time or on a different date. For example, if a manufacturer sells to any person a chassis and the bumpers for such chassis, or sells a taxable tractor and the fifth wheel and attachments, the tax applies to such parts or accessories at the same rate as on the chassis or tractor regardless of the method of billing or the time at which the shipments were made.

§ 48.4061(a)-5 Sale of automobile bodies and chassis.

(a) *Sale of complete vehicle.* An automobile truck or other automobile for

purposes of the tax consists of two parts, namely, a body and a chassis. The tax applies to the sale by the manufacturer of each. Thus, if the purchaser of a taxpaid chassis attaches to it a body manufactured by him and sells the completed vehicle, he is liable for tax based on the sale price of the body only. However, the tax attaches to the selling price of the unit unless adequate records are available to show the portion of the total selling price attributable to the body.

(b) *Bodies and chassis which are subject to different tax rates.* If different rates of tax apply to the body and the chassis and the completed vehicle is sold as a unit, the tax is computed at the appropriate rate on the portion of the selling price applicable to each. Thus, if the manufacturer of a truck body installs it on a passenger automobile chassis manufactured by him, the sale of the body and chassis (if the sale is made at a time when the applicable rates are different) must be recorded and billed separately and the tax is based on the separate sale price of the body and chassis at the rate applicable to each. The respective selling prices of the body and chassis must include all parts and accessories made a part thereof, or attached thereto, or sold in connection therewith. When doubt exists as to whether a part or accessory should be included in the sale price of the body or of the chassis, the rate of tax will be determined according to whether it is customary to sell such part or accessory with bodies or with chassis when bodies or chassis are sold separately.

§ 48.4061(b) Statutory provisions; imposition of tax; parts and accessories.

SEC. 4061. Imposition of tax. * * *

(b) *Parts and accessories.* There is hereby imposed upon parts or accessories (other than tires and inner tubes and other than automobile radio and television receiving sets) for any of the articles enumerated in subsection (a) sold by the manufacturer, producer, or importer a tax equivalent to 8 percent of the price for which so sold, except that on and after July 1, 1963, the rate shall be 5 percent.

[Sec. 4061(b) as amended and in effect Jan. 1, 1959, and as amended by sec. 3(a)(1), Tax Rate Extension Act 1959 (73 Stat. 157); sec. 202(a)(1), Public Debt and Tax Rate Extension Act 1960 (74 Stat. 290); sec. 3(a)(1), Tax Rate Extension Act 1961 (75 Stat. 193); sec. 3(a)(1), Tax Rate Extension Act 1962 (76 Stat. 114)]

§ 48.4061(b)-1 Imposition of tax.

(a) *In general.* Section 4061(b) imposes a tax on the sale by the manufacturer, producer, or importer of parts or accessories (other than tires and inner tubes and other than automobile radio and television receiving sets) for any of the articles enumerated in section 4061(a) (see paragraph (a) of § 48.4061(a)-1).

(b) *Rates of tax.* Tax is imposed on the sale of parts or accessories for any of the articles enumerated in section 4061(a) at the rates specified below:

	Percent
(1) Parts or accessories sold during the period January 1, 1959, to June 30, 1963, inclusive.....	8
(2) Parts or accessories sold on or after July 1, 1963.....	5

The tax is computed by applying to the price for which the part or accessory is sold the rate in effect at the time of the sale. For definition of the term "price" see section 4216 and the regulations thereunder contained in Subpart M of this part.

(c) *Liability for tax.* The tax imposed by section 4061(b) is payable by the manufacturer, producer, or importer making the sale.

§ 48.4061(b)-2 Definition of parts or accessories.

(a) *In general.* The term "parts or accessories" includes (1) any article the primary use of which is to improve, repair, replace, or serve as a component part of an automobile truck or bus chassis or body, or other automobile chassis or body, or taxable tractor, (2) any article designed to be attached to or used in connection with such chassis, body, or tractor to add to its utility or ornamentation, and (3) any article the primary use of which is in connection with such chassis, body, or tractor, whether or not essential to its operation or use. The term "parts or accessories" includes all articles which have reached such a stage of manufacture as to be commonly known as parts or accessories whether or not fitting operations are required in connection with their installation. An article shall not be deemed to be a taxable part or accessory even though it is designed to be attached to the vehicle or to be primarily used in connection therewith if the article is in effect the load being transported and the primary function of the article is to serve a purpose unrelated to the vehicle as such. For example, a construction derrick attached to a truck is not a taxable part or accessory inasmuch as the derrick is the load of the truck and its use is in connection with construction work at a construction site rather than in connection with the transportation or loading or unloading function of the truck. On the other hand, an article such as a towing cradle or loading or unloading equipment designed to be attached to or to be primarily used in connection with a truck is a taxable part or accessory inasmuch as the article contributes to the load-carrying function of the truck. The term "parts or accessories" does not include tires, inner tubes, or automobile radio or television receiving sets, since these articles are expressly exempted by section 4061(b) from the tax. However, the term "parts or accessories" includes tire valves designed for use on tires or tubes for articles taxable under section 4061(a).

(b) *Articles of a general use.* The term "parts or accessories" does not include articles which are not used primarily in the manufacture, repair, etc., of automobile trucks, other automobiles, or tractors, but have a general use in the manufacture, repair, etc., of various articles. For example, commodities such as ball and roller bearings, bolts, nuts, washers, screws, nails, tacks, rivets, pins, studs, cotters, pipe fittings such as plugs, tees, elbows, and elbows, drain cocks, grease cups, oilers, and similar articles are not of themselves parts or acces-

sories unless so constructed as to be used primarily in the manufacture, repair, etc., of automobile trucks, other automobiles, or tractors. On the other hand, parts for automobile parts or accessories are in themselves taxable unless they are articles of a type not specifically designed for use primarily in the automobile field. For example, the tax applies to the sale of gears, flexible shafts, and flexible housings designed as replacement parts for automotive speedometers; as well as replacement parts for automobile engines, transmissions, differentials, steering mechanisms, timers, windshield-wiper motors, and other automobile parts or accessories.

(c) *Materials of a general use*—(1) *General rule.* The term "parts or accessories" also does not include material such as glass, cloth, leather, matting linoleum, and other materials sold in rolls or by the foot, such as brake lining, tape, binding, wire, cable, metal and rubber tubing, packing, conduit, and similar material. However, except as provided in subparagraph (2) of this paragraph, when any such material is cut or otherwise transformed by any person into an automobile part or accessory, tax attaches at the time such part or accessory is sold by such person.

(2) *Articles made for immediate installation or repair.* If in connection with an immediate installation in an automobile truck, other automobile, or tractor an article is produced through the use of special machinery or as a result of specialized skills from lengths or rolls of material, the person producing such article is considered to have manufactured an automobile part or accessory and the tax applies to his sale of such part or accessory. For example, tax applies to the sale of automobile glass cut to size to replace broken glass, or automobile seat covers, automobile floor mats, or fitted truck top covers produced to replace worn seat covers, floor mats, or truck top covers. However, if an article of a minor nature is produced by simple operation from lengths or rolls of material for immediate use by a repairman in the repair of an automobile truck, other automobile, or tractor on which he is then working, the person producing such article is not considered to have manufactured an automobile part or accessory and tax does not apply on his sale of such article. For example, tax does not apply where a wire, hose, or board is cut to size in order to replace a damaged wire, hose, or board of an automobile truck, other automobile, or tractor.

(d) *Examples of articles taxable as parts or accessories.* Examples of articles which are taxable as parts or accessories are: Automobile air conditioners; baby seats for automobiles; automobile beds; automobile hammocks; automobile clutches; bottle warmers and heating pads designed to operate from an automobile cigarette lighter; automobile radio antennae; automobile license plate frames; automobile clocks; automobile mirrors and mirror brackets; purses for carrying parking meter coins or cases

for carrying registration cards when designed for attachment to an automobile; safes primarily designed for use in taxable motor vehicles; electric bulbs primarily designed and adapted for use on automobiles; automobile floor mats; jacks of the mechanical or hydraulic bumper, screw, ratchet, scissors, or other type primarily designed to be carried as accessories in automobiles as distinguished from jacks designed especially for use in garages and repair shops; dollies of the type commonly known as converter dollies which are used as connectors to convert semitrailers to full trailers; tool kits recommended for use with automobiles; automobile seat covers of any construction whether they are ready-made or custom fitted; fitted truck top covers; glass cut to size for installation in automobiles; and automobile bearings, such as automobile crankshaft or connecting rod bearings.

(e) *Effective date.* This section shall be effective with respect to sales made on or after June 1, 1963. For the definition of parts or accessories applicable to sales thereof prior to such date, see § 40.4061(b)-2 of this chapter (Manufacturers and Retailers Excise Tax Regulations).

(f) *Cross references.* For provisions relating to the tax imposed upon:

(1) Tires and inner tubes, see section 4071 and the regulations thereunder contained in Subpart H of this part;

(2) Automobile radio and television receiving sets, see section 4141 and the regulations thereunder contained in Subpart J of this part; and

(3) Fare registers and fare boxes for use on buses and automobiles, see section 4191 and the regulations thereunder contained in Subpart L of this part.

§ 40.4061(b)-3 Rebuilt, reconditioned, or repaired parts or accessories.

(a) *Rebuilt parts or accessories.* Rebuilding of automobile parts or accessories, as distinguished from reconditioning or repairing, constitutes manufacturing, and the rebuilder of such parts or accessories is liable for the tax imposed by section 4061(b) with respect to his sales of such rebuilt parts or accessories. Reboring or other machining, rewinding, and comparable major operations constitute rebuilding. The person owning the part or accessory being rebuilt is the manufacturer of the article and is liable for the tax on his sale of the rebuilt part or accessory. The tax attaches whether the machining or other operation is performed by the rebuilder himself or by some other person in his behalf. For example, the tax attaches with respect to sales of (1) rebuilt batteries, (2) rebabbitted or machined connecting rods, (3) reassembled clutches after operations such as the resurfacing of clutch plates, (4) rewound armatures, (5) reassembled generators with armatures rewound by or for the person reassembling the generator, (6) reground or remetalized crankshafts, and (7) engines in which blocks are machined (such as cylinders rebored or new sleeves inserted with or without cylinders being rebored) or new blocks installed. For provisions

relating to the sale price of rebuilt parts or accessories, see § 40.4062(b)-1.

(b) *Reconditioned parts or accessories.* The mere disassembling, cleaning, and reassembling (with any necessary replacements of worn parts) of automobile parts or accessories, such as fuel pumps, water pumps, carburetors, distributors, shock absorbers, windshield-wiper motors, brake shoes, clutch disks, voltage regulators, and other parts or accessories, are regarded as reconditioning operations rather than the manufacturing or production of rebuilt parts or accessories. The sale of a reconditioned part or accessory is not subject to tax if previous to the reconditioning there had been a prior sale of such part or accessory in the United States. Any new taxable parts or accessories produced, or purchased tax free for use in further manufacture, and used as replacements in reconditioning such units are subject to tax when used by the reconditioner.

(c) *Repaired parts or accessories.* The tax does not apply to the amount paid for the repair of automobile parts or accessories for the owner thereof. Repairing consists of the restoration, whether by rebuilding or reconditioning, of an owner's part or accessory to usable condition for his own use rather than for sale. The person who performs the repairing must retain in his possession evidence or documents from which the nontaxable nature of the operation can be ascertained. Any person engaged in rebuilding parts or accessories for purposes of sale incurs liability for tax with respect to his own use of any part or accessory rebuilt by him for sale.

§ 40.4062(a) Statutory provisions; definitions; certain articles considered as parts.

SEC. 4062. *Definitions*—(a) *Certain articles considered as parts.* For the purposes of section 4061, spark plugs, storage batteries, leaf springs, coils, timers, and tire chains, which are suitable for use on or in connection with, or as component parts of, any of the articles enumerated in section 4061(a), shall be considered parts or accessories for such articles whether or not primarily adapted for such use.

[Sec. 4062(a) as in effect Jan. 1, 1959]

§ 40.4062(a)-1 Specific parts or accessories.

Spark plugs, storage batteries, leaf springs, coils, timers, and tire chains, which are suitable for use on or in connection with, or as component parts of, automobile trucks, other automobiles, tractors, or other vehicles enumerated in section 4061(a), are considered parts of, or accessories for, such articles whether or not primarily designed or adapted for such use.

§ 40.4062(b) Statutory provisions; definitions; sale price of rebuilt parts.

SEC. 4062. *Definitions*. * * *

(b) *Sale price of rebuilt parts.* In determining the sale price of a rebuilt automobile part or accessory there shall be excluded from the price, in accordance with regulations prescribed by the Secretary or his delegate, the value of a like part or accessory accepted in exchange.

[Sec. 4062(b) as in effect Jan. 1, 1959]

§ 48.4062(b)-1 Rebuilt parts or accessories sold on an exchange basis.

The sale price of a rebuilt part or accessory on which the tax is to be computed shall not include the value of a like part or accessory accepted in exchange. The total amount charged in excess of the amount allowed for a like article accepted in an exchange will be the basis for tax. For example, if a rebuilt automobile engine is sold for \$100, plus another automobile engine, the tax on the rebuilt engine will be computed on the basis of \$100.

§ 48.4063 Statutory provisions; exemptions.

SEC. 4063. *Exemptions*—(a) *Specific articles exempt from tax on automobiles.* The tax imposed under section 4061(a) (2) shall not apply in the case of house trailers or tractors.

(b) *Sales to manufacturers.* Under regulations prescribed by the Secretary or his delegate, the tax under section 4061 shall not apply in the case of sales of bodies by the manufacturer, producer, or importer to a manufacturer or producer of automobile trucks or other automobiles to be sold by such vendee. For the purposes of section 4061, such vendee shall be considered the manufacturer or producer of such bodies.

[Sec. 4063 as in effect Jan. 1, 1959]

§ 48.4063-1 Tax-free sales of bodies to chassis manufacturers.

The tax imposed by section 4061 shall not apply to bodies sold by the manufacturer thereof to a manufacturer (but not an importer) of automobile trucks or other automobiles to be sold by the purchaser. Thus, a manufacturer of automobile truck bodies or other automobile bodies is permitted to sell such bodies tax free to manufacturers of automobile truck chassis or other automobile chassis. However, there is no similar provision with respect to the sale of an automobile truck chassis or other automobile chassis to manufacturers of automobile truck bodies or other automobile bodies. In order to effect a tax-free sale of a body as provided in this paragraph, both the seller and purchaser must comply with the registration and other requirements of section 4222 and the regulations thereunder contained in Subpart N of this part. A chassis manufacturer who purchases a body tax free as provided in this paragraph shall, for purposes of application of the tax imposed by section 4061(a), be considered the manufacturer of such body.

§ 48.4063-2 Other tax-free sales.

For provisions relating to tax-free sales of articles referred to in section 4061, see—

(a) Section 4221, relating to certain tax-free sales;

(b) Section 4222, relating to registration; and

(c) Section 4223, relating to special rules pertaining to further manufacture; and the regulations thereunder contained in Subpart N of this part.

[F.R. Doc. 63-3933; Filed, Apr. 12, 1963; 8:50 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 88—RETIRED FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

Government Contributions

Effective July 1, 1963, there will be an increase in the premium rates for the Uniform Health Benefits Plan in which some 135,000 employee-annuitants who retired before July 1, 1960, or their survivor-annuitants are enrolled. The increase is based on the actual use of benefits under the plan and because the annuitant group is in the older age brackets, its use of medical care is much greater than that of a group with a normal age distribution. The Commission in the exercise of the discretion given to it by law (sec. 4(a) and 6(a), 74 Stat. 850; 5 U.S.C. 3053, 3055) has decided to increase the Government's contribution to annuitants enrolled in the Uniform Plan as well as to those annuitants in various qualified private plans. Therefore:

It is ordered, That §§ 88.15 and 88.25 of Part 88 of Chapter I of Title 5, Code of Federal Regulations are amended as set forth below. The amendment is effective as to increased contributions with respect to annuity accruing for periods beginning on and after June 1, 1963. The amended sections shall read as follows:

§ 88.15 Government contributions.

(a) The Commission will pay, through his retirement office, \$3.50 monthly to each retired employee who elects to receive a Government contribution toward the cost of a private health benefits plan in which he is a subscriber for self only, and \$7.00 monthly to each who so elects toward the cost of a private health benefits plan in which he is a subscriber for self and family, but not more than the cost of the private health benefits plan.

(b) The Commission will contribute to the cost of the uniform plan \$3.50 monthly for an election for self only, and \$7.00 monthly for an election for self and family. Election to subscribe to the uniform plan constitutes agreement by the retired employee that the retirement office shall withhold from his annuity his share of the cost of the plan, as provided by this part.

(c) The Government will contribute to the Retired Federal Employees Health Benefits Fund 2 percent of the total Government contribution authorized by this section, for payment of expense incurred by the Commission in administering this part.

§ 88.25 Government contributions.

(a) The Commission will pay, through the Bureau of Employees' Compensation, \$3.50 monthly to each survivor who elects to receive a Government contribution toward the cost of a private health benefits plan in which he is a

subscriber for self only, and \$7.00 monthly to each survivor who so elects toward the cost of a private health benefits plan in which he is a subscriber for self and family. The Commission will pay, through the Bureau of Employees' Compensation, \$3.27 each 4-week period to each retired employee other than a survivor who elects to receive a Government contribution toward the cost of a private health benefits plan in which he is a subscriber for self only, and \$6.53 each 4-week period to each who so elects toward the cost of a private health benefits plan in which he is a subscriber for self and family. The Commission will not pay, in any case, more than the cost of the private health benefits plan each month or 4-week period, as the case may be.

(b) The Commission will contribute to the cost of the uniform plan \$3.50 monthly for survivors, and \$3.27 each 4-week period for other retired employees, for an election for self only; and \$7.00 monthly for survivors, and \$6.53 each 4-week period for other retired employees, for an election for self and family. Election to subscribe to the uniform plan constitutes agreement by the retired employee that the Bureau of Employees' Compensation shall withhold from his compensation his share of the cost of the plan, as provided by this part.

(c) The Government will contribute to the Retired Federal Employees Health Benefits Fund 2 percent of the total Government contribution authorized by this section, for payment of expenses incurred by the Commission in administering this part.

(Sec. 9(a), 74 Stat. 851, 5 U.S.C. 3058)

UNITED STATES CIVIL SERVICE COMMISSION,
MARY V. WENZEL,
Executive Assistant to
the Commissioners.

[F.R. Doc. 63-3943; Filed, Apr. 12, 1963; 8:50 a.m.]

Title 7—AGRICULTURE

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

SUBCHAPTER A—COMMODITY STANDARDS AND STANDARD CONTAINER REGULATIONS

PART 29—TOBACCO INSPECTION

Subpart C—Standards

A notice of proposed rule making covering modification of Official Standard Grades for Fule-cured Tobacco, U.S. Types 11, 12, 13, and 14, was published in the FEDERAL REGISTER of March 6, 1963 (28 F.R. 2188). Interested persons were given 15 days following publication in the FEDERAL REGISTER in which to submit written data, views, and arguments with respect to the proposed modifications. After consideration of all such relevant matter as was presented by interested

persons regarding the rules proposed, the regulations as so published are hereby adopted, subject to the changes set forth below.

1. In § 29.1009 "RO—red rank, and GO—green rank" are revised to read "RR—rank red, RG—rank green," and "LX—lug side." is added.

2. In § 29.1011 "(See rule 20.)" is revised to read "(See rule 21.)."

3. Sections 29.1018–29.1076 are renumbered 29.1019–29.1077, respectively.

4. A definition of Fire-killed is inserted as § 29.1018.

5. In § 29.1024 "(See rule 19.)" is revised to read "(See rule 20.)."

6. In § 29.1025 "(See rule 18.)" is revised to read "(See rule 19.)."

7. The text of § 29.1027 is deleted with the exception of the first sentence. The parenthetical following this sentence is changed to read "(See definitions of Damage and Waste; see also rule 14.)."

8. In § 29.1034 "(See rule 21.)" is revised to read "(See rule 16.)."

9. In § 29.1036 the word "firekilled" is inserted between "semicured" and "or smoked".

10. In § 29.1046 the symbol "(O)" is deleted. At the end of this definition is added "(See rule 18.)."

11. In § 29.1049 "or more" is inserted between "percent" and "of", and "(See rule 21.)" is revised to read "(See rule 16.)."

12. In § 29.1052 "L or F color" is changed to read "lemon or orange color" and "(See rule 16.)" is revised to read "(See rule 17.)."

13. In § 29.1073 "or" after the word "bleached" and "scalded or" are deleted, and the words "scalded, or sunbaked;" are inserted following the word "doty-faced".

14. In § 29.1101 the words "in oil" are deleted from the third degree of the element "Oil".

15. In § 29.1117 the words "and Testing" are inserted between "Standards" and "Branch".

16. In § 29.1118 "5 percent" is revised to read "one percent".

17. In § 29.1119 the third and fourth sentences are deleted: "The minor portion must be closely related but may be one step away in group and in color and may be two steps away in quality. Not over 5 percent may fail to meet the 'closely related' requirement." The fifth sentence is changed to a parenthetical which becomes the third sentence. A new fourth sentence is added as follows: "The minor portion must be closely related, but may be of a different group, quality, and color from the major portion."

18. Section 29.1127 (Rule 21) is renumbered and inserted as § 29.1122 (Rule 16); former §§ 29.1122 (Rule 16) to 29.1126 (Rule 20) are renumbered §§ 29.1123 (Rule 17) to 29.1127 (Rule 21), inclusive.

19. In § 29.1123 "L- or F-colored" is revised to read "lemon- or orange-colored".

20. In § 29.1124 "Red rank", "green rank", "RO", and "GO", are deleted and "Rank red", "rank green", "RR", and "RG" are substituted therefor.

21. In § 29.1125 the words "in lemon or orange color" are inserted between the words "tobacco" and "containing".

22. In § 29.1126 the symbol "RG" is substituted for "GO".

23. In § 29.1127 the words "green rank" are transposed to read "rank green".

24. In § 29.1130 the word "firekilled" is inserted between the words "semicured" and "smoked".

25. In the second sentence of § 29.1161, "mature to ripe," is inserted following the words "Wrappers are", and the word "very" is deleted.

26. In § 29.1161 grade A2L is deleted and grades A1F and A1R are inserted preceding grades A2F and A2R, respectively.

27. In § 29.1161 "Ripe" is deleted from the grade specifications for A2F and A2R and "open leaf structure" is changed to "firm leaf structure".

28. In § 29.1162 "X, C, or H" are deleted and the word "other" is substituted therefor.

29. In § 29.1162 grades B1L, B1F, B1FR, and B1R are inserted preceding grades B2L, B2F, B2FR, B2R, respectively, and grade B6KV is inserted following B5KV.

30. In §§ 29.1162–29.1166 wherever the word "lean" appears, the words "in oil" are inserted immediately thereafter.

31. In § 29.1162 color intensity is changed from "moderate" to "weak" in grades B5L, B6L, B5F, B6F, B5FR, B6FR, B5R, B6R, B5D, and B6D.

32. In § 29.1162 "moderate color intensity" is deleted in grades B4K, B5K, and B6K.

33. In § 29.1162 "open leaf structure" is changed to "firm leaf structure" in B6K.

34. In § 29.1162 "close leaf structure" is changed to "tight leaf structure" in grades B5GL, B6GL, B5GF, B6GF, B5GR, and B6GR.

35. In § 29.1162 the word "oily" is inserted between the degree of body and the degree of width in grades B4GL, B4GF, and B4GR; in the same relative position "lean in oil" is inserted in the specifications for B5GL, B6GL, B5GF, B6GF, B5GR, and B6GR.

36. In § 29.1162 "tight leaf structure" in the specifications for B4GK is changed to "close leaf structure".

37. In § 29.1162 "fleshy" in the specifications for B4KV and B5KV is changed to "medium body".

38. In § 29.1162 "medium body" in the specifications for B6FS is changed to "fleshy".

39. In § 29.1162 grade symbols "B5RO" and "B5GO" are changed to "B5RR" and "B5RG", respectively; in the grade names following these symbols "Red Rank" and "Green Rank" are transposed to "Rank Red" and "Rank Green", respectively.

40. In § 29.1163 insert grades H1L and H1F preceding H2L and H2F, respectively.

41. In § 29.1163 "moderate color intensity" in the specifications for grades H5L, H6L, H5F, H6F, H5FR, and H6FR is changed to "weak color intensity".

42. In § 29.1163 "deep color intensity" in the specifications for H3FR is changed to "strong color intensity", and in grade H4FR from "strong color intensity" to "moderate color intensity".

43. In § 29.1164 the third sentence in the group heading for Cutters (C Group) is changed from "Cutters have an oblate or rounded tip, are usually thin to medium in body, and show some ground injury." to "Cutters usually have a rounded tip, are thin to medium in body, and show some ground injury."

44. In § 29.1164 insert grades C1L and C1F preceding C2L and C2F, respectively.

45. In § 29.1164 specifications for C4KL are changed from "firm leaf structure" to "close leaf structure" and from "thin" to "medium body".

46. In § 29.1164 "firm leaf structure" in grade C4KF is changed to "close leaf structure".

47. In § 29.1164 grademark "C5KM" is changed to "C4KM", "Low" in the grade name is changed to "Fair", "tight leaf structure" is changed to "close leaf structure", "30 percent" is changed to "20 percent", and "10 percent" is changed to "5 percent".

48. In § 29.1164 "tight leaf structure" in grades C4LS, C5LS, C4FS, and C5FS is changed to "close leaf structure".

49. In § 29.1165 insert grades X1L and X1F preceding X2L and X2F, respectively.

50. In § 29.1165 "weak color intensity" in grades X5L and X5F is changed to "pale color intensity".

51. In § 29.1165 leaf structure specifications for X4KL and X4KF are changed from "firm" to "close", and in grades X3KM, X4KM, X3LS, X4LS, X3FS, and X4FS from "tight" to "close".

52. In § 29.1167 grademark "N1P" is changed to "N1L"; "Thinnest Body" is deleted from the grade name; "Not crude, quality under P5, and containing not more than" is deleted and the word "Tolerance:" is substituted therefor.

53. In § 29.1167 grademark "N1X" is changed to "N1LX"; "Thinnest body" is deleted and "C" is changed to "H" in the grade name; "Not crude, quality under X5, and containing not more than" is deleted and the word "Tolerance:" is substituted therefor.

54. In § 29.1167 in the grade name for N1F "Medium Body, and Medium Color" is changed to "Medium-bodied, Medium colored" and "from the B Group" is inserted immediately after the word "Nondescript"; "Not crude, quality under H6, and containing not more than 60 percent waste." is deleted and "Tolerance: 60 percent injury or waste." is substituted therefor.

55. In § 29.1167 the grade name for N1R "Heaviest Body, and Darkest Color" is changed to "Heavy, Dark-colored"; "from the B Group" is added after the word "Nondescript"; and "Not crude, quality under B6, and containing not more than 60 percent waste." is deleted and "Tolerance: 60 percent injury or waste." is substituted therefor.

56. In § 29.1167 in the grade name for N1GL "Thinnest Body" is changed to "Thin"; "from the P and X Groups" is added after the word "Nondescript";

and "Not more than 60 percent crude leaves or waste." is deleted and "Tolerance: 60 percent crude or waste." is substituted therefor.

57. In § 29.1167 in the grade name for N1GF "Medium Body," is deleted and "Medium-bodied, Medium-colored," is substituted therefor; "from the B Group" is added after the word "Nondescript"; and "Not more than 60 percent crude leaves or waste." is deleted and "Tolerance: 60 percent crude, injury, or waste." is substituted therefor.

58. In § 29.1167 in the grade name for N1GR, the word "Body" is deleted and "Dark-colored" is substituted therefor; "from the B Group" is added after the word "Nondescript"; and "Not more than 60 percent crude leaves or waste" is deleted and "Tolerance: 60 percent crude, injury, or waste." is substituted therefor.

59. In § 29.1127 the grade name for N1GG "from the B Group" is added after the word "Nondescript" and "Not more than 60 percent crude leaves or waste." is deleted and "Tolerance: 60 percent crude, injury, or waste." is substituted therefor.

60. In § 29.1127 the grade specifications for N2 "Over 60 percent crude leaves or waste." is deleted and "Nondescript of any group or color; over 60 percent crude, injury, or waste." is substituted therefor.

61. In § 29.1181 grades "A1F, A1R, B1L, B1F, B1FR, B1R, H1L, H1F, C1L, C1F, X1L, X1F, and B6KV" are added, and grade A2L is deleted. Totals for these groups are adjusted accordingly. Grade symbols C5KM, B5RO, B5GO, N1P, and N1X are changed to C4KM, B5RR, B5RG, N1L, and N1LX, respectively.

62. In § 29.1225 "1-Choice" is added above "2-Fine" in the column headed "Qualities"; "RO-Red rank" and "GO-Green rank" are deleted from the column headed Combination Symbols and "RR-Rank red" and "RG-Rank green" are substituted therefor; and thereunder "LX-Lug side" is added.

Effective date. In accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 1003), these standards shall become effective 30 days following the date of publication in the FEDERAL REGISTER.

The standards are set forth below.

1. In Subpart C of Part 29 delete §§ 29.1001 to 29.1225 and substitute therefor the following:

OFFICIAL STANDARD GRADES FOR FLUE-CURED TOBACCO (U.S. TYPES 11, 12, 13, AND 14)

DEFINITIONS

Sec.	
29.1001	Definitions.
29.1002	Body.
29.1003	Botched.
29.1004	Class.
29.1005	Clean.
29.1006	Color.
29.1007	Color intensity.
29.1008	Color symbols.
29.1009	Combination symbol.
29.1010	Condition.
29.1011	Crude.
29.1012	Cured.
29.1013	Damage.
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Sec.	
29.1015	Elasticity.
29.1016	Elements of Quality.
29.1017	Finish.
29.1018	Fire-killed.
29.1019	Flue-cured.
29.1020	Foreign matter.
29.1021	Form.
29.1022	Grade.
29.1023	Grademark.
29.1024	Green (G).
29.1025	Greenish.
29.1026	Group.
29.1027	Injury.
29.1028	Leaf scrap.
29.1029	Leaf structure.
29.1030	Lemon (L).
29.1031	Length.
29.1032	Lot.
29.1033	Maturity.
29.1034	Mixed color.
29.1035	Nested.
29.1036	No-G.
29.1037	Oil.
29.1038	Offtype.
29.1039	Orange (F).
29.1040	Orange Red (FR).
29.1041	Order (case).
29.1042	Package.
29.1043	Packing.
29.1044	Prematurity.
29.1045	Quality.
29.1046	Rank.
29.1047	Raw.
29.1048	Red (R).
29.1049	Scorched.
29.1050	Semicured.
29.1051	Side.
29.1052	Slick (S).
29.1053	Smoked.
29.1054	Sound.
29.1055	Special factor.
29.1056	Steam-dried.
29.1057	Stem.
29.1058	Stemmed.
29.1059	Strips.
29.1060	Sweated.
29.1061	Sweating.
29.1062	Tobacco.
29.1063	Tobacco products.
29.1064	Type.
29.1065	Type 11.
29.1066	Type 12.
29.1067	Type 13.
29.1068	Type 14.
29.1069	Undried.
29.1070	Uniformity.
29.1071	Unsound (U).
29.1072	Unstemmed.
29.1073	Variegated (K).
29.1074	Walnut (D).
29.1075	Waste.
29.1076	Wet (W).
29.1077	Width.

ELEMENTS OF QUALITY

29.1101	Elements of quality and degrees of each element.
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RULES

29.1106	Rules.
29.1107	Rule 1.
29.1108	Rule 2.
29.1109	Rule 3.
29.1110	Rule 4.
29.1111	Rule 5.
29.1112	Rule 6.
29.1113	Rule 7.
29.1114	Rule 8.
29.1115	Rule 9.
29.1116	Rule 10.
29.1117	Rule 11.
29.1118	Rule 12.
29.1119	Rule 13.
29.1120	Rule 14.
29.1121	Rule 15.
29.1122	Rule 16.
29.1123	Rule 17.
29.1124	Rule 18.
29.1125	Rule 19.
29.1126	Rule 20.
29.1127	Rule 21.

Sec.	
29.1128	Rule 22.
29.1129	Rule 23.
29.1130	Rule 24.

GRADES

29.1161	Wrappers (A Group).
29.1162	Leaf (B Group).
29.1163	Smoking Leaf (H Group).
29.1164	Cutters (C Group).
29.1165	Lugs (X Group).
29.1166	Primings (P Group).
29.1167	Nondescript (N Group).
29.1168	Scrap (S Group).

SUMMARY OF STANDARD GRADES

29.1181	Summary of standard grades.
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KEY TO STANDARD GRADEMARKS

29.1225	Key to standard grademarks.
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OFFICIAL STANDARD GRADES FOR FLUE-CURED TOBACCO (U.S. TYPES 11, 12, 13, AND 14)

DEFINITIONS

§ 29.1001 Definitions.

As used in these standards, the words and phrases hereinafter defined shall have the indicated meanings so assigned.

§ 29.1002 Body.

The thickness and density of a leaf or the weight per unit of surface. (See Elements of Quality Chart.)

§ 29.1003 Botched.

Any lot of tobacco which needs to be resorted or otherwise reworked to prepare it properly for market in the manner which is customary in the type area, including: (a) Tobacco which is so mixed that it cannot be classified properly in any grade of the type, because the lot contains a substantial quantity of two or more distinctly different grades which should be separated by sorting; (b) tobacco which contains an abnormally large quantity of foreign matter or an unusual number of muddy or extremely dirty leaves which should be removed; and (c) tobacco not packed straight, not properly tied, or otherwise not properly prepared for market. (See rule 24.)

§ 29.1004 Class.

A major division of tobacco based on method of cure or principal usage.

§ 29.1005 Clean.

Tobacco is described as clean when it contains only a normal amount of sand or soil particles. Leaves grown on the lower position of the stalk normally contain more sand or dirt than those from higher stalk positions. (See rule 4.)

§ 29.1006 Color.

The third factor of a grade based on the relative hues, saturations or chromas, and color values common to the type.

§ 29.1007 Color intensity.

The varying degree of saturation or chroma. Color intensity as applied to tobacco describes the strength or weakness of a specific color or hue. (See Elements of Quality Chart.)

§ 29.1008 Color symbols.

As applied to Flue-cured tobacco, color symbols are L—lemon, F—orange, FR—orange red, R—red, K—variegated, D—walnut, G—green, LV—lemon greenish, FV—orange greenish, GL—green lemon,

GF—green orange, GR—green red, GK—green variegated (scorched), GG—gray green, KL—variegated lemon, KF—variegated orange, KV—variegated greenish, and KM—variegated (scorched) mixed.

§ 29.1009 Combination symbol.

A color symbol combined with another symbol to form the third factor of a grade to denote a particular side or characteristic of the tobacco. As applied to Flue-cured tobacco the combination symbols are LS—lemon slick, FS—orange slick, RR—rank red, RG—rank green, and LX—lug side.

§ 29.1010 Condition.

The state of tobacco which results from the method of preparation or from the degree of fermentation. Words used to describe the condition of tobacco are: Undried, air-dried, steam-dried, sweating, sweated, and aged.

§ 29.1011 Crude.

A subdegree of maturity. Crude leaves are usually hard and slick as a result of extreme immaturity. A similar condition may result from firekill, sunburn, or sunscald. Any leaf which is crude to the extent of 20 percent or more of its surface may be described as crude. (See rule 21.)

§ 29.1012 Cured.

Tobacco dried of its sap by either natural or artificial processes.

§ 29.1013 Damage.

The effect of mold, must, rot, black rot, or other fungus or bacterial diseases which attack tobacco in its cured state. Tobacco having the odor of mold, must or rot is considered damaged. (See rule 22.)

§ 29.1014 Dirty.

The state of tobacco containing an abnormal amount of dirt or sand, or tobacco to which additional quantities of dirt or sand have been added. (See rule 24.)

§ 29.1015 Elasticity.

The flexible, springy nature of the tobacco leaf to recover approximately its original size and shape after it has been stretched.

§ 29.1016 Elements of Quality.

Elements of quality and the degrees used in the specifications of the official standard grades for Flue-cured, U.S. Types 11-14, are shown in chart form. Words have been selected to describe the degrees of each element.

§ 29.1017 Finish.

The reflectance factor in color perception. Finish indicates the sheen or shine of the surface of a tobacco leaf.

§ 29.1018 Fire-killed.

Any leaf of which 5 percent or more of its surface has a set green color caused by excessive heat in the curing process. Any lot containing 5 percent or more of such tobacco may be described as fire-killed. (See rule 24.)

§ 29.1019 Flue-cured.

Tobacco cured under artificial atmospheric conditions by a process of regulat-

ing the heat and ventilation without allowing smoke or fumes from the fuel to come in contact with the tobacco; or tobacco cured by some other process which accomplishes the same results.

§ 20.1020 Foreign matter.

Any extraneous substance or material such as stalks, suckers, straw, strings, rubber bands, and abnormal amounts of dirt or sand. (See rule 24.)

§ 29.1021 Form.

The stage of preparation of tobacco such as stemmed or unstemmed.

§ 29.1022 Grade.

A subdivision of a type according to group, quality, and color.

§ 29.1023 Grademark.

A grademark normally consists of three symbols which indicate group, quality, and color. A letter is used to indicate group, a number to indicate quality, and a letter or letters to indicate color. For example, B3F means Leaf, good quality, orange color.

§ 29.1024 Green (G).

A color term applied to immature or crude tobacco. Any leaf which has a green color affecting 20 percent or more of its surface may be described as green. (See rule 20.)

§ 29.1025 Greenish.

A color term applied to greenish-tinged tobacco. Any leaf which has a greenish tinge or a pale green color affecting 20 percent or more of its surface may be described as greenish. (See rule 19.)

§ 29.1026 Group.

A division of a type covering closely related grades based on certain characteristics which are related to stalk position, body, or the general quality of the tobacco. Groups in Flue-cured, U.S. Types 11-14, are: Wrappers (A), Leaf (B), Smoking Leaf (H), Cutters (C), Lugs (X), Primings (P), Nondescript (N), and Scrap (S).

§ 29.1027 Injury.

Hurt or impairment from any cause except the fungus or bacterial diseases which attack tobacco in its cured state, but which is not serious enough to be classified as waste. (See definitions of Damage and Waste; see also rule 14.)

§ 29.1028 Leaf scrap.

A byproduct of unstemmed tobacco. Leaf scrap results from handling unstemmed tobacco and consists of loose and tangled whole or broken leaves.

§ 29.1029 Leaf structure.

The cell development of a leaf as indicated by its porosity. (See Elements of Quality Chart.)

§ 29.1030 Lemon (L).

Yellow.

§ 29.1031 Length.

The linear measurement of cured tobacco leaves from the butt of the midrib to the extreme tip.

§ 29.1032 Lot.

A pile, basket, bulk, or more than one bale, case, hogshead, tierce, package, or other definite package unit.

§ 29.1033 Maturity.

The degree of ripeness. (See Elements of Quality Chart.)

§ 29.1034 Mixed color.

Distinctly different colors of the type mingled together. (See rule 16.)

§ 29.1035 Nested.

Any tobacco which has been loaded, packed, or arranged to conceal foreign matter or tobacco of inferior grade, quality, or condition. Nested includes: (a) Any lot of tobacco which contains foreign matter or damaged, injured, tangled, or other inferior tobacco, any of which cannot be readily detected upon inspection because of the way the lot is packed or arranged; (b) any lot of tied tobacco which contains foreign matter in the inner portions of the hands or which contains foreign matter in the heads under the tie leaves; (c) any lot of tied tobacco in which the leaves on the outside of the hands are placed or arranged to conceal inferior quality leaves on the inside of the hands or which contains wet tobacco or tobacco of lower quality in the heads under the tie leaves; and (d) any lot of tobacco which consists of distinctly different grades, qualities, or conditions and which is stacked or arranged in layers with the same kinds together so that the tobacco in the lower layer or layers is distinctly inferior in grade, quality, or condition from the tobacco in the top or upper layers. (See rule 24.)

§ 29.1036 No-G.

A designation applied to a lot of tobacco classified as botched, nested, off-type, semicured, firekilled, or smoked; tobacco that is damaged 20 percent or more, abnormally dirty, extremely wet or watered; or tobacco that contains foreign matter or has an odor foreign to the type. (See rule 24.)

§ 29.1037 Oil.

A soft, semifluid constituent of tobacco. (See Elements of Quality Chart.)

§ 29.1038 Offtype.

Tobacco of distinctly different characteristics which cannot be classified as Flue-cured, U.S. Types 11-14. (See rule 24.)

§ 29.1039 Orange (F).

A reddish yellow.

§ 29.1040 Orange-Red (FR).

A yellowish red.

§ 29.1041 Order (case).

The state of tobacco with respect to its moisture content.

§ 29.1042 Package.

A hogshead, tierce, case, bale, or other securely enclosed parcel or bundle.

§ 29.1043 Packing.

A lot of tobacco consisting of a number of packages submitted as one definite

unit for sampling or inspecting. It is represented to contain the same kind of tobacco and has a common identification number or mark on each package.

§ 29.1044 Prematurity.

A condition of growth and development characteristic of the lower leaves of the tobacco plant. Premature leaves have some appearance of ripeness due to a process of starvation caused by translocation of plant food elements from these leaves to other leaves higher on the stalk.

§ 29.1045 Quality.

A division of a group or the second factor of a grade based on the relative degree of one or more elements of quality.

§ 29.1046 Rank.

Rough, wild, or oversized leaf tobacco. (See rule 18.)

§ 29.1047 Raw.

Tobacco as it appears between the time of harvesting and the beginning of the curing process.

§ 29.1048 Red (R).

A brownish red.

§ 29.1049 Scorched.

A red discoloration which results from excessive heat in the curing process. Any leaf of which 10 percent or more of its surface has been reddened in the curing process may be described as scorched. (See rule 16.)

§ 29.1050 Semicured.

Tobacco in the process of being cured or which is partially but not thoroughly cured. Semicured includes tobacco which contains fat stems, wet butts, swelled stems, frozen tobacco, and tobacco having frozen stems or stems that have not been thoroughly dried in the curing process. (See rule 24.)

§ 29.1051 Side.

A certain phase of quality, color, or length as contrasted with some other phase of quality, color, or length; or any peculiar characteristic of tobacco.

§ 29.1052 Slick (S).

A term used to denote tobacco having a close or tight leaf structure. Any leaf of lemon or orange color of which 20 percent or more of its surface is close or tight may be described as slick. (See rule 17.)

§ 29.1053 Smoked.

Any tobacco affected by smoke or fumes in the curing process. (See rule 24.)

§ 29.1054 Sound.

Free of damage.

§ 29.1055 Special factor.

A symbol or term authorized to be used with specified grades. Tobacco to which a special factor is applied may meet the general specifications but has a peculiar side or characteristic which tends to modify the grade. (See rules 10, 22, and 23.)

§ 29.1056 Steam-dried.

The condition of unfermented tobacco as customarily prepared for storage by means of a redrying machine or other steam-conditioning equipment.

§ 29.1057 Stem.

The midrib or large central vein of a tobacco leaf.

§ 29.1058 Stemmed.

A form of tobacco, including strips and strip scrap, from which the stems or midribs have been removed.

§ 29.1059 Strips.

The sides of a tobacco leaf from which the stem has been removed or a lot of tobacco composed of strips.

§ 29.1060 Sweated.

The condition of tobacco which has passed through one or more fermentations natural to tobacco packed with a normal percentage of moisture. This condition sometimes is described as aged.

§ 29.1061 Sweating.

The condition of tobacco in the process of fermentation.

§ 29.1062 Tobacco.

Tobacco as it appears between the time it is cured and stripped from the stalk, or primed and cured, and the time it enters into the different manufacturing processes. The acts of stemming, sweating, and conditioning are not regarded as manufacturing processes. Tobacco, as used in these standards, does not include manufactured or semimanufactured products, stems, cuttings, clippings, trimmings, siftings, or dust.

§ 29.1063 Tobacco products.

Manufactured tobacco, including cigarettes, cigars, smoking tobacco, chewing tobacco, and snuff, which is subject to Internal Revenue tax.

§ 29.1064 Type.

A division of a class of tobacco having certain common characteristics and closely related grades. Tobacco which has the same characteristics and corresponding qualities, colors, and lengths is classified as one type, regardless of any factors of historical or geographical nature which cannot be determined by an examination of the tobacco.

§ 29.1065 Type 11.

That type of flue-cured tobacco commonly known as Western Flue-cured or Old Belt and Middle Belt Flue-cured, produced principally in the Piedmont sections of Virginia and North Carolina and the district extending eastward to the coastal plains region. That portion of this type known as Old Belt Flue-cured, normally characterized by a heavier body and darker color shade and produced principally in the Piedmont sections of Virginia and North Carolina, may be classified as Type 11a; and that portion of the type known as Middle Belt Flue-cured, normally characterized by a thinner body and lighter color shade and produced principally in a section lying between the Piedmont and coastal plains regions of Virginia and

North Carolina, may be classified as Type 11b.

§ 29.1066 Type 12.

That type of flue-cured tobacco commonly known as Eastern Flue-cured or Eastern Carolina Flue-cured, produced principally in the coastal plains section of North Carolina, north of the South River.

§ 29.1067 Type 13.

That type of flue-cured tobacco commonly known as Southeastern Flue-cured or South Carolina Flue-cured, produced principally in the coastal plains section of South Carolina and the southeastern counties of North Carolina, south of the South River.

§ 29.1068 Type 14.

That type of flue-cured tobacco commonly known as Southern Flue-cured, produced principally in the southern section of Georgia, in northern Florida, and to some extent in Alabama.

§ 29.1069 Undried.

The condition of unfermented tobacco which has not been air-dried or steam-dried.

§ 29.1070 Uniformity.

An element of quality which describes the consistency of a lot of tobacco as it is prepared for market. Uniformity is expressed as a percentage in grade specifications. (See rule 13.)

§ 29.1071 Unsound (U).

Damaged under 20 percent. (See rule 22.)

§ 29.1072 Unstemmed.

A form of tobacco, including whole leaf and leaf scrap, from which the stems or midribs have not been removed.

§ 29.1073 Variegated (K).

Any tobacco that does not blend with the normal colors of the type; any leaf of which 20 percent or more of its surface is grayish, mottled, bleached, doty-faced, scalded, or sunbaked; any leaf of which 10 percent or more of its surface has been scorched in the curing process. (See rule 15.)

§ 29.1074 Walnut (D).

A dark brown.

§ 29.1075 Waste.

The portion or portions of the web of tobacco leaves which have been lost or rendered unserviceable for use in tobacco products, including: (a) Portions which have decomposed or largely decomposed by field diseases, field-firing, pole-burning, bulk-burning; and (b) portions which are dead, lifeless, and do not have sufficient strength or stability to hold together in the normal manufacturing process due to excessive injury of any kind.

§ 29.1076 Wet (W).

Any sound tobacco containing excessive moisture to the extent that it is in unsafe or doubtful-keeping order. Wet applies to any tobacco which is not damaged but which is likely to damage if treated in the customary manner. (See rule 23.)

§ 29.1077 Width.

The relative breadth of a tobacco leaf expressed in relation to its length. (See Elements of Quality Chart.)

ELEMENTS OF QUALITY**§ 29.1101 Elements of quality and degrees of each element.**

These standardized words or terms are used to describe tobacco quality and

to assist in interpreting grade specifications. Tobacco attributes or characteristics which constitute quality are designated as elements of quality. The range within each element is expressed by the use of words or terms designated as degrees. These several degrees are arranged to show their relative value, but the actual value of each degree varies with group.

Elements	Degrees				
Maturity.....	Immature.....	Unripe.....	Mature.....	Ripe.....	Mellow.
Leaf structure.....	Tight.....	Close.....	Firm.....	Open.....	
Body.....	Heavy.....	Fleshy.....	Medium.....	Thin.....	
Oil.....	Lean.....	Oily.....	Rich.....		
Color intensity.....	Pale.....	Weak.....	Moderate.....	Strong.....	Deep.
Width.....	Stringy.....	Narrow.....	Normal.....	Spready.....	
Length.....	(1).....	(1).....	(1).....	(1).....	
Uniformity.....	(2).....	(2).....	(2).....	(2).....	
Injury tolerance.....	(2).....	(2).....	(2).....	(2).....	
Waste tolerance.....	(2).....	(2).....	(2).....	(2).....	

¹ Expressed in inches.

² Expressed in percentage.

RULES**§ 29.1106 Rules.**

The application of these official standard grades shall be in accordance with the following rules.

§ 29.1107 Rule 1.

Each grade shall be treated as a subdivision of a particular type. When the grade is stated in an inspection certificate, the type also shall be stated.

§ 29.1108 Rule 2.

The determination of a grade shall be based upon a thorough examination of a lot of tobacco or of an official sample of the lot.

§ 29.1109 Rule 3.

In drawing an official sample from a hoghead or other package of tobacco, three or more breaks shall be made at such points and in such manner as the inspector or sampler may find necessary to determine the kinds of tobacco and the percentage of each kind contained in the lot. All breaks shall be made so that the tobacco contained in the center of the package is visible to the sampler. Tobacco shall be drawn from at least three breaks from which a representative sample of not less than six hands shall be selected. The sample shall include tobacco of each different group, quality, color, length, and kind found in the lot in proportion to the quantities of each contained in the lot.

§ 29.1110 Rule 4.

All standard grades must be clean.

§ 29.1111 Rule 5.

The grade assigned to any lot of tobacco shall be a true representation of the tobacco at the time of inspection and certification. If, at any time, it is found that a lot of tobacco does not comply with the specifications of the grade previously assigned, it shall not thereafter be represented as such grade.

§ 29.1112 Rule 6.

A lot of tobacco on the marginal line between two colors shall be placed in the color with which it best corresponds

with respect to body or other associated elements of quality.

§ 29.1113 Rule 7.

Any lot of tobacco which meets the specifications of two grades shall be placed in the higher grade. Any lot of tobacco on the marginal line between two grades shall be placed in the lower grade.

§ 29.1114 Rule 8.

A lot of tobacco meets the specifications of a grade when it is not lower in any degree of any element of quality than the minimum specifications of such grade.

§ 29.1115 Rule 9.

The use of any grade may be restricted by the Director during any marketing season when it is found that the grade is not needed or appears in insufficient volume to justify its use.

§ 29.1116 Rule 10.

Any special factor approved by the Director of the Tobacco Division, Agricultural Marketing Service, may be used after a grademark to show a peculiar side or characteristic of the tobacco which tends to modify the grade.

§ 29.1117 Rule 11.

Interpretations, the use of specifications, and the meaning of terms shall be in accordance with determinations or clarifications made by the Chief of the Standards and Testing Branch and approved by the Director.

§ 29.1118 Rule 12.

In determining the grade of a lot of tobacco, the lot as a whole shall be considered. Minor irregularities which do not affect over 1 percent of the tobacco shall be overlooked.

§ 29.1119 Rule 13.

Degrees of uniformity shall be expressed in terms of percentages. The percentages shall govern the portion of a lot which must meet the specifications of the grade. (These percentages shall not affect limitations established by other rules.) The minor portion must be closely related, but may be of a different group, quality, and color from the major portion.

§ 29.1120 Rule 14.

The application of injury tolerance as an element of quality shall be expressed in terms of a percentage. The appraisal of injury shall be based upon the percentage of affected leaf surface or the degree of injury. In appraising injury, consideration shall be given to the normal characteristics of the group as related to injury.

§ 29.1121 Rule 15.

Any lot of tobacco containing over 20 percent of variegated tobacco other than scorched shall be described as variegated and designated by the color symbol "K," "KL," "KF," or "KV."

§ 29.1122 Rule 16.

Any lot of tobacco which contains 10 percent or more of scorched tobacco or any lot which is not greenish or green but contains 20 percent or more of a color distinctly different from the major color shall be classified as mixed and designated by the color symbol "KM."

§ 29.1123 Rule 17.

Any lot of lemon- or orange-colored tobacco containing over 20 percent of slick tobacco shall be designated by the combination symbol "LS" or "FS," respectively.

§ 29.1124 Rule 18.

Rank red and rank green tobacco shall be designated by the combination symbols "RR" and "RG," respectively, in the fifth quality of the B group.

§ 29.1125 Rule 19.

Any lot of mature tobacco in lemon or orange color containing 20 percent or more of greenish tobacco, or any lot which is not green but which contains 20 percent of greenish and green tobacco combined shall be designated by the color symbol "LV" or "FV."

§ 29.1126 Rule 20.

Any lot of tobacco containing 20 percent or more of green tobacco, or any lot which is not crude but contains 20 percent or more of green and crude combined shall be designated by the color symbol "G" in the X and P groups and "GL," "GF," "GR," "GK," "RG," or "GG" in the B group.

§ 29.1127 Rule 21.

Crude tobacco shall not be included in any grade of any color except green, green lemon, green orange, green red, green variegated, gray green, or rank green.

§ 29.1128 Rule 22.

Tobacco damaged under 20 percent but which otherwise meets the specifications of a grade shall be treated as a special factor grade by placing the special factor "U" after the grademark. Tobacco damaged 20 percent or more shall be designated "No-G."

§ 29.1129 Rule 23.

Sound tobacco that is wet or in doubtful-keeping order but which otherwise meets the specifications of a grade shall be treated as a special factor grade by placing the special factor "W" after the

grademark. This special factor does not apply to tobacco designated "No-G."

§ 29.1130 Rule 24.

Tobacco shall be designated by the grademark "No-G" when it is dirty, nested, offtype, semicured, firekilled, smoked, damaged 20 percent or more, extremely wet or watered, or when it is botched, contains foreign matter, or has an odor foreign to the type.

GRADES

§ 29.1161 Wrappers (A Group).

This group consists of leaves from the C and B groups. Wrappers are mature to ripe, elastic, have small and blending fibers, and show a low percentage of injury affecting wrapper yield.

U.S. Grade Names, Minimum Specifications, and Tolerances

A1F Choice Quality Orange Wrappers.

Firm leaf structure, fleshy, spready, deep color intensity, rich in oil, 18 inches or over in length, 30 percent of leaves not lower than B3 or C3, 5 percent injury tolerance affecting wrapper yield.

A2F Fine Quality Orange Wrappers.

Firm leaf structure, fleshy, spready, deep color intensity, rich in oil, 18 inches or over in length, 50 percent of leaves not lower than B3 or C3, 10 percent injury tolerance affecting wrapper yield.

A1R Choice Quality Red Wrappers.

Firm leaf structure, heavy, spready, deep color intensity, rich in oil, 18 inches or over in length, 30 percent of leaves not lower than B3 or C3, 5 percent injury tolerance affecting wrapper yield.

A2R Fine Quality Red Wrappers.

Firm leaf structure, heavy, spready, deep color intensity, rich in oil, 18 inches or over in length, 50 percent of leaves not lower than B3 or C3, 10 percent injury tolerance affecting wrapper yield.

§ 29.1162 Leaf (B Group).

This group consists of leaves normally grown at or above the midportion of the stalk. Leaves of the B group have a pointed tip, tend to fold, usually are heavier in body than the other groups, and show little or no ground injury.

U.S. Grade Names, Minimum Specifications, and Tolerances

B1L Choice Quality Lemon Leaf.

Ripe, firm leaf structure, medium body, rich in oil, deep color intensity, spready, over 20 inches in length. Uniformity, 90 percent; injury tolerance, 5 percent.

B2L Fine Quality Lemon Leaf.

Ripe, firm leaf structure, medium body, rich in oil, deep color intensity, normal width, over 18 inches in length. Uniformity, 85 percent; injury tolerance, 10 percent.

B3L Good Quality Lemon Leaf.

Ripe, firm leaf structure, medium body, oily, strong color intensity, normal width, over 16 inches in length. Uniformity, 80 percent; injury tolerance, 15 percent.

B4L Fair Quality Lemon Leaf.

Ripe, firm leaf structure, medium body, oily, moderate color intensity, normal width. Uniformity, 70 percent; injury tolerance 20 percent, of which not over 5 percent may be waste or other badly injured tobacco.

U.S. Grade Names, Minimum Specifications, and Tolerances

B5L Low Quality Lemon Leaf.

Ripe, firm leaf structure, medium body, lean in oil, weak color intensity, narrow. Uniformity, 70 percent; injury tolerance 30 percent, of which not over 10 percent may be waste or other badly injured tobacco.

B6L Poor Quality Lemon Leaf.

Ripe, firm leaf structure, medium body, lean in oil, weak color intensity, stringy. Uniformity, 70 percent; injury tolerance 40 percent, of which not over 20 percent may be waste or other badly injured tobacco.

B1F Choice Quality Orange Leaf.

Ripe, firm leaf structure, fleshy, rich in oil, deep color intensity, spready, over 20 inches in length. Uniformity, 90 percent; injury tolerance, 5 percent.

B2F Fine Quality Orange Leaf.

Ripe, firm leaf structure, fleshy, rich in oil, deep color intensity, normal width, over 18 inches in length. Uniformity, 85 percent; injury tolerance, 10 percent.

B3F Good Quality Orange Leaf.

Ripe, firm leaf structure, fleshy, oily, strong color intensity, normal width, over 16 inches in length. Uniformity, 80 percent; injury tolerance, 15 percent.

B4F Fair Quality Orange Leaf.

Ripe, firm leaf structure, fleshy, oily, moderate color intensity, normal width. Uniformity, 70 percent; injury tolerance 20 percent, of which not over 5 percent may be waste or other badly injured tobacco.

B5F Low Quality Orange Leaf.

Ripe, firm leaf structure, fleshy, lean in oil, weak color intensity, narrow. Uniformity, 70 percent; injury tolerance 30 percent, of which not over 10 percent may be waste or other badly injured tobacco.

B6F Poor Quality Orange Leaf.

Ripe, firm leaf structure, fleshy, lean in oil, weak color intensity, stringy. Uniformity, 70 percent; injury tolerance 40 percent, of which not over 20 percent may be waste or other badly injured tobacco.

B1FR Choice Quality Orange Red Leaf.

Ripe, firm leaf structure, fleshy, rich in oil, deep color intensity, spready, over 20 inches in length. Uniformity, 90 percent; injury tolerance, 5 percent.

B2FR Fine Quality Orange Red Leaf.

Ripe, firm leaf structure, fleshy, rich in oil, deep color intensity, normal width, over 18 inches in length. Uniformity, 85 percent; injury tolerance, 10 percent.

B3FR Good Quality Orange Red Leaf.

Ripe, firm leaf structure, fleshy, rich in oil, strong color intensity, normal width, over 16 inches in length. Uniformity, 80 percent; injury tolerance, 15 percent.

B4FR Fair Quality Orange Red Leaf.

Ripe, firm leaf structure, fleshy, oily, moderate color intensity, normal width. Uniformity, 70 percent; injury tolerance 20 percent, of which not over 5 percent may be waste or other badly injured tobacco.

B5FR Low Quality Orange Red Leaf.

Ripe, firm leaf structure, fleshy, lean in oil, weak color intensity, narrow. Uniformity, 70 percent; injury tolerance 30 percent, of which not over 10 percent may be waste or other badly injured tobacco.

U.S. Grade Names, Minimum Specifications, and Tolerances

B6FR Poor Quality Orange Red Leaf.

Ripe, firm leaf structure, fleshy, lean in oil, weak color intensity, stringy. Uniformity, 70 percent; injury tolerance 40 percent, of which not over 20 percent may be waste or other badly injured tobacco.

B1R Choice Quality Red Leaf.

Ripe, firm leaf structure, heavy, rich in oil, deep color intensity, spready, over 20 inches in length. Uniformity, 90 percent; injury tolerance, 5 percent.

B2R Fine Quality Red Leaf.

Ripe, firm leaf structure, heavy, rich in oil, deep color intensity, normal width, over 18 inches in length. Uniformity, 85 percent; injury tolerance, 10 percent.

B3R Good Quality Red Leaf.

Ripe, firm leaf structure, heavy, rich in oil, strong color intensity, normal width, over 16 inches in length. Uniformity, 80 percent; injury tolerance, 15 percent.

B4R Fair Quality Red Leaf.

Ripe, firm leaf structure, heavy, oily, moderate color intensity, normal width. Uniformity, 70 percent; injury tolerance 20 percent, of which not over 5 percent may be waste or other badly injured tobacco.

B5R Low Quality Red Leaf.

Ripe, firm leaf structure, heavy, lean in oil, weak color intensity, narrow. Uniformity, 70 percent; injury tolerance 30 percent, of which not over 10 percent may be waste or other badly injured tobacco.

B6R Poor Quality Red Leaf.

Ripe, firm leaf structure, heavy, lean in oil, weak color intensity, stringy. Uniformity, 70 percent; injury tolerance 40 percent, of which not over 20 percent may be waste or other badly injured tobacco.

B4K Fair Quality Variegated Leaf.

Ripe, firm leaf structure, medium body, lean in oil, normal width. Uniformity, 70 percent; injury tolerance 20 percent, of which not over 5 percent may be waste or other badly injured tobacco.

B5K Low Quality Variegated Leaf.

Ripe, firm leaf structure, medium body, lean in oil, narrow. Uniformity, 70 percent; injury tolerance 30 percent, of which not over 10 percent may be waste or other badly injured tobacco.

B6K Poor Quality Variegated Leaf.

Ripe, firm leaf structure, medium body, lean in oil, stringy. Uniformity, 70 percent; injury tolerance 40 percent, of which not over 20 percent may be waste or other badly injured tobacco.

B5D Low Quality Walnut Leaf.

Ripe, firm leaf structure, heavy, lean in oil, weak color intensity, narrow. Uniformity, 70 percent; injury tolerance 30 percent, of which not over 10 percent may be waste or other badly injured tobacco.

B6D Poor Quality Walnut Leaf.

Ripe, firm leaf structure, heavy, lean in oil, weak color intensity, stringy. Uniformity, 70 percent; injury tolerance 40 percent, of which not over 20 percent may be waste or other badly injured tobacco.

B3LV Good Quality Lemon Greenish Leaf.

Mature, firm leaf structure, medium body, oily, normal width, over 16 inches in length. Uniformity, 80 percent; injury tolerance, 15 percent.

U.S. grades	Grade Names, Minimum Specifications, and Tolerances	U.S. grades	Grade Names, Minimum Specifications, and Tolerances	U.S. grades	Grade Names, Minimum Specifications, and Tolerances
B4LV	Fair Quality Lemon Greenish Leaf. Mature, firm leaf structure, medium body, oily, normal width. Uniformity, 70 percent; injury tolerance 20 percent, of which not over 5 percent may be waste or other badly injured tobacco.	B6GR	Poor Quality Green Red Leaf. Immature, tight leaf structure, heavy, lean in oil, stringy. Uniformity, 70 percent; injury tolerance 40 percent, of which not over 20 percent may be waste or other badly injured tobacco.	B5KM	Low Quality Variegated Mixed Leaf. Unripe, tight leaf structure, heavy, narrow. Uniformity, 70 percent; injury tolerance 30 percent, of which not over 10 percent may be waste or other badly injured tobacco.
B5LV	Low Quality Lemon Greenish Leaf. Mature, firm leaf structure, medium body, lean in oil, narrow. Uniformity, 70 percent; injury tolerance 30 percent, of which not over 10 percent may be waste or other badly injured tobacco.	B4GK	Fair Quality Green Variegated Leaf. Immature, close leaf structure, heavy, normal width. Uniformity, 70 percent; injury tolerance 20 percent, of which not over 5 percent may be waste or other badly injured tobacco.	B6KM	Poor Quality Variegated Mixed Leaf. Unripe, tight leaf structure, heavy, stringy. Uniformity, 70 percent; injury tolerance 40 percent, of which not over 20 percent may be waste or other badly injured tobacco.
B3FV	Good Quality Orange Greenish Leaf. Mature, firm leaf structure, fleshy, oily, normal width, over 16 inches in length. Uniformity, 80 percent; injury tolerance, 15 percent.	B5GK	Low Quality Green Variegated Leaf. Immature, tight leaf structure, heavy, narrow. Uniformity, 70 percent; injury tolerance 30 percent, of which not over 10 percent may be waste or other badly injured tobacco.	B4KV	Fair Quality Variegated Greenish Leaf. Unripe, firm leaf structure, medium body, normal width. Uniformity, 70 percent; tolerance, 25 percent waste.
B4FV	Fair Quality Orange Greenish Leaf. Mature, firm leaf structure, fleshy, oily, normal width. Uniformity, 70 percent; injury tolerance 20 percent, of which not over 5 percent may be waste or other badly injured tobacco.	B6GK	Poor Quality Green Variegated Leaf. Immature, tight leaf structure, heavy, stringy. Uniformity, 70 percent; injury tolerance 40 percent, of which not over 20 percent may be waste or other badly injured tobacco.	B5KV	Low Quality Variegated Greenish Leaf. Unripe, firm leaf structure, medium body, narrow. Uniformity, 70 percent; tolerance, 30 percent waste.
B5FV	Low Quality Orange Greenish Leaf. Mature, firm leaf structure, fleshy, lean in oil, narrow. Uniformity, 70 percent; injury tolerance 30 percent, of which not over 10 percent may be waste or other badly injured tobacco.	B3KL	Good Quality Variegated Lemon Leaf. Unripe, close leaf structure, heavy, normal width, over 16 inches in length. Uniformity, 80 percent; injury tolerance, 15 percent.	B6KV	Poor Quality Variegated Greenish Leaf. Unripe, firm leaf structure, medium body, stringy. Uniformity, 70 percent; tolerance, 40 percent waste.
B4GL	Fair Quality Green Lemon Leaf. Immature, tight leaf structure, medium body, oily, normal width. Uniformity, 70 percent; injury tolerance 20 percent, of which not over 5 percent may be waste or other badly injured tobacco.	B4KL	Fair Quality Variegated Lemon Leaf. Unripe, close leaf structure, heavy, normal width. Uniformity, 70 percent; injury tolerance 20 percent, of which not over 5 percent may be waste or other badly injured tobacco.	B3LS	Good Quality Lemon Slick Leaf. Unripe, tight leaf structure, medium body, normal width, over 16 inches in length. Uniformity, 80 percent; injury tolerance, 15 percent.
B5GL	Low Quality Green Lemon Leaf. Immature, tight leaf structure, medium body, lean in oil, narrow. Uniformity, 70 percent; injury tolerance 30 percent, of which not over 10 percent may be waste or other badly injured tobacco.	B5KL	Low Quality Variegated Lemon Leaf. Unripe, tight leaf structure, heavy, narrow. Uniformity, 70 percent; injury tolerance 30 percent, of which not over 10 percent may be waste or other badly injured tobacco.	B4LS	Fair Quality Lemon Slick Leaf. Unripe, tight leaf structure, medium body, normal width. Uniformity, 70 percent; injury tolerance 20 percent, of which not over 5 percent may be waste or other badly injured tobacco.
B6GL	Poor Quality Green Lemon Leaf. Immature, tight leaf structure, medium body, lean in oil, stringy. Uniformity, 70 percent; injury tolerance 40 percent, of which not over 20 percent may be waste or other badly injured tobacco.	B6KL	Poor Quality Variegated Lemon Leaf. Unripe, tight leaf structure, heavy, stringy. Uniformity, 70 percent; injury tolerance 40 percent, of which not over 20 percent may be waste or other badly injured tobacco.	B5LS	Low Quality Lemon Slick Leaf. Unripe, tight leaf structure, medium body, narrow. Uniformity, 70 percent; injury tolerance 30 percent, of which not over 10 percent may be waste or other badly injured tobacco.
B4GF	Fair Quality Green Orange Leaf. Immature, close leaf structure, fleshy, oily, normal width. Uniformity, 70 percent; injury tolerance 20 percent, of which not over 5 percent may be waste or other badly injured tobacco.	B3KF	Good Quality Variegated Orange Leaf. Unripe, close leaf structure, heavy, normal width, over 16 inches in length. Uniformity, 80 percent; injury tolerance, 15 percent.	B6LS	Poor Quality Lemon Slick Leaf. Unripe, tight leaf structure, medium body, stringy. Uniformity, 70 percent; injury tolerance 40 percent, of which not over 20 percent may be waste or other badly injured tobacco.
B5GF	Low Quality Green Orange Leaf. Immature, tight leaf structure, fleshy, lean in oil, narrow. Uniformity, 70 percent; injury tolerance 30 percent, of which not over 10 percent may be waste or other badly injured tobacco.	B4KF	Fair Quality Variegated Orange Leaf. Unripe, close leaf structure, heavy, normal width. Uniformity, 70 percent; injury tolerance 20 percent, of which not over 5 percent may be waste or other badly injured tobacco.	B3FS	Good Quality Orange Slick Leaf. Unripe, tight leaf structure, fleshy, normal width, over 16 inches in length. Uniformity, 80 percent; injury tolerance, 15 percent.
B6GF	Poor Quality Green Orange Leaf. Immature, tight leaf structure, fleshy, lean in oil, stringy. Uniformity, 70 percent; injury tolerance 40 percent, of which not over 20 percent may be waste or other badly injured tobacco.	B5KF	Low Quality Variegated Orange Leaf. Unripe, tight leaf structure, heavy, narrow. Uniformity, 70 percent; injury tolerance 30 percent, of which not over 10 percent may be waste or other badly injured tobacco.	B4FS	Fair Quality Orange Slick Leaf. Unripe, tight leaf structure, fleshy, normal width. Uniformity, 70 percent; injury tolerance 20 percent, of which not over 5 percent may be waste or other badly injured tobacco.
B4GR	Fair Quality Green Red Leaf. Immature, close leaf structure, heavy, oily, normal width. Uniformity, 70 percent; injury tolerance 20 percent, of which not over 5 percent may be waste or other badly injured tobacco.	B6KF	Poor Quality Variegated Orange Leaf. Unripe, tight leaf structure, heavy, stringy. Uniformity, 70 percent; injury tolerance 40 percent, of which not over 20 percent may be waste or other badly injured tobacco.	B5FS	Low Quality Slick Leaf. Unripe, tight leaf structure, fleshy, narrow. Uniformity, 70 percent; injury tolerance 30 percent, of which not over 10 percent may be waste or other badly injured tobacco.
B5GR	Low Quality Green Red Leaf. Immature, tight leaf structure, heavy, lean in oil, narrow. Uniformity, 70 percent; injury tolerance 30 percent, of which not over 10 percent may be waste or other badly injured tobacco.	B3KM	Good Quality Variegated Mixed Leaf. Unripe, close leaf structure, heavy, normal width, over 16 inches in length. Uniformity, 80 percent; injury tolerance, 15 percent.	B6FS	Poor Quality Orange Slick Leaf. Unripe, tight leaf structure, fleshy, stringy. Uniformity, 70 percent; injury tolerance 40 percent, of which not over 20 percent may be waste or other badly injured tobacco.
		B4KM	Fair Quality Variegated Mixed Leaf. Unripe, close leaf structure, heavy, normal width. Uniformity, 70 percent; injury tolerance 20 percent, of which not over 5 percent may be waste or other badly injured tobacco.	B5RR	Low Quality Rank Red Leaf. Unripe, tight leaf structure, heavy, narrow. Uniformity, 70 percent; injury tolerance 30 percent, of which not over 10 percent may be waste or other badly injured tobacco.
				B5RG	Low Quality Rank Green Leaf. Immature, tight leaf structure, heavy, narrow. Uniformity, 70 percent; injury tolerance 30 percent, of which not over 10 percent may be waste or other badly injured tobacco.

U.S. Grade Names, Minimum Specifications, and Tolerances

B5GG Low Quality Gray Green Leaf.
Immature, tight leaf structure, heavy, narrow. Uniformity, 70 percent; injury tolerance 30 percent, of which not over 10 percent may be waste or other badly injured tobacco.

§ 29.1163 Smoking Leaf (H Group).

This group consists of leaves normally grown at or above the midportion of the stalk. Leaves of the H group show a high degree of maturity, more open leaf structure in relation to the B Group, and a material amount of injury characteristic of very ripe leaf tobacco.

U.S. Grade Names, Minimum Specifications, and Tolerances

H1L Choice Quality Lemon Smoking Leaf.
Mellow, open leaf structure, medium body, lean in oil, deep color intensity, spready, over 20 inches in length. Uniformity, 90 percent; injury tolerance, 5 percent.

H2L Fine Quality Lemon Smoking Leaf.
Mellow, open leaf structure, medium body, lean in oil, deep color intensity, normal width, over 18 inches in length. Uniformity, 85 percent; injury tolerance, 10 percent.

H3L Good Quality Lemon Smoking Leaf.
Mellow, open leaf structure, medium body, lean in oil, strong color intensity, normal width, over 16 inches in length. Uniformity, 80 percent; injury tolerance, 15 percent.

H4L Fair Quality Lemon Smoking Leaf.
Mellow, open leaf structure, medium body, lean in oil, moderate color intensity, normal width. Uniformity, 70 percent; injury tolerance 20 percent, of which not over 5 percent may be waste or other badly injured tobacco.

H5L Low Quality Lemon Smoking Leaf.
Mellow, open leaf structure, medium body, lean in oil, weak color intensity, narrow. Uniformity, 70 percent; injury tolerance 30 percent, of which not over 10 percent may be waste or other badly injured tobacco.

H6L Poor Quality Lemon Smoking Leaf.
Mellow, open leaf structure, medium body, lean in oil, weak color intensity, stringy. Uniformity, 70 percent; injury tolerance 40 percent, of which not over 20 percent may be waste or other badly injured tobacco.

H1F Choice Quality Orange Smoking Leaf.
Mellow, open leaf structure, medium body, lean in oil, deep color intensity, spready, over 20 inches in length. Uniformity, 90 percent; injury tolerance, 5 percent.

H2F Fine Quality Orange Smoking Leaf.
Mellow, open leaf structure, medium body, lean in oil, deep color intensity, normal width, over 18 inches in length. Uniformity, 85 percent; injury tolerance, 10 percent.

H3F Good Quality Orange Smoking Leaf.
Mellow, open leaf structure, medium body, lean in oil, strong color intensity, normal width, over 16 inches in length. Uniformity, 80 percent; injury tolerance, 15 percent.

H4F Fair Quality Orange Smoking Leaf.
Mellow, open leaf structure, medium body, lean in oil, moderate color intensity, normal width. Uniformity, 70 percent; injury tolerance 20 percent, of which not over 5 percent may be waste or other badly injured tobacco.

H5F Low Quality Orange Smoking Leaf.
Mellow, open leaf structure, medium body, lean in oil, weak color intensity, narrow. Uniformity, 70

U.S. Grade Names, Minimum Specifications, and Tolerances

percent; injury tolerance 30 percent, of which not over 10 percent may be waste or other badly injured tobacco.

H6F Poor Quality Orange Smoking Leaf.
Mellow, open leaf structure, medium body, lean in oil, weak color intensity, stringy. Uniformity, 70 percent; injury tolerance 40 percent, of which not over 20 percent may be waste or other badly injured tobacco.

H3FR Good Quality Orange Red Smoking Leaf.
Mellow, open leaf structure, medium body, lean in oil, strong color intensity, normal width, over 16 inches in length. Uniformity, 80 percent; injury tolerance, 15 percent.

H4FR Fair Quality Orange Red Smoking Leaf.
Mellow, open leaf structure, medium body, lean in oil, moderate color intensity, normal width. Uniformity, 70 percent; injury tolerance 20 percent, of which not over 5 percent may be waste or other badly injured tobacco.

H5FR Low Quality Orange Red Smoking Leaf.
Mellow, open leaf structure, medium body, lean in oil, weak color intensity, narrow. Uniformity, 70 percent; injury tolerance 30 percent, of which not over 10 percent may be waste or other badly injured tobacco.

H6FR Poor Quality Orange Red Smoking Leaf.
Mellow, open leaf structure, medium body, lean in oil, weak color intensity, stringy. Uniformity, 70 percent; injury tolerance 40 percent, of which not over 20 percent may be waste or other badly injured tobacco.

§ 29.1164 Cutters (C Group).

This group consists of leaves normally grown at or just below the midportion of the stalk. Leaves of the C group have a tendency to roll concealing the stem or midrib. Cutters usually have a rounded tip, are thin to medium in body, and show some ground injury.

U.S. Grade Names, Minimum Specifications, and Tolerances

C1L Choice Quality Lemon Cutters.
Ripe, open leaf structure, thin, oily, deep color intensity, spready, over 20 inches in length. Uniformity, 90 percent; injury tolerance, 5 percent.

C2L Fine Quality Lemon Cutters.
Ripe, open leaf structure, thin, oily, deep color intensity, spready, over 20 inches in length. Uniformity, 85 percent; injury tolerance, 10 percent.

C3L Good Quality Lemon Cutters.
Ripe, open leaf structure, thin, oily, strong color intensity, spready, over 18 inches in length. Uniformity, 80 percent; injury tolerance, 15 percent.

C4L Fair Quality Lemon Cutters.
Ripe, open leaf structure, thin, lean in oil, moderate color intensity, normal width, over 16 inches in length. Uniformity, 70 percent; injury tolerance, 20 percent, of which not over 5 percent may be waste or other badly injured tobacco.

C5L Low Quality Lemon Cutters.
Ripe, open leaf structure, thin, lean in oil, weak color intensity, normal width, over 16 inches in length. Uniformity, 70 percent; injury tolerance 30 percent, of which not over 10 percent may be waste or other badly injured tobacco.

U.S. Grade Names, Minimum Specifications, and Tolerances

C1F Choice Quality Orange Cutters.
Ripe, open leaf structure, medium body, oily, deep color intensity, spready, over 20 inches in length. Uniformity, 90 percent; injury tolerance, 5 percent.

C2F Fine Quality Orange Cutters.
Ripe, open leaf structure, medium body, oily, deep color intensity, spready, over 20 inches in length. Uniformity, 85 percent; injury tolerance, 10 percent.

C3F Good Quality Orange Cutters.
Ripe, open leaf structure, medium body, oily, strong color intensity, spready, over 18 inches in length. Uniformity, 80 percent; injury tolerance, 15 percent.

C4F Fair Quality Orange Cutters.
Ripe, open leaf structure, medium body, lean in oil, moderate color intensity, normal width, over 16 inches in length. Uniformity, 70 percent; injury tolerance 20 percent, of which not over 5 percent may be waste or other badly injured tobacco.

C5F Low Quality Orange Cutters.
Ripe, open leaf structure, medium body, lean in oil, weak color intensity, normal width, over 16 inches in length. Uniformity, 70 percent; injury tolerance 30 percent, of which not over 10 percent may be waste or other badly injured tobacco.

C4LV Fair Quality Lemon Greenish Cutters.
Mature, open leaf structure, thin, lean in oil, normal width, over 16 inches in length. Uniformity, 70 percent; injury tolerance 20 percent, of which not over 5 percent may be waste or other badly injured tobacco.

C4FV Fair Quality Orange Greenish Cutters.
Mature, open leaf structure, medium body, lean in oil, normal width, over 16 inches in length. Uniformity, 70 percent; injury tolerance 20 percent, of which not over 5 percent may be waste or other badly injured tobacco.

C4KL Fair Quality Variegated Lemon Cutters.
Unripe, close leaf structure, medium body, normal width, over 16 inches in length. Uniformity, 70 percent; injury tolerance 20 percent, of which not over 5 percent may be waste or other badly injured tobacco.

C4KF Fair Quality Variegated Orange Cutters.
Unripe, close leaf structure, medium body, normal width, over 16 inches in length. Uniformity, 70 percent; injury tolerance 20 percent, of which not over 5 percent may be waste or other badly injured tobacco.

C4KM Fair Quality Variegated Mixed Cutters.
Unripe, close leaf structure, medium body, normal width, over 16 inches in length. Uniformity, 70 percent; injury tolerance 20 percent, of which not over 5 percent may be waste or other badly injured tobacco.

C4LS Fair Quality Lemon Slick Cutters.
Unripe, close leaf structure, thin, normal width, over 16 inches in length. Uniformity, 70 percent; injury tolerance 20 percent; of which not over 5 percent may be waste or other badly injured tobacco.

C5LS Low Quality Lemon Slick Cutters.
Unripe, close leaf structure, thin, normal width, over 16 inches in length. Uniformity, 70 percent; injury tolerance 20 percent, of which not over 10 percent may be waste or other badly injured tobacco.

U.S. grades	Grade Names, Minimum Specifications, and Tolerances
C4FS	Fair Quality Orange Slick Cutters. Unripe, close leaf structure, medium body, normal width, over 16 inches in length. Uniformity, 70 percent; injury tolerance 20 percent, of which not over 5 percent may be waste or other badly injured tobacco.
C5FS	Low Quality Orange Slick Cutters. Unripe, close leaf structure, medium body, normal width, over 16 inches in length. Uniformity, 70 percent; injury tolerance 30 percent, of which not over 10 percent may be waste or other badly injured tobacco.

§ 29.1165 Lugs (X Group).

This group consists of leaves normally grown near the bottom of the stalk. Leaves of the X group usually have a blunt tip on an open face; they show some ground injury characteristic of the group.

U.S. grades	Grade Names, Minimum Specifications, and Tolerances
X1L	Choice Quality Lemon Lugs. Ripe, open leaf structure, thin, oily, strong color, intensity. Uniformity, 80 percent; injury tolerance 20 percent, of which not over 5 percent may be waste or other badly injured tobacco.
X2L	Fine Quality Lemon Lugs. Ripe, open leaf structure, thin oily, strong color intensity. Uniformity, 75 percent; injury tolerance 25 percent, of which not over 10 percent may be waste or other badly injured tobacco.
X3L	Good Quality Lemon Lugs. Ripe, open leaf structure, thin, lean in oil, moderate color intensity. Uniformity, 70 percent; injury tolerance 40 percent, of which not over 20 percent may be waste or other badly injured tobacco.
X4L	Fair Quality Lemon Lugs. Ripe, open leaf structure, thin, lean in oil, weak color intensity. Uniformity, 70 percent; tolerance, 30 percent waste.
X5L	Low Quality Lemon Lugs. Ripe, open leaf structure, thin, lean in oil, pale color intensity. Uniformity, 70 percent; tolerance, 40 percent waste.
X1F	Choice Quality Orange Lugs. Ripe, open leaf structure, medium body, oily, strong color intensity. Uniformity, 80 percent; injury tolerance 20 percent, of which not over 5 percent may be waste or other badly injured tobacco.
X2F	Fine Quality Orange Lugs. Ripe, open leaf structure, medium body, oily, strong color intensity. Uniformity, 75 percent; injury tolerance 25 percent, of which not over 10 percent may be waste or other badly injured tobacco.
X3F	Good Quality Orange Lugs. Ripe, open leaf structure, medium body, lean in oil, moderate color intensity. Uniformity, 70 percent; injury tolerance 40 percent, of which not over 20 percent may be waste or other badly injured tobacco.
X4F	Fair Quality Orange Lugs. Ripe, open leaf structure, medium body, lean in oil, weak color intensity. Uniformity, 70 percent; tolerance, 30 percent waste.
X5F	Low Quality Orange Lugs. Ripe, open leaf structure, medium body, lean in oil, pale color intensity. Uniformity, 70 percent; tolerance, 40 percent waste.

U.S. grades	Grade Names, Minimum Specifications, and Tolerances
X3LV	Good Quality Lemon Greenish Lugs. Mature, open leaf structure, thin, lean in oil. Uniformity, 70 percent; injury tolerance 40 percent, of which not over 20 percent may be waste or other badly injured tobacco.
X4LV	Fair Quality Lemon Greenish Lugs. Mature, open leaf structure, thin, lean in oil. Uniformity, 70 percent; tolerance, 30 percent waste.
X3FV	Good Quality Orange Greenish Lugs. Mature, open leaf structure, medium body, lean in oil. Uniformity, 70 percent; injury tolerance 40 percent, of which not over 20 percent may be waste or other badly injured tobacco.
X4FV	Fair Quality Orange Greenish Lugs. Mature, open leaf structure, medium body, lean in oil. Uniformity, 70 percent; tolerance, 30 percent waste.
X4G	Fair Quality Green Lugs. Immature, firm leaf structure, medium body, lean in oil. Uniformity, 70 percent; tolerance, 30 percent waste.
X5G	Low Quality Green Lugs. Immature, firm leaf structure, medium body, lean in oil. Uniformity, 70 percent; tolerance, 40 percent waste.
X4KL	Fair Quality Variegated Lemon Lugs. Unripe, close leaf structure, thin. Uniformity, 70 percent; tolerance, 30 percent waste.
X4KF	Fair Quality Variegated Orange Lugs. Unripe, close leaf structure, medium body. Uniformity, 70 percent; tolerance, 30 percent waste.
X4KV	Fair Quality Variegated Greenish Lugs. Unripe, firm leaf structure, medium body. Uniformity, 70 percent; tolerance, 30 percent waste.
X3KM	Good Quality Variegated Mixed Lugs. Unripe, close leaf structure, medium body. Uniformity, 70 percent; injury tolerance 40 percent, of which not over 20 percent may be waste or other badly injured tobacco.
X4KM	Fair Quality Variegated Mixed Lugs. Unripe, close leaf structure, medium body. Uniformity, 70 percent; tolerance, 30 percent waste.
X3LS	Good Quality Lemon Slick Lugs. Unripe, close leaf structure, thin. Uniformity, 70 percent; injury tolerance 40 percent, of which not over 20 percent may be waste or other badly injured tobacco.
X4LS	Fair Quality Lemon Slick Lugs. Unripe, close leaf structure, thin. Uniformity, 70 percent; tolerance, 30 percent waste.
X3FS	Good Quality Orange Slick Lugs. Unripe, close leaf structure, medium body. Uniformity, 70 percent; injury tolerance 40 percent, of which not over 20 percent may be waste or other badly injured tobacco.
X4FS	Fair Quality Orange Slick Lugs. Unripe, close leaf structure, medium body. Uniformity, 70 percent; tolerance, 30 percent waste.

§ 29.1166 Primings (P Group).

This group consists of round-tipped leaves from the lowest portion of the stalk. Leaves of the P group ripen prematurely as a result of starvation and show a material amount of injury characteristic of leaves grown close to the ground.

U.S. grades	Grade Names, Minimum Specifications, and Tolerances
P2L	Fine Quality Lemon Primings. Prematurely ripe, open leaf structure, thin, oily, moderate color intensity. Uniformity, 75 percent; injury tolerance 25 percent, of which not over 10 percent may be waste or other badly injured tobacco.
P3L	Good Quality Lemon Primings. Prematurely ripe, open leaf structure, thin, lean in oil, weak color intensity. Uniformity, 70 percent; injury tolerance 40 percent, of which not over 20 percent may be waste or other badly injured tobacco.
P4L	Fair Quality Lemon Primings. Prematurely ripe, open leaf structure, thin, lean in oil, pale color intensity. Uniformity, 70 percent; tolerance, 30 percent waste.
P5L	Low Quality Lemon Primings. Prematurely ripe, open leaf structure, thin, lean in oil, pale color intensity. Uniformity, 70 percent; tolerance, 40 percent waste.
P2F	Fine Quality Orange Primings. Prematurely ripe, open leaf structure, medium body, oily, moderate color intensity. Uniformity, 75 percent; injury tolerance 25 percent, of which not over 10 percent may be waste or other badly injured tobacco.
P3F	Good Quality Orange Primings. Prematurely ripe, open leaf structure, medium body, lean in oil, weak color intensity. Uniformity, 70 percent; injury tolerance 40 percent, of which not over 20 percent may be waste or other badly injured tobacco.
P4F	Fair Quality Orange Primings. Prematurely ripe, open leaf structure, medium body, lean in oil, pale color intensity. Uniformity, 70 percent; tolerance, 30 percent waste.
P5F	Low Quality Orange Primings. Prematurely ripe, open leaf structure, medium body, lean in oil, pale color intensity. Uniformity, 70 percent; tolerance, 40 percent waste.
P4G	Fair Quality Green Primings. Immature, firm leaf structure, medium body, lean in oil, weak color intensity. Uniformity, 70 percent; tolerance, 30 percent waste.
P5G	Low Quality Green Primings. Immature, firm leaf structure, medium body, lean in oil, weak color intensity. Uniformity, 70 percent; tolerance, 40 percent waste.

§ 29.1167 Nondescript (N Group).

Extremely common tobacco which does not meet the minimum specifications or which exceeds the tolerance of the lowest grade of any other group except Scrap.

U.S. grades	Grade Names, Minimum Specifications, and Tolerances
N1L	Best Nondescript from the P Group. Tolerance: 60 percent waste.
N1LX	Best Nondescript from the X and H Groups. Tolerance: 60 percent waste.
N1F	Best, Medium-bodied, Medium-colored Nondescript from the B Group. Tolerance: 60 percent injury or waste.
N1R	Best, Heavy, Dark-colored Nondescript from the B Group. Tolerance: 60 percent injury or waste.
N1GL	Best, Thin, Crude Green Nondescript from the P and X Groups. Tolerance: 60 percent crude or waste.

U.S. grades	Grade Names, Minimum Specifications, and Tolerances
N1GF	Best, Medium-bodied, Medium-colored, Crude Green Nondescript from the B Group. Tolerance: 60 percent crude, injury, or waste.
N1GR	Best, Heavy, Dark-colored, Crude Green Nondescript from the B Group. Tolerance: 60 percent crude, injury, or waste.
N1GG	Best, Crude, Gray-green Nondescript from the B Group. Tolerance: 60 percent crude, injury, or waste.
N2	Poorest Nondescript. Nondescript of any group or color; over 60 percent crude, injury, or waste.

§ 29.1168 Scrap (S Group).

A byproduct of stemmed and unstemmed tobacco. Scrap accumulates from handling tobacco in farm buildings, warehouses, packing and conditioning plants, and stemmeries.

U.S. grade	Grade Name and Specifications
S	Scrap. Loose, tangled, whole, or broken unstemmed leaves, or the web portions of tobacco leaves reduced to scrap by any process.

SUMMARY OF STANDARD GRADES

§ 29.1181 Summary of standard grades.

4 Grades of Wrappers			
A1F	A2F	A1R	A2R
29 Grades of Leaf			
B1L	B3F	B4FR	B5R
B2L	B4F	B5FR	B6R
B3L	B5F	B6FR	B4K
B4L	B6F	B1R	B5K
B5L	B1FR	B2R	B6K
B6L	B2FR	B3R	B5D
B1F	B3FR	B4R	B6D
B2F			
16 Grades of Smoking Leaf			
H1L	H5L	H3F	H3FR
H2L	H6L	H4F	H4FR
H3L	H1F	H5F	H5FR
H4L	H2F	H6F	H6FR

10 Grades of Cutters			
C1L	C4L	C2F	C4F
C2L	C5L	C3F	C5F
C3L	C1F		

10 Grades of Lugs			
X1L	X4L	X2F	X4F
X2L	X5L	X3F	X5F
X3L	X1F		

8 Grades of Primings			
P2L	P4L	P2F	P4F
P3L	P5L	P3F	P5F

12 Grades of Greenish			
B3LV	B3FV	C4LV	X4LV
B4LV	B4FV	C4FV	X3FV
B5LV	B5FV	X3LV	X4FV

16 Grades of Variegated			
B3KL	B3KF	B4KV	C4KF
B4KL	B4KF	B5KV	X4KL
B5KL	B5KF	B6KV	X4KF
B6KL	B6KF	C4KL	X4KV

16 Grades of Slick			
B3LS	B3FS	C4LS	X3LS
B4LS	B4FS	C5LS	X4LS
B5LS	B5FS	C4FS	X3FS
B6LS	B6FS	C5FS	X4FS

17 Grades of Green			
B4GL	B6GF	B4GK	X4G
B5GL	B4GE	B5GK	X5G
B6GL	B5GR	B6GK	P4G
B4GF	B6GR	B5GG	P5G
B5GF			
7 Grades of Variegated Mixed			
B3KM	B5KM	C4KM	X4KM
B4KM	B6KM	X3KM	
2 Grades of Rank			
B5RR	B5RG		
9 Grades of Nondescript			
N1L	N1R	N1GF	N1GG
N1LX	N1GL	N1GR	N2
N1F			

1 Grade of Scrap

S

Special factors "U" (unsound) and "W" (doubtful-keeping order) may be applied to all grades. Tobacco not covered by the standard grades is designated "No-G."

KEY TO STANDARD GRADEMARKS

§ 29.1225 Key to standard grademarks.

Groups	
A—Wrappers.	X—Lugs.
B—Leaf.	P—Primings.
H—Smoking Leaf.	N—Nondescript.
C—Cutters.	S—Scrap.
Qualities	
1—Choice.	4—Fair.
2—Fine.	5—Low.
3—Good.	6—Poor.
Color Symbols	
L—Lemon.	GR—Green red.
F—Orange.	GK—Green
FR—Orange red.	variegated.
R—Red.	GG—Gray green.
K—Variegated.	KL—Variegated
D—Walnut.	lemon.
G—Green.	KF—Variegated
LV—Lemon	orange.
greenish.	KV—Variegated
FV—Orange	greenish.
greenish.	KM—Variegated
GL—Green lemon.	mixed.
GF—Green orange.	

Combination Symbols	
LS—Lemon slick.	RG—Rank green.
FS—Orange slick.	LX—Lug side.
RR—Rank red.	

(49 Stat. 734; 7 U.S.C. 511m)

Done at Washington, D.C., this 8th day of April 1963.

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

[F.R. Doc. 63-3825; Filed, Apr. 12, 1963;
8:45 a.m.]

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

[Navel Orange Reg. 35]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.335 Navel Orange Regulation 35.

(a) Findings. (1) Pursuant to the marketing agreement, as amended, and

Order No. 907, as amended (7 CFR Part 907; 27 F.R. 10087), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the Federal Register (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 11, 1963.

(b) Order. (1) The respective quantities of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., April 14, 1963, and ending at 12:01 a.m., P.s.t., April 21, 1963, are hereby fixed as follows:

- (i) District 1: Unlimited movement;
- (ii) District 2: 500,000 cartons;
- (iii) District 3: Unlimited movement;
- (iv) District 4: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

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

Dated: April 12, 1963.

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

[F.R. Doc. 63-4005; Filed, Apr. 12, 1963; 11:26 a.m.]

[Valencia Orange Reg. 42]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.342 Valencia Orange Regulation 42.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908; 27 F.R. 10089), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of

the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 11, 1963.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., April 14, 1963, and ending at 12:01 a.m., P.s.t., April 21, 1963, are hereby fixed as follows:

- (i) District 1: Unlimited movement;
- (ii) District 2: Unlimited movement;
- (iii) District 3: 100,000 cartons.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

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

Dated: April 12, 1963.

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

[F.R. Doc. 63-4006; Filed, Apr. 12, 1963; 11:26 a.m.]

[Lemon Reg. 58]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.358 Lemon Regulation 58.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910; 27 F.R. 8346), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the pro-

visions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 9, 1963.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., April 14, 1963, and ending at 12:01 a.m., P.s.t., April 21, 1963, are hereby fixed as follows:

- (i) District 1: Unlimited movement;
- (ii) District 2: 255,750 cartons;
- (iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

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

Dated: April 11, 1963.

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

[F.R. Doc. 63-3960; Filed, Apr. 12, 1963; 8:50 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

SUBCHAPTER C—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

PART 203—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

Subpart A—Eligibility Requirements

APPLICATION FEES

In § 203.12(d) the introductory text is amended and a new subparagraph (3) is added to read as follows:

§ 203.12 Application fees.

(d) *No fee required.* A mortgagee shall not be required to pay an application fee where:

(3) The application is in connection with the insurance of a mortgage to finance the purchase of Commissioner-held property.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpretations or applies sec. 203, 52 Stat. 10, as amended; 12 U.S.C. 1709)

Issued at Washington, D.C., April 9, 1963.

PHILIP N. BROWNSTEIN,
Federal Housing Commissioner.

[F.R. Doc. 63-3930; Filed, Apr. 12, 1963; 8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER A—CIVIL AIR REGULATIONS

[Reg. Docket No. 737; Reg. No. SR-446B]

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

PART 41—CERTIFICATION AND OPERATION RULES FOR CERTIFICATED ROUTE AIR CARRIERS ENGAGING IN OVERSEAS AND FOREIGN AIR TRANSPORTATION AND AIR TRANSPORTATION WITHIN HAWAII AND ALASKA

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

PART 43—GENERAL OPERATION RULES

PART 45—COMMERCIAL OPERATOR CERTIFICATION AND OPERATION RULES

PART 46—SCHEDULED AIR CARRIER HELICOPTER CERTIFICATION AND OPERATION RULES

Special Civil Air Regulation; Use of Portable Frequency Modulation (FM) Type Radio Receivers on Aircraft During Flight

The purpose of this special regulation is to continue in effect the provisions of currently effective Special Civil Air Regulation No. SR-446A (27 F.R. 4906). SR-446A prohibits the operation of portable frequency modulation (FM) radio receivers during flight on all civil aircraft of the United States operated by an air carrier or a commercial operator. It also prohibits the operation of portable FM radio receivers on all other VOR-equipped civil aircraft of the United States while such VOR equipment is being used for navigational purposes.

In 1961, during tests conducted by the Federal Aviation Agency, it was found that radio receivers having local oscillators operating within or near the VHF omnirange (VOR) frequency band (108

to 118 Mcs.) cause interference which adversely affects the operation of an aircraft's VOR navigational system. Various types of portable radio receivers (i.e., radio receivers capable of being carried aboard an aircraft by a passenger) were used in these tests and it was determined that the portable frequency modulation (FM) radio receiver was the only type receiver commonly used by the general public that would create this unwanted interference. Although the tests conducted by the Agency were not completed, the initial finding that FM radio receivers operated aboard an aircraft would cause unwanted interference warranted immediate regulatory action to prevent these radios from endangering safety in air commerce. Accordingly, SR-446 (26 F.R. 4011) was issued May 4, 1961; however, to simplify revision of the rule if additional interference problems were found by the tests, it was issued as a temporary rule effective until May 24, 1962. Since the final evaluation of these tests by all interested parties would not have been completed by the time SR-446 was to expire, the provisions of that rule were continued in effect for an additional year until May 24, 1963, by the issuance of SR-446A on May 22, 1962.

The evaluation of the tests conducted by the Agency have now been completed and the evaluations have not revealed any additional interference problems other than that caused by FM radio receivers. Accordingly, since the interference problem which prompted the issuance of SR-446A still exists and since it is necessary in order to provide adequately for safety in air commerce to continue the provisions of that regulation in effect, I find it is in the public interest to make the provisions of that rule permanent.

In the preamble to SR-446A it was indicated that when the evaluation of the tests were completed, the provisions of SR-446A would be incorporated into the applicable operating parts, i.e., Parts 40, 41, 42, 43, 45 and 46. These parts are presently being recodified and, as recodified, will contain the provisions of related Special Civil Air Regulations such as SR-446A. Until their recodification, the provisions contained in SR-446A will be continued in effect in the form of a Special Civil Air Regulation.

Since this regulation continues in effect a Special Civil Air Regulation which expires on May 24, 1963, and a lapse in the effectiveness of the regulation would endanger safety in air commerce, I find that notice and public procedure hereon would be contrary to the public interest.

In consideration of the foregoing, Special Civil Air Regulation No. SR-446A is superseded by the following Special Civil Air Regulation which is hereby adopted to become effective on May 25, 1963.

No person shall operate, nor shall any operator or pilot in command of an aircraft permit the operation of, a portable frequency modulation (FM) radio receiver on the following civil aircraft of the United States while such aircraft are engaged in flight in air commerce:

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

(b) Any other aircraft equipped with VHF omnirange (VOR) navigational equipment

while such VOR equipment is being used for navigational purposes.

This special regulation supersedes Special Civil Air Regulation No. SR-446A.

This Special Civil Air Regulation is issued under the authority of sections 313(a) and 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1354 and 1421).

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

N. E. HALABY,
Administrator.

[F.R. Doc. 63-3855; Filed, Apr. 12, 1963; 8:45 a.m.]

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 63-CE-26]

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

PART 73—SPECIAL USE AIRSPACE [NEW]

Revocation of Restricted Area and Alteration of Controlled Airspace

The purpose of these amendments to §§ 71.151, 71.165, and 73.61 of the Federal Aviation Regulations is to revoke the Scenic, S. Dak., Restricted Area R-6102 and to alter the descriptions of the continental control area and the Rapid City, S. Dak., control area extension.

The Department of the Air Force has advised the Federal Aviation Agency that they no longer have a requirement for Restricted Area R-6102. Therefore, this area is unjustified as an assignment of airspace and revocation thereof will be in the public interest. Such action is taken herein.

Further, action is being taken herein to delete reference to R-6102 from the descriptions of the Rapid City, S. Dak., control area extension and the continental control area.

Since these amendments impose no additional burden on the public, notice and public procedure hereon are unnecessary and they may be made effective immediately.

In consideration of the foregoing, the following actions are taken:

1. In § 73.61 (28 F.R. 19-41, January 26, 1963), "R-6102 Scenic, S. Dak." is revoked.

2. In the text of § 71.165 (27 F.R. 220-59, November 10, 1962), Rapid City, S. Dak., "The portion of this control area extension which coincides with R-6102 shall be used only after obtaining prior approval from appropriate authority." is deleted.

3. In the text of § 71.151 (27 F.R. 220-54, November 10, 1962), "R-6102 Scenic, S. Dak." is deleted.

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

These amendments shall become effective upon publication in the FEDERAL REGISTER.

Issued in Washington, D.C., on April 8, 1963.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 63-3856; Filed, Apr. 12, 1963; 8:45 a.m.]

[Airspace Docket No. 60-WA-242]

**PART 73—SPECIAL USE AIRSPACE
[NEW]****Alteration of Restricted Area and
Controlled Airspace****Correction**

In F.R. Document 63-1901 appearing in the issue for Thursday, February 21, 1963, at page 1629, make the following change in § 73.30: In the next to the last line of *Boundaries*, the reference to "81°41'06'" should read "81°51'06'".

Chapter III—Federal Aviation Agency**SUBCHAPTER C—AIRCRAFT REGULATIONS**

[Reg. Docket No. 1259; Amdt. 65]

**PART 514—TECHNICAL STANDARD
ORDERS FOR AIRCRAFT MATE-
RIALS, PARTS AND APPLIANCES****Airborne Radio Marker Receiving
Equipment Operating on 75 Mc.,
for Air Carrier Aircraft**

A proposed revision to § 514.37 establishing minimum performance standards for airborne radio marker receiving equipment operating on 75 mc. to be used on civil aircraft of the United States engaged in air carrier operations, was published in 27 F.R. 5989, and circulated as Regulations of the Administrator Draft Release No. 62-29 dated June 19, 1962. The revision incorporates new environmental test procedures which were developed to be more compatible with existing and anticipated aircraft environmental conditions. The only other change is to the emission of spurious radio frequency energy requirement which it is considered necessary to limit in order to prevent detrimental interference with other safety equipment.

Interested persons have been afforded an opportunity to participate in the making of the amendment. One comment raised the general objection to making certain TSO's applicable only to air carrier aircraft. Insofar as the objection applies to this TSO, the Agency is developing a separate standard of minimum performance requirements for radio marker receiving equipment to be used in general aviation aircraft. The basic difference will be in the environmental tests for equipment used in aircraft operated under less stringent environmental conditions. These standards will be preceded by those for other equipment more urgently needed in controlled airspace.

Several changes have been made in the proposed standard as a result of the comments received. Paragraph 1.4 was rewritten to specify a sensitivity when measured over either a Z-marker or an outer marker of an ILS facility.

The requirement to test for discrete frequency noise measurements was deleted from paragraphs 3.7(b), 3.8, and 3.9, since such testing requires considerable time and the deletion does not degrade the effectiveness of the TSO.

Another comment recommended Paragraph 3.10 be changed to require that the receiver output be at least 40 db below

the rated power output during the radio frequency susceptibility test and that the test signal modulation be 1,300 c.p.s. rather than 1,000 c.p.s. In radio-frequency susceptibility testing, it is unlikely there will be any significant effect on rated power output and distortion which are presently specified, therefore, the paragraph has been changed accordingly.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), Part 514 of the regulations of the Administrator (14 CFR Part 514) is hereby amended as follows:

Section 514.37 is revised as follows:

§ 514.37 Airborne radio marker receiving equipment operating on 75 mc. (for air carrier aircraft)—TSO—C35c.

(a) *Applicability.* (1) Minimum performance standards are hereby established for airborne radio marker receiving equipment operating on 75 mc. which is to be used on civil aircraft of the United States engaged in air carrier operations. New models of airborne radio marker receiving equipment operating on 75 mc. manufactured for use on civil air carrier aircraft on or after the effective date of this section shall meet the minimum performance standards contained in Federal Aviation Agency Standard entitled "Minimum Performance Standards for Airborne Radio Marker Receiving Equipment Operating on 75 mc.", dated April 6, 1962, and Radio Technical Commission for Aeronautics Paper 120-61/DO-108¹ entitled, "Environmental Test Procedures Airborne Electronic Equipment", dated July 13, 1961, with the exceptions to these standards listed in subparagraph (2) of this paragraph.

(2) Radio Technical Commission for Aeronautics Paper 120-61/DO-108 outlines various test procedures which define the environmental extremes over which the equipment shall be designed to operate. Some test procedures have categories established and some do not. Where categories are established, only equipment which qualifies under the following categories, as specified in RTCA Paper 120-61/DO-108, is eligible under this order:

- (i) Temperature-Altitude Test—Categories A, B, C, or D;
- (ii) Humidity Test—Categories A or B;
- (iii) Vibration Test—Categories A, B, C, D, E, or F;
- (iv) Audio-Frequency Magnetic Field Susceptibility Test—Categories A or B;
- (v) Radio-Frequency Susceptibility Test—Category A; and
- (vi) Emission of Spurious Radio-Frequency Energy Test—Category A.

(b) *Marking.* (1) In addition to the marking requirements of § 514.3(d), the

equipment shall be marked to indicate the environmental extremes over which it has been designed to operate. There are seven environmental test procedures outlined in RTCA Paper 120-61/DO-108 which have categories established. These should be identified on the nameplate by the words "environmental categories" or, as abbreviated, "Env. Cat." followed by seven letters which identify the categories designated in RTCA Paper 120-61/DO-108. Reading from left to right, the category designations shall appear on the nameplate in the following order so that they may be readily identified:

- (i) Temperature-Altitude Test Category;
- (ii) Humidity Test Category;
- (iii) Vibration Test Category;
- (iv) Audio-Frequency Magnetic Field Susceptibility Test Category;
- (v) Radio-Frequency Susceptibility Test Category;
- (vi) Emission of Spurious Radio-Frequency Energy Test Category; and
- (vii) Explosion Test.

(2) Equipment which meets the explosion test requirement shall be identified by the letter "E". Equipment which does not meet the explosion test requirement shall be identified by the letter "X". A typical nameplate identification would be as follows: Env. Cat. DABAAAX.

(3) In some cases such as under the Temperature-Altitude Test Category, a manufacturer may wish to substantiate his equipment under two categories. In this case, the nameplate shall be marked with both categories in the space designated for that category by placing one letter above the other in the following manner: Env. Cat. ^ADABAAAX.

(4) Each major component of equipment (antenna, power supply, etc.) shall be identified with at least the manufacturer's name, TSO number, and the environmental categories over which the equipment component is designed to operate.

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

(1) Six copies of the manufacturer's operating instructions and equipment limitations;

(2) Six copies of the installation procedures with applicable schematic drawings, wiring diagrams, and specifications. Indicate any limitations, restrictions, or other conditions pertinent to installation.

(3) One copy of the manufacturer's test report.

(Secs. 313(a), 601, 72 Stat. 752, 775; 49 U.S.C. 1354(a), 1421)

Effective date: July 15, 1963.

Issued in Washington, D.C., on April 9, 1963.

G. S. MOORE,
Director,
Flight Standards Service.

[F.R. Doc. 63-3857; Filed, Apr. 12, 1963; 8:45 a.m.]

¹ Copies may be obtained upon request addressed to Publishing and Graphics Branch, Inquiry Section, MS-158, Federal Aviation Agency, Washington 25, D.C.

² Copies of this paper may be obtained from the RTCA Secretariat, Room 1072, T-5 Building, 16th and Constitution Avenue NW., Washington 25, D.C., at a cost of 75 cents per copy.

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 8518]

PART 13—PROHIBITED TRADE PRACTICES

Aluminous Coatings, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections*; § 13.15-5 *Advertising and promotional services*; § 13.15-30 *Connections or arrangements with others*; § 13.15-190 *Manufacturing nature*; § 13.15-265 *Service*; § 13.20 *Comparative data or merits*; § 13.50 *Dealer or seller assistance*; § 13.60 *Earnings and profits*; § 13.70 *Fictitious or misleading guarantees*; § 13.143 *Opportunities*; § 13.170 *Qualities or properties of product or service*; § 13.170-30 *Durability or permanence*; § 13.170-96 *Waterproof, waterproofing, waterrepellent*; § 13.175 *Quality of product or service*; § 13.260 *Terms and conditions*; § 13.265 *Tests and investigations*. Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception*. Subpart—Securing agents or representatives by misrepresentation: § 13.2117 *Advertising allowances and material*; § 13.2120 *Dealer or seller assistance*; § 13.2130 *Earnings*; § 13.2132 *Exclusive territory*; § 13.2140 *Qualities or properties of product*; § 13.2150 *Seller status, advantages or connections*; § 13.2155 *Source or origin of product*; § 13.2165 *Terms and conditions*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Aluminous Coatings, Inc., et al., Hallandale, Fla., Docket 8518, Mar. 28, 1963]

In the Matter of Aluminous Coatings, Inc., a Corporation, Aluma-Glo Corporation of America, a Corporation, and Nathan Backer, Individually and as an Officer of Said Corporations

Order entered on default of respondents, requiring Hallandale, Fla., distributors of roof and other surface paints or coatings which they purchased, to cease misrepresenting—through salesmen carrying out their sales plan for securing dealers and in advertising furnished such salesmen, prospective dealers, and the public—the makers, quality, and guarantees of their paints; sales, advertising, and other assistance offered to their dealers; net profits to be expected; and other misrepresentations as in the order below set forth.

The order to cease and desist is as follows:

It is ordered, That respondents Aluminous Coatings, Inc., a corporation, and Aluma-Glo Corporation of America, a corporation, and their officers, and Nathan Backer, individually and as an officer of said corporations, and respondents' representatives, agents and employees, directly or through any corporate or

other device, in connection with the offering for sale, sale or distribution of paint, roof coating or any other product or products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication, that:

1. Purchasers of their products will be granted exclusive territory for the resale of their said products or will be given exclusive or protected areas in which to resell respondents' products.

2. The products sold by respondents are made from or contain pigments manufactured or produced by the Aluminum Company of America, or that respondents' products are manufactured by the Aluminum Company of America.

3. Respondents are a part of, a division of, a subsidiary of, or in any manner connected with Aluminum Company of America; or that respondents are affiliated with or connected with any company or organization with which in fact they are not affiliated.

4. Respondents' products have been advertised by Aluminum Company of America, or that respondents' dealers will have the advantage of the "Alcoa" trade-mark in promoting the sale of said products.

5. Respondents will perform all necessary sales promotions or advertising for their products, or that no selling effort by dealer purchasers will be required; or misrepresenting in any manner the advertising and sales promotion aid that respondents will give their dealer purchasers.

6. Respondents will pick up or take back unsold paint in the hands of dealers or make refunds to dealers for such products.

7. Purchasers of respondents' products for resale will earn from \$2,000 to \$25,000 a year, or earn any amounts in excess of those usually and customarily earned by respondents' dealer purchasers.

8. Respondents' products are equal or superior to first-line paint; or otherwise misrepresenting the quality of such products or the period of time for which such products will be effective.

9. Respondents' products are guaranteed for 10 years or any other period of time or in any other manner, unless the nature and extent of the guarantee and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed.

10. Products purchased by a dealer from respondents will be resold before payment therefor is due.

11. Payment will not be required for the products sold by respondents to dealer purchasers until the products have been resold; or misrepresenting in any manner the time within which payment will be required by respondents.

12. Respondents' products will effectively cover more surface area than competitive products; will waterproof basements or remedy leaking roofs; or in all instances can be easily applied or will be effective when applied to all types of surfaces.

13. Respondents' products have been tested, approved or used by any governmental agency, or any other organiza-

tion or concern, which has not so tested, approved or used such products.

14. Trade acceptances signed by purchasers of respondents' products will not be transferred, sold or assigned.

15. Respondents manufacture the products sold by them, or are manufacturers of paints, roof coatings, or related products.

16. Respondents will cooperate with and continuously aid the purchasers of their products in carrying on their business of reselling said products.

By "Decision of the Commission", etc., report of compliance was required as follows:

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

Issued: March 28, 1963.

By the Commission.

[SEAL]

JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 63-3862; Filed, Apr. 12, 1963; 8:45 a.m.]

[Docket 8516]

PART 13—PROHIBITED TRADE PRACTICES

HMH Publishing Co., Inc.

Subpart—Discriminating in price under section 2, Clayton Act—Payment for services or facilities for processing or sale under 2(d): § 13.825 *Allowances for services or facilities*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or applies sec. 2, 49 Stat. 1526; 15 U.S.C. 13) [Cease and desist order, HMH Publishing Co., Inc., Chicago, Ill., Docket 8516, Mar. 28, 1963]

Order requiring the Chicago publisher of "Playboy" magazine, among others, with sales for 1960 in excess of \$3,500,000, to cease discriminating in price in violation of section 2(d) of the Clayton Act by making payments to certain operators of chain retail outlets in railroad, airport, and bus terminals, and in hotels and office buildings without making comparable payments available to their competitors, and making the payments to the favored customers on the basis of individual negotiations and not on proportionally equal terms.

The order to cease and desist is as follows:

It is ordered, That respondent HMH Publishing Co., Inc., a corporation, its officers, employees, agents and representatives, directly or through any corporate or other device, in connection with the distribution, sale or offering for sale of publications including magazines in commerce, as "commerce" is defined in the amended Clayton Act, do forthwith cease and desist from:

Paying or contracting for the payment of an allowance or anything of value to, or for the benefit of, any customer as

compensation or in consideration for any services or facilities furnished by or through such customer in connection with the handling, offering for sale, sale or distribution of publications including magazines published, sold or offered for sale by respondent, unless such payment or consideration is affirmatively offered and otherwise made available on proportionally equal terms to all of its other customers competing with such favored customer in the distribution of such publications including magazines.

The word "customer" as used above shall be deemed to mean anyone who purchases from HMH Publishing Co., Inc., acting either as principal or agent, or from a distributor or wholesaler where such transaction with such purchaser is essentially a sale by such respondent, acting either as principal or agent.

By "Decision of the Commission", etc., report of compliance was required as follows:

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

Issued: March 28, 1963.

By the Commission.

[SEAL]

JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 63-3863; Filed, Apr. 12, 1963;
8:45 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers,
Department of the Army

PART 202—ANCHORAGE REGULATIONS

PART 204—DANGER ZONE REGULATIONS

Lake Champlain, N.Y. and Vt., and
Pacific Ocean, Hawaii

1. Pursuant to the provisions of section 1 of an Act of Congress approved April 22, 1940 (54 Stat. 150; 33 U.S.C. 180), § 202.8 is hereby amended redesignating paragraphs (b), (c), (d), and (e) as (c), (d), (e), and (f), and prescribing a new paragraph (b) designating a special anchorage area in Lake Champlain, at Essex, New York, wherein vessels not more than 65 feet in length, when at anchor, shall not be required to carry or exhibit anchor lights, effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 202.8 Lake Champlain, N.Y., and Vt.

(a) *Ticonderoga, N.Y.* An area shoreward of a line bearing 312° from Ticonderoga Light to the southeast corner of the New York State Boat Launching Ramp.

(b) *Essex, N.Y.* A small cove at the westerly side of Lake Champlain, shore-

ward of a line connecting the offshore ends of two promontories located at Essex.

(c) *Shelburne, Vt.* An area shoreward of a line bearing 142° from the eastern point of Collymer Pt. to Allen Hill.

(d) *Mallets Bay, Vt.* The southwestern portion of Mallets Bay, south of Coates Island and west of a line bearing 170° from the most easterly point of Coates Island to the mainland.

(e) *Mallets Bay, Vt.* An area in the northwesterly portion of Mallets Bay, south of a line extending from the northeasterly end of Mallets Head to the northeasterly end of Marble Island, and west of a line extending from the northeasterly end of Marble Island to the northeasterly side of Cave Island, and southerly to the point on the lower east side of Mallets Head.

(f) *St. Albans Bay, Vt.* An area in the northerly portion of St. Albans Bay westward of the State Pier at St. Albans Bay State Park, northeasterly of a line bearing 236°30' from the southwesterly corner of the State Pier, and southeasterly of a line parallel to and 500 feet west of the west side of the State Pier.

[Regs. April 2, 1963, 1507-32 (Lake Champlain, N.Y. and Vt.)—ENG CW-ON] (Sec. 1, 54 Stat. 150; 33 U.S.C. 180)

2. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1) § 204.223 is hereby amended changing the caption of the section and revoking paragraph (a) (2) governing the use and navigation of a danger zone surrounding Mokuhooniki Rock, Island of Molokai, Hawaii, effective on publication in the FEDERAL REGISTER since the area is no longer needed, as follows:

§ 204.223 Pacific Ocean, Hawaii; danger zones.

(a) *Danger zones.* * * *

(2) *High and low level aerial bombing target surrounding Mokuhooniki Rock, Island of Molokai, Hawaii.* [Revoked]

* * * * *

[Regs., April 2, 1963, 1507-32 (Pacific Ocean, Hawaii)—ENG CW-ON] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

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

[F.R. Doc. 63-3852; Filed, Apr. 12, 1963;
8:45 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service,
Department of the Interior

PART 7—SPECIAL REGULATIONS RELATING TO PARKS AND MONUMENTS

Wind Cave National Park, South Dakota; Speed

On page 1549 of the FEDERAL REGISTER of February 19, 1963, there was published a notice and text of a proposed amendment to § 7.59 of Title 36, Code of Federal Regulations. The purpose of this

amendment is to provide traffic safety to the public by extending the 25 miles per hour speed limit to include the Elk Mountain Campground road junction with Highways U.S. 386 and S.D. 87.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed amendment. No comments, suggestions, or objections have been received, and the proposed amendment is hereby adopted without change and is set forth below. This amendment shall become effective at the beginning of the 30th calendar day following the date of this publication in the FEDERAL REGISTER.

Paragraph (a) of § 7.59 is amended to read as follows:

§ 7.59 Wind Cave National Park.

(a) *Speed.* Speed of automobiles and other vehicles except in emergencies as provided in § 1.42(b) of this chapter, is limited to 25 miles per hour on Highways U.S. 385 and S.D. 87 from a point 0.7 of a mile north of the Visitor Center to a point 0.4 of a mile south of the Visitor Center.

(60 Stat. 238; 5 U.S.C. 1003; 39 Stat. 535; 16 U.S.C. 3)

JESS H. LOMBARD,
Superintendent,
Wind Cave National Park.

[F.R. Doc. 63-3910; Filed, Apr. 12, 1963;
8:49 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

SUBCHAPTER H—TRANSPORTATION OF THE
MAILS

PART 96—AIR TRANSPORTATION

Airmail Routing and Dispatch; Division of Mail

The following is the text of Regional Letter 63-38 of the Assistant Postmaster General, Bureau of Transportation, dated March 27, 1963:

Division of Airmail. 1. No division of mail between carriers will be authorized where the cost to the Department of one of the routings is greater than the other available routing; i.e., one single carrier routing vs a two-carrier routing.

2. Division of mails will generally be made between competing carrier schedules on the basis of the guidelines in 3 and 4 following. However, the POD desires to retain existing flights, as well as to stimulate the scheduling of new flights that will have significant postal advantage. In these situations the POD may make an administrative determination that its interests will be best served by designating the flight to be used for transportation of mail.

3. Generally, mail will not be divided between the single plane service of one carrier and the intraline connection service of another. However, such divisions may be authorized where the intraline schedule provides direct service or connections to points which the Department desires to retain.

4. When it has been determined that a division of mails between competing carriers is in the Department's best interest, the following guidelines will apply:

a. No division will be authorized unless the mail to be divided will average more than 100 pounds.

b. No division will be authorized where the competing trips are scheduled to arrive at the airport of destination 60 minutes or more apart.

c. Although divisions will be authorized on the basis of published schedules, the receiving region will be responsible for checking on actual performance of the trips involved and for requesting the dispatching region to remove from the division any trip, the operation of which is resulting in delay to mail. This action is to be based upon an adequate record.

d. Where a division is authorized, attention should be given to the routing selected for the city or AMF mail that is judged to provide the best service with the greatest degree of dependability.

e. Only the local destination mail (city, AMF and surface connection pouches) will be included in a division. Intraline and interline connections mail will be routed to best advantage and the weight of this mail will not be considered in effecting divisions.

f. Mail will not be divided between flights which serve a destination through different airports. In these situations the mail will be routed to the airport from which the best postal service can be obtained for the mail in question.

The appropriate amendments necessary to codify the foregoing regulations into Part 96 of Title 39, Code of Federal Regulations will be published at a later date.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 6301)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc 63-3914; Filed, Apr. 12, 1963;
8:49 a.m.]

SUBCHAPTER I—POSTAL UNION MAIL

PART 112—RATES AND CONDITIONS FOR SPECIFIC CLASSES

Second-Class and Controlled Circulation Publications

The regulations of the Post Office Department in § 112.4 are amended by revising subparagraphs (1), (2) and (4) of paragraph (e) to include new requirements for preparing and mailing second-class or controlled circulation publications in the postal union mail. (See 28 F.R. 2447 for previous notice of the revised mailing requirements to Canada, effective April 15, 1963.) As so amended, subparagraphs (1), (2) and (4) read as follows:

§ 112.4 Printed matter.

* * * * *

(e) *Preparation and mailing*—(1) *Wrapping and closing.* Prints must be placed either under wrapper, in rolls, between cardboard, in an open case, or in an unsealed envelope, provided, if need be, with easily removable fasteners

offering no danger, or be fastened with a string which can be easily untied. Articles of printed matter should not be prepared in such a manner as to allow other articles to slip into them. Articles mailed at printed matter rates must not be sealed. The following exceptional methods of preparation apply:

(i) Prints of the shape and consistency of a card, which may be mailed unfolded or folded only once, may be mailed without wrapper, envelope, or fastener.

(ii) Single copies of second-class or controlled circulation publications addressed for delivery in Canada, when tied in bundles or enclosed in wrapped packages as provided in subparagraph (4) (ii) and (iii) of this paragraph (limited to second-class only), need not be enclosed in wrappers or envelopes. (See subparagraph (2) (iv) of this paragraph as to marking.)

(iii) Use of steel bands or wire is permitted at the risk of the sender, except to the Union of Soviet Socialist Republics which objects to their use.

(iv) Envelopes having the main flap sealed and the side flap closed with a spot of glue are accepted at the risk of the sender, except to Switzerland which has objected to the use of this type of envelope.

(2) *Marking.* Senders must place an endorsement on the address side of envelopes, cards, or packages to be mailed at printed matter rates, as follows:

(i) Mark "Printed Matter" on the address side of articles paid at regular printed matter rates. (See paragraph (a) (1) (i) of this section.)

(ii) Mark "Printed Matter—Books" or "Printed Matter—Sheet Music" on the address side of packages of books or sheet music to be mailed at the rates stated in paragraph (a) (1) (ii) of this section.

(iii) Mark "Printed Matter—Directories" or "Printed Matter—Catalogs" when necessary to identify packages as containing directories or catalogs subject to regular printed matter rates but entitled to the exceptional weight limits prescribed in paragraph (b) of this section.

(iv) Mark "Printed Matter—Second-Class" or "Printed Matter—Controlled Circulation Publication" on the envelopes or wrappers of second-class and controlled circulation publications on which the postage is paid by stamps affixed. When the postage on second-class and controlled circulation publications is paid in cash or by advance deposit as permitted in subparagraph (3) (ii) of this paragraph, the envelopes or wrappers must bear the imprint "Second-class postage paid at _____," or "Controlled circulation postage paid at _____," in the upper right corner on the address side. The imprint serves as an indication of postage payment and identifies the publications as second-class or controlled circulation. When the publications are bundled as provided in subparagraph (4) (ii) and (iii) of this paragraph, an indication that postage has been paid must be shown on the wrapper or label of the bundle.

* * * * *

(4) *Mailing.* (i) Prints on which the postage is paid by permit imprints and all second-class and controlled circulation publications to be mailed at the rates stated in paragraph (a) (1) (iii) of this section and must be taken to the post office or such other place as may be designated by the postmaster. All other printed matter that is fully prepaid with postage or meter stamps and is properly prepared as required in subparagraphs (1) and (2) of this paragraph may be presented for mailing at post office windows or deposited in post office drops or street collection boxes.

(ii) Publishers having more than five individually addressed copies of a second-class or controlled circulation publication addressed to subscribers at the same post office must place the copies in securely wrapped or tied bundles labeled to the post office and country of destination. The twine must be strong enough for the weight and size of the bundle. See subparagraph (2) (iv) of this paragraph as to marking of the bundles.

(iii) Except for second-class to Canada, individually addressed publications for one post office may not be bundled and addressed to the delivering post office in order to calculate the postage on the bulk weight of the bundle. Second-class publications addressed to the same post office in Canada may be enclosed in a wrapped bundle addressed to the postmaster at the office of destination, with a notation on the cover "Open and Distribute". See subparagraph (2) (iv) of this paragraph as to marking of the bundles.

NOTE: The corresponding Postal Manual sections are 222.451, 222.452 and 222.454.

(R.S. 161, as amended, 5 U.S.C. 22, 39 U.S.C. 501, 505)

LOUIS J. DOYLE,
General Consul.

[F.R. Doc. 63-3915; Filed, Apr. 12, 1963;
8:49 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2997]

[25130]

UTAH

Restoration Under Section 24, Federal Power Act; Power Site Reserve No. 122

1. In No. DA-144-Utah, the Federal Power Commission determined that the value of the following described lands withdrawn in Power Site Reserve No. 122 will not be injured or destroyed for purposes of power development by location, entry, or selection under the public land laws, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended:

SALT LAKE MERIDIAN

T. 41 S., R. 18 E.,
Sec. 34, lots 1, 2, 3, 4, N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$,
NE $\frac{1}{4}$ SW $\frac{1}{4}$, and S $\frac{1}{2}$ SW $\frac{1}{4}$.

The area described contains approximately 353 acres.

2. The greater part of the land consists of the steep walls of the San Juan River Canyon in San Juan County about 19 river miles west of Mexican Hat, Utah. About 100 acres have a rolling surface with a vegetative covering of brush, grass, and weeds.

3. Until 10:00 a.m. on July 8, 1963, the State of Utah shall have a preferred right to apply for the reservation to it or to any of its political subdivisions, under any statute or regulation applicable thereto, of any of the land required for a right-of-way for a public highway or as a source of materials for the construction and maintenance of such highways, in accordance with the provisions of section 24 of the Federal Power Act, supra. The State has waived its preference rights under subsection (c) of section 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852).

4. This order shall not otherwise be effective to change the status of the land until 10:00 a.m. on July 8, 1963. At that time the land shall be open to the operation of the public land laws generally subject to valid existing rights and equitable claims, the requirements of applicable law, rules, and regulations, and the provisions of any existing withdrawals.

5. The land has been open to applications and offers under the mineral leasing laws, and to location under the United States mining laws subject to the provisions of the Act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621).

6. Any disposals of the land described in this order shall be subject to the provisions of section 24 of the Federal Power Act, supra, as specified by the Federal Power Commission in its determination. Inquiries concerning the land should be addressed to the Manager, Land Office, Bureau of Land Management, Salt Lake City, Utah.

JOHN A. CARVER, Jr.,

Assistant Secretary of the Interior.

APRIL 8, 1963.

[F.R. Doc. 63-3871; Filed, Apr. 12, 1963; 8:46 a.m.]

[Public Land Order 2998]

[Juneau 012098]

ALASKA

Revocation of Various Orders of Withdrawal, in Whole or in Part

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, the following described orders of withdrawal are hereby revoked:

1. The Executive order of February 20, 1897, heretofore revoked in part, so far as it withdrew the following described lands for school purposes:

a. An area of about three acres on the island of Kupreonof, described by metes and bounds.

b. An area of 17,400 square feet on the island of Chichagoff, described by metes and bounds.

2. Executive Order No. 571 of February 21, 1907, withdrawing by metes and bounds a tract of about one acre at Haines for educational purposes.

3. Executive Order No. 3089 of May 24, 1919, withdrawing lot 17, block 13, Haines Townsite, for use of the Bureau of Education.

4. Executive Order No. 445 of May 10, 1906, reserving block 32 in the townsite of Juneau for educational purposes.

5. Executive Order No. 1316 of March 14, 1911, reserving the west $\frac{1}{2}$ of block 32, townsite of Juneau, for territorial executive uses.

6. Executive Order No. 1331 of April 11, 1911, reserving a portion of block 32 in the townsite of Juneau for territorial executive uses.

7. Executive Order No. 4421 of April 17, 1926, so far as it withdrew for school purposes two tracts described by metes and bounds as Hydaburg School Reservations No. 1 and 2, containing approximately 1.75 acres.

8. Executive Order No. 4710 of August 29, 1927, withdrawing for classification six acres of public land on the south end of the Mendenhall Bridge, which spans the Mendenhall River where it crosses the Glacier Highway, near Juneau, Alaska, and described by metes and bounds.

9. Executive Order No. 7135 of August 9, 1935, withdrawing 227 acres of tide-lands about $\frac{9}{4}$ miles north of Juneau for the use of the War Department as a radio station site.

10. Public Land Order No. 871, of November 5, 1952, so far as it withdrew for townsite purposes an area in the town of Sitka, Alaska, described by metes and bounds, and containing approximately 140 acres.

11. Executive Order No. 2840, of April 16, 1918, transferring from the military reservation at Skagway, Alaska, to the Secretary of the Interior for disposition, an area north of the city of Skagway, used as a cemetery by the city, and described by metes and bounds, containing approximately 11 acres.

12. Executive Order of November 21, 1902, adding 5.7 acres to the military reservation at Haines Mission, near Dyea.

13. Executive Order No. 1067 of April 23, 1909, so far as it modified the description of the lands described in item 12, supra.

14. Executive Order No. 4131 of January 22, 1925, so far as it transferred the lands described in item 12, supra, from the jurisdiction of the War Department to the Secretary of the Interior.

15. Executive Order No. 5784 of January 29, 1932, which withdrew for use of the Alaska Road Commission as an administrative site, that portion of the Fort William H. Seward Military Reservation (now Chilkoot Barracks), in Alaska, described by metes and bounds, and known as the Clay Reserve, containing approximately 5.74 acres.

16. Public Land Order No. 1478 of September 4, 1957, withdrawing for use of the Bureau of Public Roads as administrative sites, a parcel of land located on the Richardson Highway, north of Valdez, Alaska, described by metes and bounds, and lots 18A and 19A, tract C, of U.S. Survey No. 3312 on the Skagway-Dyea Highway, containing 14 acres.

17. Public Land Order No. 1185 of July 8, 1955, withdrawing the following described lands for the use of the Bureau of Public Roads, Department of Commerce, as a maintenance station and storage yard:

U.S. Survey 2386; lot 1.

U.S. Survey 3260; lots 22 and 39.

Containing 7.35 acres.

The areas described in this order aggregate approximately 423 acres of non-public lands.

JOHN A. CARVER, Jr.,

Assistant Secretary of the Interior.

APRIL 8, 1963.

[F.R. Doc. 63-3872; Filed, Apr. 12, 1963; 8:47 a.m.]

[Public Land Order 2999]

[Wyoming 074127]

WYOMING

Modification of Departmental Order of January 26, 1932, Which Withdrew Lands for North Platte Project

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

The Departmental order of January 26, 1932, which withdrew lands for the North Platte Project in Wyoming is hereby modified to the extent necessary to permit the grant of a county highway right-of-way made by section 2477, United States Revised Statutes (43 U.S.C. 932), to become effective as to the following described lands:

SIXTH PRINCIPAL MERIDIAN

T. 24 N., R. 85 W.,

A strip of land 100 feet in width through Sec. 14, the center line of which is described as follows:

Beginning at a point on the south line of Sec. 14 from which the south $\frac{1}{4}$ corner of Sec. 14 bears N. 88°55'30" E., a distance of 1,904 feet, thence N., 31°03'30" E., a distance of 522.8 feet, thence on the arc of a 1° curve to the right, having a radius of 5,730 feet, a distance of 1,240 feet, thence N. 43°27'30" E., a distance of 1,583.8 feet, thence on the arc of a 1° curve to the left, having a radius of 5,730 feet, a distance of 986.7 feet, thence N. 33°35'30" E., a distance of 2,194.1 feet, thence on the arc of a 1°30' curve to the right, having a radius of 3,819.83 feet, a distance of 312.1 feet to a point on the north line of Sec. 14, from which the northeast corner of Sec. 14 bears N. 88°55'30" E., a distance of 50.9 feet.

The area contains approximately 15.5 acres.

JOHN A. CARVER, Jr.,

Assistant Secretary of the Interior.

APRIL 8, 1963.

[F.R. Doc. 63-3873; Filed, Apr. 12, 1963; 8:47 a.m.]

[Public Land Order 3000]

[Wyoming 0183997]

WYOMING

Partial Revocation of Reclamation Withdrawal, North Platte Project

By virtue of the authority contained in section 3 of the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

1. The Departmental order of January 20, 1909, which withdrew lands in Wyoming for reclamation purposes in connection with the North-Platte Project, is hereby revoked so far as it affects the following described lands:

SIXTH PRINCIPAL MERIDIAN

T. 26 N., R. 64 W.,

All of the unsurveyed lands lying in the stream bed between the meander lines of the North Platte River in the following sections:

Secs. 7, 8, 16, 17, 18, 21, 22, 25, 26, and 27.

T. 26 N., R. 65 W.,

All of the unsurveyed lands lying in the stream bed between the meander lines of the North Platte River in the following sections:

Secs. 2, 3, 10, 11, 12, 13, and 14.

The areas described aggregate approximately 1,956 acres.

2. The lands riparian to the lands described are all in private or State ownership, except three small parcels of public land, three lots under reclamation withdrawal, and a small portion of the Fort Laramie National Historic Site.

JOHN A. CARVER, Jr.,

Assistant Secretary of the Interior.

APRIL 8, 1963.

[F.R. Doc. 63-3874; Filed, Apr. 12, 1963; 8:47 a.m.]

[Public Land Order 3001]

CALIFORNIA AND NEW MEXICO

Correction of Public Land Orders No. 2666 of April 25, 1962, and No. 2807 of October 25, 1962

1. In F.R. Doc. 62-4196, appearing as Public Land Order No. 2666, at page 4151 of the issue for May 1, 1962, (California (Los Angeles 0157654)) the land description, as published, for Section 31, T. 6 S., R. 35 E., is hereby corrected to read "N $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$ " instead of "N $\frac{1}{2}$ N $\frac{1}{2}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ ". The proper reference Meridian is "Mount Diablo Meridian".

2. In F.R. Doc. 62-10857, appearing as Public Land Order No. 2807, at page 10583 of the issue of October 31, 1962, (New Mexico 0292749) (1872385) the land description for Section 17, T. 11 N., R. 1 E., is hereby corrected to read "lots 2 to 5, incl.;" instead of "lots 1 to 4, incl.;"

JOHN A. CARVER, Jr.,

Assistant Secretary of the Interior.

APRIL 8, 1963.

[F.R. Doc. 63-3875; Filed, Apr. 12, 1963; 8:47 a.m.]

[Public Land Order 3002]

[Arizona 032157]

ARIZONA

Modification of Reclamation Withdrawal of July 25, 1941, Hassayampa Project

By virtue of the authority contained in section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

The Departmental order of July 25, 1941, which withdrew lands for Bureau of Reclamation purposes, in connection with the Hassayampa Project, is hereby modified to the extent necessary to permit the grant of a highway right-of-way made by section 2477, United States Revised Statutes (43 U.S.C. 932) to become effective as to those portions of the following described lands delineated on maps filed in the Bureau of Land Management in Arizona 032157:

GILA AND SALT RIVER MERIDIAN

T. 5 N., R. 4 W.,

Sec. 26, the south 65 feet of the west $\frac{3}{4}$;
Sec. 35, the north 65 feet.

Containing 13.13 acres.

JOHN A. CARVER, Jr.,

Assistant Secretary of the Interior.

APRIL 8, 1963.

[F.R. Doc. 63-3876; Filed, Apr. 12, 1963; 8:47 a.m.]

[Public Land Order 3003]

CALIFORNIA

Power Site Cancellation No. 152; Partial Revocation of Power Site Classification No. 118; Opening of Lands Released From Water Power Withdrawal, Project No. 247

1. By virtue of the authority contained in the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and in section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, and pursuant to the determinations of the Federal Power Commission, docketed as DA-983 and DA-992-California, it is ordered as follows:

a. The Departmental order of October 1, 1925, establishing Power Site Classification No. 118 is hereby cancelled so far as it affects the following described land:

MOUNT DIABLO MERIDIAN

(Sacramento 063679)

T. 46 N., R. 5 W.,

Sec. 6, W $\frac{1}{2}$ of lot 2 of NE $\frac{1}{4}$ (NW $\frac{1}{4}$ NE $\frac{1}{4}$).

2. The Federal Power Commission in its determination docketed as DA-983-California, vacated the withdrawal created pursuant to the filing of an application for a preliminary permit for proposed Project No. 247 affecting the following described lands:

MOUNT DIABLO MERIDIAN

(Sacramento 064643)

T. 33 N., R. 6 W.,

Sec. 29, SW $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 30, NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$;

Sec. 32, W $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, and W $\frac{1}{2}$ SE $\frac{1}{4}$.

T. 33 N., R. 7 W.,

Sec. 2, S $\frac{1}{2}$ NW $\frac{1}{4}$;Sec. 4, lot 3 and NE $\frac{1}{4}$ SE $\frac{1}{4}$;Sec. 10, SE $\frac{1}{4}$ SE $\frac{1}{4}$;Sec. 13, S $\frac{1}{2}$;Sec. 14, W $\frac{1}{2}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$,SE $\frac{1}{4}$, and N $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$;Sec. 24, NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$.

T. 34 N., R. 7 W.,

Sec. 30, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$;

Sec. 32, NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, and N $\frac{1}{2}$ SE $\frac{1}{4}$.

3. The areas described in this order aggregate approximately 2,674 acres, of which about 200 acres are patented, and 722 acres are national forest lands in the Shasta-Trinity National Forest. The remainder are public lands. Some of the lands have been previously restored, subject to section 24 of the Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended. As to these, the effect of this order is to relieve the lands of the restrictive provisions of section 24 of the Federal Power Act, supra.

4. Until 10:00 a.m. on October 7, 1963, the State of California shall have (1) a preferred right of application to select the public lands in accordance with subsection (c) of section 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852), and (2) a preferred right to apply for the reservation to the State, or to any of its political subdivisions, under any statute or regulation applicable thereto, of any of the lands required for a right-of-way for a public highway or as a source of materials for the construction and maintenance of such highways. On and after that date and hour, the lands shall become subject to application, petition, location, and selection generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirement of applicable law. All valid applications except preference right applications from the State, received prior to 10:00 a.m. on October 7, 1963, shall be considered as simultaneously filed at that time.

5. The lands have been open to applications and offers under the mineral leasing laws and to location under the United States mining laws subject to the provisions of the Act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621).

6. Beginning at 10:00 a.m. on October 7, 1963, the lands in the Shasta-Trinity National Forest shall be open to such forms of disposition as may by law be made of national forest lands.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Sacramento, California.

JOHN A. CARVER, Jr.,

Assistant Secretary of the Interior.

APRIL 8, 1963.

[F.R. Doc. 63-3877; Filed, Apr. 12, 1963; 8:47 a.m.]

[Public Land Order 3004]

CALIFORNIA

Opening of Lands in Water Power Withdrawals; Power Projects No. 747 and No. 298

1. In an order issued November 20, 1958, the Federal Power Commission vacated the withdrawal created pursuant to the filing of an application for a license for constructed Major Project No. 747 for the following-described lands:

MOUNT DIABLO MERIDIAN
(Sacramento 057240)
(2132578)

- T. 41 N., R. 13 E.,
Sec. 1, Lot 4, S $\frac{1}{2}$ NW $\frac{1}{4}$, and N $\frac{1}{2}$ S $\frac{1}{2}$;
Sec. 2, Lots 1 and 2.
T. 42 N., R. 13 E.,
Sec. 35, SW $\frac{1}{4}$ SW $\frac{1}{4}$.
T. 41 N., R. 14 E.,
Sec. 4, NW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 5, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, and W $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 6, Lots 6, 7, E $\frac{1}{2}$ SW $\frac{1}{4}$, and S $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 7, NE $\frac{1}{4}$ SE $\frac{1}{4}$.

and all portions of the following tract lying within 50 feet of the center line of the transmission-line location shown on a map designated "Exhibit K-3" and entitled "Alturas Electric Power Company's Constructed Project" and filed in the office of the Federal Power Commission on September 30, 1926:

- T. 42 N., R. 13 E.,
Sec. 27, SW $\frac{1}{4}$ SE $\frac{1}{4}$.

The areas described aggregate approximately 921 acres, of which approximately 243 acres are patented.

2. In DA-964-California, the Federal Power Commission determined that the value of the following-described lands withdrawn in Project No. 298 will not be materially injured or destroyed by restoration to entry under appropriate land laws subject to the provisions of section 24 of the Federal Power Act and further subject to the prior rights of the licensee for Project No. 298, and its successors, to use the land for project purposes as contemplated in the license therefor, as amended:

MOUNT DIABLO MERIDIAN
(Sacramento 059757)

- T. 17 S., R. 29 E.,
Sec. 8, SE $\frac{1}{4}$ SE $\frac{1}{4}$.

Containing approximately 40 acres.

3. Until 10:00 a.m. on October 7, 1963, the State of California shall have (1) a preferred right of application to select the public lands in accordance with subsection (c) of section 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852), and (2) a preferred right to apply for the reservation to the State or to any of its political subdivisions under any statute or regulation applicable thereto of any of the lands required as a right-of-way for a public highway, or as a source of materials for the construction and maintenance of such highways, in accordance with the provisions of section 24 of the Federal Power Act.

4. This order shall not otherwise be effective to change the status of the lands until 10:00 a.m. on October 7, 1963. At that time the lands shall be open to operation of the public land laws generally, subject to valid existing rights

and equitable claims, the requirements of applicable law, and the provisions of any existing withdrawals. The lands have been open to applications and offers under the mineral leasing laws, and to location under the United States mining laws subject to the provisions of the Act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621). Those withdrawn for transmission line purposes have been subject to the general determination of the Federal Power Commission issued April 17, 1922.

5. Any disposals of the lands described in paragraph 2 of this order shall be subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, and to the prior rights specified by the Federal Power Commission in its determination.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Sacramento, California.

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

APRIL 8, 1963.

[F.R. Doc. 63-3878; Filed, Apr. 12, 1963;
8:47 a.m.]

[Public Land Order 3005]
(Sacramento 072467)

CALIFORNIA

Opening of Lands Under Section 24 of the Federal Power Act; Power Site Reserves Nos. 87 and 261 and Projects Nos. 284 and 593

1. In DA-957-California, the Federal Power Commission determined that the value of the following described lands withdrawn in Power Site Reserves Nos. 87 and 261 and Projects Nos. 284 and 593 will not be injured or destroyed for purposes of power development by location, entry, or selection under the public land laws, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended:

MOUNT DIABLO MERIDIAN

- T. 6 N., R. 13 E.,
Sec. 12, NW $\frac{1}{4}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$.

The areas described contain approximately 80 acres, of which a portion of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ is patented.

2. The lands are about one mile south of Bummerville and northeast of Wilseyville. There is road access into the section. The elevation ranges from about 2,500 to 2,800 feet above sea level.

3. Until 10:00 a.m. on October 7, 1963, the State of California shall have (1) a preferred right of application to select the lands in accordance with Subsection (c) of section 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852), and (2) a preferred right to apply for the reservation to it or to any of its political subdivisions, under any statute or regulation applicable thereto, of any of the lands required for a right-of-way for a public highway or as a source of materials for the construction and maintenance of such highways, in

accordance with the provisions of section 24 of the Federal Power Act, supra.

4. This order shall not otherwise be effective to change the status of the lands until 10:00 a.m. on October 7, 1963. At that time the lands shall be open to the operation of the public land laws generally, subject to valid existing rights and equitable claims, the requirements of applicable law, rules, and regulations, to the provisions of any existing withdrawals, and to the provisions of section 24 of the Federal Power Act.

5. The lands have been open to applications and offers under the mineral leasing laws, and to location under the United States mining laws subject to the provisions of the Act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621).

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Sacramento, California.

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

APRIL 8, 1963.

[F.R. Doc. 63-3879; Filed, Apr. 12, 1963;
8:48 a.m.]

[Public Land Order 3006]
(846262)

NORTH DAKOTA

Restoration of Lands to Tribal Ownership; Partial Revocation of Certain Departmental Orders

Whereas, pursuant to authority contained in section 6 of the Act of June 1, 1910 (36 Stat. 455, 456), the Townsite of Parshall was established in the ceded portion of the Fort Berthold Indian Reservation, and

Whereas, there are certain undisposed of lands within the Townsite which are desired by the Indians and for which there appears to be no active public demand, and

Whereas, the Tribal Council of the Three Affiliated Tribes of the Fort Berthold Reservation and the Commissioner of Indian Affairs have recommended restoration of the lands to tribal ownership;

Now, therefore, by virtue of the authority contained in section 3 of the Act of June 18, 1934 (48 Stat. 984; 25 U.S.C. 463a), I hereby find that the restoration to tribal ownership of the lands herein-after described in this paragraph will be in the public interest, and the said lands are hereby restored to tribal ownership of the Three Affiliated Tribes of the Fort Berthold Indian Reservation, North Dakota, subject to any valid existing rights:

PARSHALL TOWNSITE

Block No.:

- 1—lots 5 to 8, incl.;
- 12—lots 12 to 15, incl.;
- 13—lots 1 to 5, incl., and lots 7 and 8;
- 14—lots 2 to 7, incl., and lots 9 to 16, incl.;
- 15—lots 3 to 16, incl.;
- 16—lots 3 to 8, incl., and lots 10 to 16, incl.;
- 17—lots 12 and 15;
- 26—lots 2, 3, 5, 6, and lots 9 to 12, incl.;
- 27—lots 1 to 11, incl.;
- 28—lots 1 to 5, incl., and lots 7 to 10, incl.;
- 29—lots 1 to 6, incl., and lots 9 to 13, incl.;
- 30—lots 1 to 12, incl.;

40—lots 1 to 7, incl., and lots 9 to 16, incl.;
41—lots 3 to 6, incl., and lots 9 and 10;
42—lots 1 to 7, incl., and lots 9 to 13, incl.

2. The departmental order of September 19, 1934, withdrawing surplus lands of Indian Reservations, temporarily, pending determination of the matter of their permanent restoration to tribal ownership, is hereby revoked so far as it affects the following described lands:

PARSHALL TOWNSITE

Block No.:

6—lots 1 and 2;
19—lots 6 to 8, incl.;
20—lots 11 to 13, incl.;
23—lots 9 to 16, incl.;
24—lots 1 to 7, incl., and lots 9 to 14, incl.;
25—lots 4, 11, 12, and 13;
32—lots 1 to 5, incl., and lot 10;
33—lots 1 to 9, incl.;
34—lots 1 to 5, incl., and lots 7 and 8;
35—lots 1 to 6, incl.;
38
39—lots 1 to 16, incl.

The lands listed in paragraph 2 hereof shall be subject to disposition by the Commissioner of Indian Affairs, pursuant to applicable law.

JOHN A. CARVER, Jr.,

Assistant Secretary of the Interior.

April 8, 1963.

[F.R. Doc. 63-3880; Filed, Apr. 12, 1963;
8:48 a.m.]

[Public Land Order 3007]

[Los Angeles 0157837]

[1499461]

CALIFORNIA

Order Opening Public Lands

1. Public Land Order No. 1274 of March 14, 1956, revoked Executive Order No. 6361 of October 25, 1933, which withdrew lands in California for classification and determination as to the advisability of including them in a national monument.

2. Pursuant to the authority vested in the Secretary of the Interior the following described lands which were not included in the restoration made by Public Land Order No. 1274, are hereby restored to the operation of the public land laws, subject to any valid existing rights and equitable claims, the requirements of applicable law, rules and regulations, and the provisions of any existing withdrawals:

SAN BERNARDINO MERIDIAN

T. 1 S., R. 4 E.,
Sec. 30, E $\frac{1}{2}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, and NW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 31, W $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, and W $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$.
T. 2 S., R. 4 E.,
Sec. 18, lots 1 and 2 of SW $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, and SE $\frac{1}{4}$.
T. 3 S., R. 5 E.,
Sec. 2, lots 1, 2, 4, S $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, and SE $\frac{1}{4}$.
T. 3 S., R. 7 E.,
Sec. 34.
T. 4 S., R. 7 E.,
Sec. 2.
T. 4 S., R. 10 E.,
Sec. 20.

T. 4 S., R. 14 E.,
Sec. 26, that portion east of aqueduct right-of-way (unsurveyed).
T. 4 S., R. 15 E.,
Sec. 18, that portion west of the east line of the Colorado River aqueduct right-of-way;
Sec. 19, that portion west of the east line of the Colorado River aqueduct right-of-way (portion unsurveyed);
Sec. 25, W $\frac{1}{2}$ E $\frac{1}{2}$.
T. 5 S., R. 8 E.,
Sec. 2.
T. 6 S., R. 10 E.,
Sec. 6, that portion north of the north line of the Colorado River aqueduct right-of-way.
T. 6 S., R. 11 E.,
Sec. 18, lots 1 to 6, incl.
T. 7 S., R. 12 E.,
Secs. 2, 4, 6, 8, 10, 12, 14, 18, 20, 22, 24, 26, 28, 30, and 32;
Sec. 34, N $\frac{1}{2}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, and NE $\frac{1}{4}$ SE $\frac{1}{4}$.

The areas described aggregate 14,381.78 acres.

3. The lands are within San Bernardino and Riverside Counties and are situated just west and south of the Joshua Tree National Monument. They are primarily mountainous, sparsely vegetated, roadless, and comprise portions of the Indio Hills, Little San Bernardino Mountains, Mecca Hills, and the Orocopia Mountains.

4. All valid applications and selections under the nonmineral public land laws, presented prior to 10:00 a.m. on May 14, 1963, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

5. The lands have been open to applications and offers under the mineral leasing laws and to location for metaliferous minerals. They will be open to location for nonmetaliferous minerals under the United States mining laws beginning at 10:00 a.m. on May 14, 1963.

6. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims, must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims.

7. It is the intent by this order to include in the restoration made hereby, all lands withdrawn by Executive Order No. 6361 which have not heretofore been restored. Status of any of the lands may be obtained by inquiry of the Manager, Land Office, Bureau of Land Management Riverside, California.

JOHN A. CARVER, Jr.,

Assistant Secretary of the Interior.

APRIL 8, 1963.

[F.R. Doc. 63-3881; Filed, Apr. 12, 1963;
8:48 a.m.]

[Public Land Order 3008]

[Washington 04253]

WASHINGTON

Opening of Lands Under Section 24 of Federal Power Act

1. In determination docketed as DA-181-Washington, the Federal Power Commission determined that the value

of the following described lands withdrawn by Executive order of April 28, 1917, in Power Site Reserve No. 278, will not be injured or destroyed for purposes of power development by location, entry, or selection under the public land laws, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended:

WILLAMETTE MERIDIAN

T. 23 N., R. 9 E.,
Sec. 29, lots 3 and 4.

Containing 80.83 acres.

2. Until 10:00 a.m. on October 7, 1963, the State of Washington shall have (1) a preferred right of application to select the lands in accordance with subsection (c) of section 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852), and (2) a preferred right to apply for the reservation to it or to any of its political subdivisions, under any statute or regulation applicable thereto, of any of the lands required for a right-of-way for a public highway or as a source of materials for the construction and maintenance of such highways, in accordance with the provisions of section 24 of the Federal Power Act.

3. On and after that date and hour the lands shall become subject to application, petition, location, and selection generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications except preference right applications from the State, received at or prior to 10:00 a.m. on October 7, 1963, shall be considered as simultaneously filed at that time.

Inquiries shall be addressed to the Manager, Land Office, Bureau of Land Management, Spokane, Washington.

JOHN A. CARVER, Jr.,

Assistant Secretary of the Interior.

APRIL 8, 1963.

[F.R. Doc. 63-3882; Filed, Apr. 12, 1963;
8:48 a.m.]

[Public Land Order 3009]

[Wyoming 0150260]

WYOMING

Withdrawal of Public Lands for Reclamation Purposes, Missouri River Basin Project

By virtue of the authority contained in section 3 of the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

1. Subject to existing valid rights, the following described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, and reserved for use of the Bureau of Reclamation in connection with the Owl Creek Unit, Missouri River Basin Project:

SIXTH PRINCIPAL MERIDIAN

T. 44 N., R. 94 W.,
Sec. 17, W $\frac{1}{2}$ SW $\frac{1}{4}$.
T. 43 N., R. 95 W.,
Sec. 11, W $\frac{1}{2}$ NE $\frac{1}{4}$.
T. 43 N., R. 97 W.,
Sec. 3, NW $\frac{1}{4}$ SE $\frac{1}{4}$.

The areas described aggregate 200 acres.

2. This order closes the lands to private appropriation under other than the reclamation laws, but does not otherwise alter the applicability of the public land mineral leasing laws, the Taylor Grazing Act, and laws governing the sale of mineral and vegetative materials.

JOHN A. CARVER, Jr.,

Assistant Secretary of the Interior.

APRIL 8, 1963.

[F.R. Doc. 63-3883; Filed, Apr. 12, 1963; 8:48 a.m.]

[Public Land Order 3010]

[Arizona 031541]

ARIZONA

Withdrawal of Public Lands for Use of Bureau of Prisons, Department of Justice

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to valid existing rights, the following described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, and reserved for the use of the Bureau of Prisons, Department of Justice, for prison purposes in connection with the Federal Prison Camp, Safford, Arizona:

GILA AND SALT RIVER MERIDIAN

T. 8 S., R. 26 E.,
Sec. 19, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 30, N $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ and N $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$.
The areas described aggregate 80 acres.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral and vegetative resources other than under the mining laws.

JOHN A. CARVER, Jr.,

Assistant Secretary of the Interior.

APRIL 8, 1963.

[F.R. Doc. 63-3884; Filed, Apr. 12, 1963; 8:48 a.m.]

[Public Land Order 3011]

[Fairbanks 030553]

ALASKA

Withdrawal of Land for Use of Department of the Army; Harding Lake

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following described public land is hereby withdrawn from all forms of disposition under the public land laws, including the mining and the mineral leasing laws, and reserved for use of the Department of the Army for military purposes:

FAIRBANKS MERIDIAN

T. 6 S., R. 4 E.,

Sec. 12, N $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$.

Containing 20 acres.

JOHN A. CARVER, Jr.,

Assistant Secretary of the Interior.

APRIL 8, 1963.

[F.R. Doc. 63-3885; Filed, Apr. 12, 1963; 8:48 a.m.]

[Public Land Order 3012]

[Washington 03124]

WASHINGTON

Withdrawal of Lands for Use of Army Department in Connection With John Day Lock and Dam Project

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to valid existing rights, the following described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, and reserved under jurisdiction of the Secretary of the Interior in aid of programs of the Corps of Engineers, Department of the Army, for construction, operation, and maintenance of the John Day Lock and Dam Project:

WILLAMETTE MERIDIAN

T. 3 N., R. 17 E.,

Sec. 22, unsurveyed islands in the Columbia River.

T. 3 N., R. 18 E.,

Sec. 22, N $\frac{1}{2}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ NE $\frac{1}{4}$;

Sec. 27, lot 1.

T. 3 N., R. 19 E.,

Sec. 31, lots 4, 5 and an unsurveyed island in the Columbia River;

Sec. 32, N $\frac{1}{2}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$.

T. 3 N., R. 20 E.,

Secs. 23, 24, 25, and 26, an unsurveyed island in the Columbia River;

Sec. 28, NW $\frac{1}{4}$ NW $\frac{1}{4}$.

T. 3 N., R. 21 E.,

Secs. 2, 3, and an unsurveyed island in the Columbia River;

Sec. 4, SE $\frac{1}{4}$ SE $\frac{1}{4}$.

T. 4 N., R. 22 E.,

Sec. 24, N $\frac{1}{2}$ NW $\frac{1}{4}$;

Secs. 27 and 28, unsurveyed islands in the Columbia River;

Sec. 28, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, and NW $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 32, NW $\frac{1}{4}$ NE $\frac{1}{4}$ and E $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$.

T. 4 N., R. 23 E.,

Sec. 12, SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ and an unsurveyed island in the Columbia River;

Sec. 14, lot 4;

Sec. 15, lot 5;

Sec. 18, lot 3, S $\frac{1}{2}$ S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, and NE $\frac{1}{4}$ SW $\frac{1}{4}$.

T. 4 N., R. 24 E.,

Sec. 4, lot 5 and W $\frac{1}{2}$ SW $\frac{1}{4}$;

Sec. 6, SE $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 8, NW $\frac{1}{4}$ NW $\frac{1}{4}$.

T. 5 N., R. 24 E.,

Sec. 32, S $\frac{1}{2}$ S $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, and S $\frac{1}{2}$ N $\frac{1}{2}$ SE $\frac{1}{4}$;

Sec. 34, S $\frac{1}{2}$ S $\frac{1}{2}$ SW $\frac{1}{4}$.

T. 4 N., R. 25 E.,

Sec. 2, lots 1, 2, and 3;

Sec. 4, lot 10 and NW $\frac{1}{4}$ SW $\frac{1}{4}$.

T. 5 N., R. 25 E.,

Sec. 12, SE $\frac{1}{4}$ SE $\frac{1}{4}$, that part lying south of the southerly right-of-way line of Washington State Highway 8E;

Sec. 14, SW $\frac{1}{4}$, that part lying south of the southerly right-of-way line of Washington State Highway 8E;

Sec. 22, lots 5 and 6, and that part of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ lying south of the southerly right-of-way line of Washington State Highway 8E;

Sec. 24, lots 7, 8, 9, 10, and S $\frac{1}{2}$ SW $\frac{1}{4}$;

Sec. 34, NW $\frac{1}{4}$ NW $\frac{1}{4}$.

T. 5 N., R. 26 E.,

Secs. 8 and 9, unsurveyed islands in the Columbia River;

Sec. 12, S $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, and S $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$;

Secs. 13, 14, and 15, three unsurveyed islands in the Columbia River.

The areas described aggregate approximately 1,668 acres.

JOHN A. CARVER, Jr.,

Assistant Secretary of the Interior.

APRIL 8, 1963.

[F.R. Doc. 63-3886; Filed, Apr. 12, 1963; 8:48 a.m.]

[Public Land Order 3013]

[Fairbanks 016325]

ALASKA

Withdrawal of Public Lands for Use of Army Department; Revocation of Public Land Order No. 533 of November 24, 1948

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to valid existing rights, the following described public lands in Alaska are hereby withdrawn from all forms of appropriation under the public land laws including the mining laws, and reserved for use of the Department of the Army for cold weather experimental purposes:

FAIRBANKS MERIDIAN

T. 1 N., R. 1 W.,

Sec. 35, E $\frac{1}{2}$ NE $\frac{1}{4}$;

Sec. 36, NW $\frac{1}{4}$ NW $\frac{1}{4}$.

The areas described aggregate 120 acres.

2. Public Land Order No. 533 of November 24, 1948, reserving the lands in section 35 for similar purposes, is hereby revoked.

JOHN A. CARVER, Jr.,

Assistant Secretary of the Interior.

APRIL 8, 1963.

[F.R. Doc. 63-3887; Filed, Apr. 12, 1963; 8:48 a.m.]

[Public Land Order 3014]

WASHINGTON

Withdrawal of Lands for Use of Army Department for Flood Control Purposes; Partial Revocation of Public Land Order No. 606 of September 13, 1949

By virtue of the authority vested in the President and pursuant to Executive

Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to valid existing rights, the following described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, and reserved for use in the construction of the Ice Harbor Lock and Dam Project in the Snake River, under the supervision of the Department of the Army:

WILLAMETTE MERIDIAN

(Washington 03357)

T. 9 N., R. 31 E.,
Sec. 24, lots 1, 2, 3, and 4.
T. 9 N., R. 32 E.,
Sec. 2, lots 1, 5, 7, and 8;
Sec. 4, lots 1, 2, 6, 7, and 8.
T. 11 N., R. 33 E.,
Sec. 12, lot 7;
Sec. 24, lot 2.
T. 12 N., R. 34 E.,
Sec. 8, lot 4.
T. 13 N., R. 34 E.,
Sec. 24, lots 1 and 2.

Containing 528.21 acres.

2. Public Land Order No. 606 of September 13, 1949 (Washington 04693), which withdrew lands under the supervision of the Department of the Army for flood control purposes is hereby revoked so far as it affects the lands described in paragraph 1 of this order.

JOHN A. CARVER, Jr.,

Assistant Secretary of the Interior.

APRIL 8, 1963.

[F.R. Doc. 63-3888; Filed, Apr. 12, 1963;
8:48 a.m.]

[Public Land Order 3015]

[Oregon 012321]

OREGON

Withdrawal of Public Lands for Protection of Recreation Values

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, and reserved under the jurisdiction of the Bureau of Land Management for preservation of scenic and recreational values in the Columbia River Gorge:

WILLAMETTE MERIDIAN

T. 1 N., R. 5 E.,
Sec. 13, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$,
and NW $\frac{1}{4}$ SE $\frac{1}{4}$.

Aggregating 160 acres.

JOHN A. CARVER, Jr.,

Assistant Secretary of the Interior.

APRIL 8, 1963.

[F.R. Doc. 63-3889; Filed, Apr. 12, 1963;
8:48 a.m.]

[Public Land Order 3016]

[Idaho 08499]

IDAHO

Addition to Deer Flat National Wildlife Refuge

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, all islands owned by the United States within the exterior limits of the following described areas in the Snake River, Idaho, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, and reserved for use of the Bureau of Sport Fisheries and Wildlife, United States Fish and Wildlife Service, as an addition to the Deer Flat National Wildlife Refuge, established by Executive Order No. 7655 of July 12, 1937, as the Deer Flat Migratory Waterfowl Refuge, the name of which was changed by Proclamation No. 2416 of July 25, 1940 (54 Stat. 2720):

BOISE MERIDIAN

T. 4 N., R. 5 W.,
Sec. 29.
T. 6 N., R. 5 W.,
Secs. 6, 7, and 18.
T. 7 N., R. 5 W.,
Secs. 20 and 29.
T. 9 N., R. 5 W.,
Secs. 2 and 15.
T. 10 N., R. 5 W.,
Secs. 5, 8, 17, 18, 19, 22, and 25.
T. 11 N., R. 5 W.,
Sec. 21.
T. 5 N., R. 6 W.,
Sec. 23, except unsurveyed island known locally as Goose Egg Island located partly in NW $\frac{1}{4}$.
T. 6 N., R. 6 W.,
Secs. 13, 24, 26, and 35.
T. 11 N., R. 6 W.,
Secs. 19, 20, 34, and 35.
T. 11 N., R. 7 W.,
Secs. 17 and 27.

The areas described aggregate approximately 264 acres.

JOHN A. CARVER, Jr.,

Assistant Secretary of the Interior.

APRIL 8, 1963.

[F.R. Doc. 63-3890; Filed, Apr. 12, 1963;
8:48 a.m.]

[Public Land Order 3017]

[Montana 047538]

MONTANA

Withdrawal for Preservation and Development of Recreation Values; Zortman Cave Geological Area

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the minerals in the following described national forest lands in the Lewis and Clark

National Forest are hereby withdrawn from prospecting, location, entry, and purchase under the mining laws of the United States, in aid of programs of the Forest Service, Department of Agriculture, for preservation and development of important recreation and geological values:

PRINCIPAL MERIDIAN

T. 25 N., R. 25 E.,
Sec. 19, E $\frac{1}{2}$ of lot 7 excluding Zortman Mining Claim 6447;
Sec. 20, lot 17, and W $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ excluding Zortman Mining Claim 6447;
Sec. 29, NW $\frac{1}{4}$ NW $\frac{1}{4}$ and W $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 30, E $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$.

Containing approximately 160 acres.

JOHN A. CARVER, Jr.,

Assistant Secretary of the Interior.

APRIL 8, 1963.

[F.R. Doc. 63-3891; Filed, Apr. 12, 1963;
8:48 a.m.]

[Public Land Order 3018]

[Sacramento 047050]

CALIFORNIA

Withdrawal for Forest Service Roadside Zones, Campgrounds, and Administrative Sites

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following described national forest lands in California are hereby withdrawn from prospecting, location, entry, and purchase under the mining laws of the United States for utilization of the surface by the Forest Service, Department of Agriculture, as roadside zones, campgrounds, administrative sites, and for the benefit of highway safety, as indicated:

MOUNT DIABLO PRINCIPAL MERIDIAN

MENDOCINO NATIONAL FOREST

A strip of land 200 feet on each side of the center line of Mendocino Pass Road, Forest Highway 7(3) through the following subdivisions:

T. 21 N., R. 7 W.,
Sec. 18, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 20, N $\frac{1}{2}$ N $\frac{1}{2}$;
Sec. 21, NW $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 22, NE $\frac{1}{4}$ NW $\frac{1}{4}$ and N $\frac{1}{2}$ NE $\frac{1}{4}$;
Sec. 23, N $\frac{1}{2}$;
Sec. 24, SW $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$.
T. 21 N., R. 8 W.,
Sec. 6, SW $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 13, N $\frac{1}{2}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$ NE $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$.
T. 21 N., R. 8 W.,
Sec. 24, NE $\frac{1}{4}$ and SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 26, NE $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 30, NE $\frac{1}{4}$ SE $\frac{1}{4}$.
T. 22 N., R. 8 W.,
Sec. 30, lot 4, and SE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 31, E $\frac{1}{2}$ W $\frac{1}{2}$.
T. 22 N., R. 9 W.,
Sec. 17, lots 1, 2, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, and W $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 20, NE $\frac{1}{4}$ NE $\frac{1}{4}$;

Sec. 21, NW $\frac{1}{4}$ and S $\frac{1}{2}$ NE $\frac{1}{4}$;
Sec. 22, W $\frac{1}{2}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, and SW $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 26, S $\frac{1}{2}$ N $\frac{1}{2}$;
Sec. 27, NE $\frac{1}{4}$.
T. 22 N., R. 10 W.,
Sec. 1, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 2, lots 1, 2, S $\frac{1}{2}$ NE $\frac{1}{4}$, and NE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 12, NW $\frac{1}{4}$ and SE $\frac{1}{4}$;
Sec. 13, NE $\frac{1}{4}$ NE $\frac{1}{4}$.
T. 23 N., R. 10 W.,
Sec. 28, S $\frac{1}{2}$ NE $\frac{1}{4}$ and SW $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 29, NE $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ E $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, and SE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 31, lot 2, S $\frac{1}{2}$ NE $\frac{1}{4}$, and E $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 32, NW $\frac{1}{4}$.
T. 23 N., R. 11 W.,
Sec. 27, NW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 3C, NE $\frac{1}{4}$.

Whitlock Campground

T. 24 N., R. 7 W.,
Sec. 19, NE $\frac{1}{4}$ SE $\frac{1}{4}$.

Old Mill Campground

T. 17 N., R. 7 W.,
Sec. 21, SE $\frac{1}{4}$ SW $\frac{1}{4}$.

Mud Flat Campground

T. 23 N., R. 7 W.,
Sec. 28, N $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$.

Red Bridge Campground

T. 18 N., R. 7 W.,
Sec. 33, N $\frac{1}{2}$ NW $\frac{1}{4}$.

Cedar Camp Campground

T. 16 N., R. 8 W.,
Sec. 1, NE $\frac{1}{4}$ SE $\frac{1}{4}$.

Lower Nye Campground

T. 18 N., R. 8 W.,
Sec. 6, NE $\frac{1}{4}$ SW $\frac{1}{4}$.

Telephone Camp Campground

T. 22 N., R. 9 W.,
Sec. 21, SE $\frac{1}{4}$ NW $\frac{1}{4}$.

Board Tree Campground

T. 21 N., R. 9 W.,
Sec. 26, E $\frac{1}{2}$ NE $\frac{1}{4}$.

Plaskett Campground

T. 22 N., R. 9 W.,
Sec. 26, W $\frac{1}{2}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$.

Pogie Point Campground

T. 18 N., R. 10 W.,
Sec. 3, NW $\frac{1}{4}$ SE $\frac{1}{4}$.

Seven Troughs Campground

T. 22 N., R. 10 W.,
Sec. 11, S $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ and N $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$.

Wells Cabin Campground

T. 23 N., R. 10 W.,
Sec. 22, NE $\frac{1}{4}$ NE $\frac{1}{4}$.

Leechlake Campground

T. 24 N., R. 11 W.,
Sec. 21, SE $\frac{1}{4}$ SE $\frac{1}{4}$.

Asa Bean Campground

T. 25 N., R. 11 W.,
Sec. 32, lot 3.

Mill Creek Administrative Site

T. 17 N., R. 7 W.,
Sec. 4, W $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$.

Franklin Point Administrative Site

T. 25 N., R. 7 W.,
Sec. 6, SE $\frac{1}{4}$ SE $\frac{1}{4}$.

Valley View Administrative Site

T. 22 N., R. 7 W.,
Sec. 7, E $\frac{1}{2}$ SE $\frac{1}{4}$.

Black Diamond Administrative Site

T. 18 N., R. 7 W.,
Sec. 15, SE $\frac{1}{4}$ SE $\frac{1}{4}$.

Red Mountain Administrative Site

T. 22 N., R. 7 W.,
Sec. 23, SE $\frac{1}{4}$ SE $\frac{1}{4}$.

Pacific Point Administrative Site

T. 16 N., R. 7 W.,
Sec. 25, NW $\frac{1}{4}$ NW $\frac{1}{4}$.

Patton Mill Administrative Site

T. 24 N., R. 7 W.,
Sec. 29, SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$.

Goat Mountain Administrative Site

T. 16 N., R. 8 W.,
Sec. 2, SE $\frac{1}{4}$ SE $\frac{1}{4}$.

Potato Hill Administrative Site

T. 17 N., R. 8 W.,
Sec. 6, NW $\frac{1}{4}$ SE $\frac{1}{4}$.

Long Point Administrative Site

T. 21 N., R. 8 W.,
Sec. 12, SW $\frac{1}{4}$ NE $\frac{1}{4}$.

Ball Mountain Administrative Site

T. 24 N., R. 8 W.,
Sec. 17, SE $\frac{1}{4}$ SW $\frac{1}{4}$.

Pinnacle Rock Administrative Site

T. 15 N., R. 8 W.,
Sec. 17, SE $\frac{1}{4}$.

Sheetiron Administrative Site

T. 19 N., R. 8 W.,
Sec. 22, NE $\frac{1}{4}$ NE $\frac{1}{4}$.

Lette Valley Administrative Site

T. 17 N., R. 8 W.,
Sec. 24, SW $\frac{1}{4}$ SE $\frac{1}{4}$.

Alder Springs Addition Administrative Site

T. 21 N., R. 8 W.,
Sec. 25, SW $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 26, E $\frac{1}{2}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$.

Signal Peak Administrative Site

T. 18 N., R. 8 W.,
Sec. 27, SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 28, E $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, and N $\frac{1}{2}$ S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$.

Log Spring Administrative Site

T. 23 N., R. 8 W.,
Sec. 29, SE $\frac{1}{4}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$.

High Glade Administrative Site

T. 16 N., R. 9 W.,
Sec. 25, SE $\frac{1}{4}$ NW $\frac{1}{4}$.

Plaskett Administrative Site

T. 22 N., R. 9 W.,
Sec. 26, E $\frac{1}{2}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ NW $\frac{1}{4}$.

Elk Mountain Administrative Site

T. 16 N., R. 10 W.,
Sec. 1, lot 1.

Low Gap Administrative Site

T. 22 N., R. 10 W.,
Sec. 2, lot 3.

Soda Creek Administrative Site

T. 18 N., R. 10 W.,
Sec. 10, E $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$.

Hull Mountain Administrative Site

T. 19 N., R. 10 W.,
Sec. 11, NW $\frac{1}{4}$ NW $\frac{1}{4}$.

Tantrum Administrative Site

T. 24 N., R. 10 W.,
Sec. 12, S $\frac{1}{2}$ N $\frac{1}{2}$ SW $\frac{1}{4}$ and S $\frac{1}{2}$ SW $\frac{1}{4}$.

Anthony Peak Administrative Site

T. 23 N., R. 10 W.,
Sec. 15, S $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ and N $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$.

Beaver Glade Administrative Site

T. 24 N., R. 10 W.,
Sec. 17, N $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$.

Garrett Mountain Administrative Site

T. 17 N., R. 10 W.,
Sec. 17, SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ and W $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 20, NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$.

Hammerhorn Administrative Site

T. 25 N., R. 10 W.,
Sec. 22, E $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 27, N $\frac{1}{2}$ NE $\frac{1}{4}$.

Frying Pan Administrative Site

T. 26 N., R. 10 W.,
Sec. 22, SE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 27, N $\frac{1}{2}$ N $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$.

Hunter Point Administrative Site

T. 16 N., R. 10 W.,
Sec. 27, SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$.

Osborne Administrative Site

T. 24 N., R. 10 W.,
Sec. 29, W $\frac{1}{2}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 30, SE $\frac{1}{4}$.

Pine Mountain Administrative Site

T. 18 N., R. 10 W.,
Sec. 32, lot 4.

Gravelly Valley (Airport) Administrative Site

T. 19 N., R. 10 W.,
Sec. 34, SW $\frac{1}{4}$.

Big Signal Administrative Site

T. 19 N., R. 11 W.,
Sec. 8, SE $\frac{1}{4}$ NE $\frac{1}{4}$.

Montague Addition Administrative Site

T. 23 N., R. 11 W.,
Sec. 11, S $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 12, SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 13, W $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 14, NE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, and NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$.

Sulphur Camp Administrative Site

T. 26 N., R. 11 W.,
Sec. 16, S $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ and N $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$.

Indian Dick Administrative Site

T. 25 N., R. 11 W.,
Sec. 22, S $\frac{1}{2}$ lots 9 and 10, and lots 15 and 16.

The areas described aggregate approximately 3,943 acres.

JOHN A. CARVER, JR.

Assistant Secretary of the Interior.

APRIL 8, 1963.

[F.R. Doc. 63-3892; Filed, Apr. 12, 1963; 8:48 a.m.]

[Public Land Order 3019]

[Wyoming 0150190]

WYOMING

**Withdrawal for Forest Service
Roadside Zones**

By virtue of the authority vested in the President, and pursuant to the Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to valid existing rights, the minerals in the following described national forest lands in the Medicine Bow and Bighorn National Forests, Wyoming, are hereby withdrawn from prospecting, location, entry, and purchase under the mining laws of the United States in aid of programs of the Forest Service, Department of Agriculture, for protection

of existing forest roads and highways, and adjacent roadside zones as indicated:

SIXTH PRINCIPAL MERIDIAN
BIGHORN NATIONAL FOREST

A strip of land 200 feet on each side of the center line of U.S. Highway No. 16 through the following legal subdivisions:

- T. 50 N., R. 83 W.,
Sec. 5, S $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 6, lot 4;
Sec. 7, lot 1, NE $\frac{1}{4}$ NW $\frac{1}{4}$, and N $\frac{1}{2}$ NE $\frac{1}{4}$;
Sec. 8, N $\frac{1}{2}$ N $\frac{1}{2}$.
T. 48 N., R. 84 W.,
Sec. 2, SE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, and NW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 3, NE $\frac{1}{4}$ SE $\frac{1}{4}$ and S $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 6, lot 7, SE $\frac{1}{4}$ SW $\frac{1}{4}$, and S $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 7, lot 1, NE $\frac{1}{4}$ NW $\frac{1}{4}$, and N $\frac{1}{2}$ NE $\frac{1}{4}$;
Sec. 8, S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, and N $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 9, NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ N $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, and NW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 10, N $\frac{1}{2}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$.
T. 49 N., R. 84 W.,
Sec. 1, lots 3, 4, S $\frac{1}{2}$ NW $\frac{1}{4}$, and SW $\frac{1}{4}$;
Sec. 2, lots 1, 2, 3, 4, and SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 3, lots 1, 2, and 3;
Sec. 11, NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, and SE $\frac{1}{4}$;
Sec. 12, W $\frac{1}{2}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 13, W $\frac{1}{2}$ W $\frac{1}{2}$;
Sec. 14, E $\frac{1}{2}$ E $\frac{1}{2}$;
Sec. 23, E $\frac{1}{2}$;
Sec. 25, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, and W $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 26, NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 36, W $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, and W $\frac{1}{2}$ SE $\frac{1}{4}$.
T. 50 N., R. 84 W.,
Sec. 1, lot 7, and SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 10, NE $\frac{1}{4}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 11, S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ S $\frac{1}{2}$, and SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 12, lot 1, W $\frac{1}{2}$ NE $\frac{1}{4}$, and SE $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 14, W $\frac{1}{2}$ W $\frac{1}{2}$;
Sec. 15, E $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, and E $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 22, NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, and W $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 27, N $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, and SE $\frac{1}{4}$;
Sec. 34, NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$;
Sec. 35, S $\frac{1}{2}$ S $\frac{1}{2}$;
Sec. 36, SW $\frac{1}{4}$ SW $\frac{1}{4}$.
T. 48 N., R. 85 W.,
Sec. 1, lot 11, S $\frac{1}{2}$ SW $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 2, S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$;
Sec. 3, SE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$;
Sec. 4, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, and S $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 5, lot 8, S $\frac{1}{2}$ N $\frac{1}{2}$;
Sec. 6, lots 8, 9, 10, 11, 12, S $\frac{1}{2}$ NE $\frac{1}{4}$, and SE $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 9, N $\frac{1}{2}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 10, NW $\frac{1}{4}$ NE $\frac{1}{4}$ and N $\frac{1}{2}$ NW $\frac{1}{4}$;
Sec. 11, NE $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 12, lot 1, NW $\frac{1}{4}$ NE $\frac{1}{4}$, and N $\frac{1}{2}$ NW $\frac{1}{4}$.
T. 48 N., R. 86 W.,
Sec. 1, lots 5 to 12, incl., SE $\frac{1}{4}$ NE $\frac{1}{4}$, and SW $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 2, lots 11, 12, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, and SW $\frac{1}{4}$;
Sec. 3, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 4, lots 6 to 12, incl., S $\frac{1}{2}$ NE $\frac{1}{4}$, and NE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 6, lots 11, 13, 14, 19, 20, and 23;
Sec. 7, lots 5, 6, 7, 8, and 10;
Sec. 10, N $\frac{1}{2}$ NE $\frac{1}{4}$.
T. 49 N., R. 86 W.,
Sec. 28, N $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 31, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 32, N $\frac{1}{2}$ and W $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 33, N $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$, and E $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 34, SW $\frac{1}{4}$ SW $\frac{1}{4}$.
T. 48 N., R. 87 W.,
Sec. 1, lots 13 and 17;
Sec. 12, lots 4 and 7;
Sec. 13, lots 1, 4, 5, 7, SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, and W $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 23, lots 1, 2, 3, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$;
Sec. 24, lot 2, NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, and N $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 26, N $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, and NW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 27, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 33, lots 1, 2, 3, NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, and NW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 34, N $\frac{1}{2}$ NW $\frac{1}{4}$.
MEDICINE BOW NATIONAL FOREST
A strip of land 200 feet on each side of the center line of Wyoming State Highway No. 130 through the following legal subdivisions:
T. 16 N., R. 79 W.,
Sec. 15, SE $\frac{1}{4}$ NE $\frac{1}{4}$ and N $\frac{1}{2}$ S $\frac{1}{2}$;
Sec. 16, N $\frac{1}{2}$ S $\frac{1}{2}$;
Sec. 17, NE $\frac{1}{4}$ SE $\frac{1}{4}$ and S $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 19, lots 3, 4, NE $\frac{1}{4}$, and E $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 20, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, and S $\frac{1}{2}$ NW $\frac{1}{4}$.
T. 16 N., R. 80 W.,
Sec. 24, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 25, NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, and NW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 26, W $\frac{1}{2}$ W $\frac{1}{2}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 35, N $\frac{1}{2}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$.
The areas described aggregate approximately 2,942 acres.
JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.
APRIL 8, 1963.
[F.R. Doc. 63-3893; Filed, Apr. 12, 1963; 8:48 a.m.]
[Public Land Order 3020]
[Wyoming 0153858]
WYOMING
Withdrawal of Certain Forest Service Lands for Roadside Zoning Purposes
By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:
Subject to valid existing rights, the following described lands in the Bridger National Forest, Wyoming, are hereby withdrawn from prospecting, location, entry, and purchase under the mining laws of the United States, in aid of programs of the Forest Service, Department of Agriculture for utilization of the surface as scenic and recreation areas:
SIXTH PRINCIPAL MERIDIAN
A strip of land 200 feet on each side of the centerline of Greys River-LaBarge Creek Road No. 100.1 through the following legal subdivisions:
T. 28 N., R. 115 W.,
Sec. 31, lots 7 and 8.
T. 29 N., R. 115 W.,
Sec. 31, lot 2, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$.
T. 28 N., R. 116 W.,
Sec. 2, lot 8, SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 11, E $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, and E $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 12, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
T. 28 N., R. 117 W.,
Sec. 4, SW $\frac{1}{4}$ NW $\frac{1}{4}$ and W $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 5, lot 1, SE $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 9, W $\frac{1}{2}$ W $\frac{1}{2}$ and E $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 16, W $\frac{1}{2}$ E $\frac{1}{2}$ and E $\frac{1}{2}$ W $\frac{1}{2}$;
Sec. 21, W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, and E $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 22, W $\frac{1}{2}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 26, W $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 27, S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 35, NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$ SW $\frac{1}{4}$.
T. 13 N., R. 116 W.,
Sec. 14, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 23, NE $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 24, W $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, and E $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 25, E $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, and NE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 26, N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, and E $\frac{1}{2}$ SE $\frac{1}{4}$;
T. 29 N., R. 116 W.,
Sec. 5, W $\frac{1}{2}$ W $\frac{1}{2}$;
Sec. 6, SE $\frac{1}{4}$ NE $\frac{1}{4}$ and E $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 7, E $\frac{1}{2}$ NE $\frac{1}{4}$;
Sec. 8, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 16, W $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, and W $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 17, N $\frac{1}{2}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 21, N $\frac{1}{2}$ NE $\frac{1}{4}$;
Sec. 22, W $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 23, W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 25, SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, and S $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 26, E $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, and NE $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 36, N $\frac{1}{2}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ NE $\frac{1}{4}$.
T. 30 N., R. 116 W. (unsurveyed),
Sec. 4, E $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, and SW $\frac{1}{4}$;
Sec. 5, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 8, N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, and E $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 17, E $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, and SW $\frac{1}{4}$;
Sec. 20, E $\frac{1}{2}$ NW $\frac{1}{4}$; SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, and E $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 29, E $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, and W $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 32, W $\frac{1}{2}$ W $\frac{1}{2}$.
T. 31 N., R. 116 W. (unsurveyed),
Sec. 5, W $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, and SE $\frac{1}{4}$;
Sec. 8, N $\frac{1}{2}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 9, SW $\frac{1}{4}$ NW $\frac{1}{4}$ and W $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 16, W $\frac{1}{2}$ W $\frac{1}{2}$;
Sec. 17, E $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 20, NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 21, N $\frac{1}{2}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 28, E $\frac{1}{2}$ W $\frac{1}{2}$;
Sec. 33, E $\frac{1}{2}$ W $\frac{1}{2}$.
T. 32 N., R. 116 W. (unsurveyed),
Sec. 5, S $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 8, SW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 17, E $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 20, E $\frac{1}{2}$ SW $\frac{1}{4}$ and W $\frac{1}{2}$ E $\frac{1}{2}$;
Sec. 29, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, and W $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 32, W $\frac{1}{2}$ E $\frac{1}{2}$ and E $\frac{1}{2}$ W $\frac{1}{2}$.
T. 33 N., R. 116 W.,
Sec. 4, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 5, lot 1, SE $\frac{1}{4}$ NE $\frac{1}{4}$, and E $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 8, NE $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 9, W $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, and E $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 16, E $\frac{1}{2}$ W $\frac{1}{2}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 21, W $\frac{1}{2}$ E $\frac{1}{2}$ and E $\frac{1}{2}$ NW $\frac{1}{4}$;
Sec. 28, W $\frac{1}{2}$ E $\frac{1}{2}$;
Sec. 33, W $\frac{1}{2}$ E $\frac{1}{2}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, and E $\frac{1}{2}$ SE $\frac{1}{4}$.
T. 34 N., R. 116 W.,
Sec. 6, lots 2, 3, 4, 6, and SW $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 8, lot 1, SW $\frac{1}{4}$ NW $\frac{1}{4}$, and W $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 17, lots 1, 2, 3, 4, E $\frac{1}{2}$ NW $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 20, lots 1, 5, E $\frac{1}{2}$ SW $\frac{1}{4}$, and W $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 29, W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, and E $\frac{1}{2}$ W $\frac{1}{2}$;
Sec. 32, lot 4, NE $\frac{1}{4}$, and NE $\frac{1}{4}$ SE $\frac{1}{4}$.
T. 34 N., R. 117 W.,
Sec. 1, lots 5, 6, 7, 8, S $\frac{1}{2}$ NW $\frac{1}{4}$, and SW $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 2, lots 1, 2, and 8.
T. 35 N., R. 117 W.,
Sec. 4, SW $\frac{1}{4}$ NW $\frac{1}{4}$ and W $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 5, lot 1, SE $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 9, W $\frac{1}{2}$ W $\frac{1}{2}$ and E $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 16, W $\frac{1}{2}$ E $\frac{1}{2}$ and E $\frac{1}{2}$ W $\frac{1}{2}$;
Sec. 21, W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, and E $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 22, W $\frac{1}{2}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 26, W $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 27, S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 35, NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$ SW $\frac{1}{4}$.

T. 36 N., R. 117 W.,
 Sec. 7, lots 6, 7, and SE $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 18, lots 1, 2, 3, and E $\frac{1}{2}$ W $\frac{1}{2}$;
 Sec. 19, W $\frac{1}{2}$ SE $\frac{1}{4}$ and E $\frac{1}{2}$ W $\frac{1}{2}$;
 Sec. 29, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 30, NE $\frac{1}{4}$ and E $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 32, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$,
 SE $\frac{1}{4}$ SE $\frac{1}{4}$, and NW $\frac{1}{4}$.
 T. 37 N., R. 117 W.,
 Sec. 27, NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$,
 NW $\frac{1}{4}$ SW $\frac{1}{4}$, and W $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 28, N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, and
 SW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 29, S $\frac{1}{2}$ SE $\frac{1}{4}$ and SW $\frac{1}{4}$;
 Sec. 30, SE $\frac{1}{4}$;
 Sec. 32, NE $\frac{1}{4}$ NE $\frac{1}{4}$;
 Sec. 33, N $\frac{1}{2}$ NW $\frac{1}{4}$;
 Sec. 34, W $\frac{1}{2}$ E $\frac{1}{2}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$.
 T. 36 N., R. 118 W.,
 Sec. 12, lots 1, 2, S $\frac{1}{2}$ NE $\frac{1}{4}$, and N $\frac{1}{2}$ SE $\frac{1}{4}$.
 T. 37 N., R. 118 W.,
 Sec. 28, SE $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 33, NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$,
 N $\frac{1}{2}$ SE $\frac{1}{4}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 34, S $\frac{1}{2}$ (unsurveyed);
 Sec. 35, S $\frac{1}{2}$ (unsurveyed);
 Sec. 36, S $\frac{1}{2}$ (unsurveyed);

The areas described aggregate approximately 3,464 acres.

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

APRIL 8, 1963.

[F.R. Doc. 63-3894; Filed, Apr. 12, 1963;
 8:48 a.m.]

[Public Land Order 3021]

[Anchorage 053509]

ALASKA

Withdrawal of Lands for Use of Alaska Railroad; Modification of Executive Orders Nos. 2216 of June 22, 1915, and 3672 of May 8, 1922

By virtue of the authority vested in the President by the Act of March 12, 1914 (38 Stat. 305; 48 U.S.C. 303), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to valid existing rights, the following described public lands in Alaska are hereby withdrawn from sale and reserved for use by the Alaska Railroad for right-of-way purposes:

ORIGINAL TOWNSITE OF ANCHORAGE

Block 11, lots 4, 5, and 6;
 Block 59, lot 8.

Containing 5,813 square feet (0.133 of an acre).

2. Executive Orders Nos. 2216 of June 22, 1915, and 3672 of May 8, 1922, which withdrew the land for townsite purposes are hereby modified to the extent necessary to permit use of the lands by the Alaska Railroad for the purposes specified by Paragraph 1 of this order.

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

APRIL 8, 1963.

[F.R. Doc. 63-3895; Filed, Apr. 12, 1963;
 8:48 a.m.]

[Public Land Order 3022]

[Anchorage 058598]

ALASKA

Partial Revocation of Public Land Orders No. 576 of March 29, 1949, and No. 797 of January 25, 1952

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is hereby ordered as follows:

1. Public Land Order No. 576 of March 29, 1949, so far as it withdrew in paragraph numbered four thereof, an area of approximately 17,800 acres in Tps. 11 and 12 N., Rs. 1 and 2 W., Seward Meridian, for the protection of the water supply of the city of Anchorage, is hereby revoked.

2. Public Land Order No. 797 of January 25, 1952, so far as it withdrew in paragraph numbered 2b. thereof, the following described lands for the protection of the water supply of the city of Anchorage is hereby revoked:

Beginning at the southeast corner of the area withdrawn by Public Land Order No. 576, which is a point on the west boundary of and approximately one mile south of the northwest corner of Chugach National Forest; thence, North, 1 mile; East, approximately 1 $\frac{1}{4}$ miles to the divide between Ship and Indian Creeks; Southerly and Westerly along the divide, around the headwaters of Ship Creek and South Fork Campbell Creek to the point of beginning.

Containing approximately 630 acres.

3. Subject to any existing valid rights and the requirements of applicable law, the public lands are hereby opened to settlement and to filing of such applications, selections, and locations as are allowable on unsurveyed lands in accordance with the following:

a. Until 10:00 a.m. on July 8, 1963, the State of Alaska shall have a preferred right to select the lands in accordance with provisions of the Act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46-3b), and section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339), and the regulations in 43 CFR Part 76.

b. All other valid applications and selections under the nonmineral public land laws including applications and offers under the mineral leasing laws for those lands described in Paragraph 1 hereof, presented at or prior to 10:00 a.m. July 8, 1963, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

4. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims.

5. The lands will be subject to the operation of the public land laws generally, including location under the

United States mining laws, beginning at 10:00 a.m. on July 8, 1963. The lands described in Paragraph 2 hereof, have been open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Anchorage, Alaska.

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

APRIL 8, 1963.

[F.R. Doc. 63-3896; Filed, Apr. 12, 1963;
 8:48 a.m.]

[Public Land Order 3023]

[Anchorage 058698]

ALASKA

Revocation of Executive Order No. 2727 of October 8, 1917

By virtue of the authority vested in the President by Section 1 of the Act of March 12, 1914 (38 Stat. 305; 48 U.S.C. 303), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Executive Order No. 2727 of October 8, 1917, which withdrew the following described lands in Alaska for townsite and other purposes in connection with the construction and operation of railroad lines, is hereby revoked:

SEWARD MERIDIAN

T. 19 N., R. 3 E.,
 Sec. 15, S $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$.
 Now described as:

ESKA TOWNSITE

Survey No. 1176.

Containing 19.87 acres.

2. Until 10:00 a.m. on July 8, 1963, the State of Alaska shall have a preferred right to select the lands as provided by the Act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46-3b), and section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339), and the regulations in 43 CFR Part 76.

3. This order shall not otherwise become effective to change the status of the lands until 10:00 a.m. on July 8, 1963. At that time the lands shall be open to the operation of the public land laws generally, including locations under the mining laws, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10:00 a.m. on July 8, 1963, shall be considered as simultaneously filed at that time.

Inquiries shall be addressed to the Manager, Land Office, Bureau of Land Management, Anchorage, Alaska.

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

APRIL 8, 1963.

[F.R. Doc. 63-3897; Filed, Apr. 12, 1963;
 8:49 a.m.]

[Public Land Order 3024]

[Los Angeles 0168792]

CALIFORNIA**Opening of Lands Formerly in Project No. 416**

1. In an order issued September 13, 1960, the Federal Power Commission vacated the withdrawal created pursuant to the filing of an application for preliminary permit for proposed Project No. 416, for the following described lands:

MOUNT DIABLO MERIDIAN

T. 4 S., R. 33 E. (party unsurveyed),

Sec. 14, SW $\frac{1}{4}$;Sec. 15, NW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, and N $\frac{1}{2}$ SE $\frac{1}{4}$;Sec. 16, lots 1, 2, NE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$, and SE $\frac{1}{4}$ NE $\frac{1}{4}$;

Sec. 17, lot 2.

The areas described aggregate 674.43 acres, of which lot 2, sec. 17, is public domain, the remainder comprising national forest lands in the Inyo National Forest. The public land, and a part of the national forest lands, are included in withdrawals for other purposes.

2. Beginning at 10:00 a.m. on July 8, 1963, the national forest lands shall be open to such forms of disposition as may by law be made of such lands subject to existing withdrawals for Projects 922 and 1890, provided, that until 10:00 a.m. on July 8, 1963, the State of California shall have a preferred right to apply for the reservation to the State or to any of its political subdivisions under any statute or regulation applicable thereto of any of the lands required for a right-of-way for a public highway, or as a source of materials for the construction and maintenance of such highways, in accordance with the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended.

JOHN A. CARVER, JR.,

Assistant Secretary of the Interior.

APRIL 8, 1963.

[F.R. Doc. 63-3898; Filed, Apr. 12, 1963; 8:49 a.m.]

[Public Land Order 3025]

[Fairbanks 022954]

ALASKA**Partial Revocation of Public Land Order No. 2020 of November 17, 1959**

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Public Land Order No. 2020 of November 17, 1959, which withdrew public lands in Alaska under the jurisdiction of the Department of the Army for use of the Alaska National Guard, is hereby revoked so far as it affects a tract of land, east of Kotzebue, on the north side of the Kobuk River, at approximate Latitude 67°00' N., 160°30' W., containing 1.38 acres.

2. Until 10:00 a.m. on July 8, 1963, the State of Alaska shall have a preferred right to select the lands as provided by

the Act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46-3b), and section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339), and the regulations in 43 CFR Part 76.

3. This order shall not otherwise become effective to change the status of the lands until 10:00 a.m. on July 8, 1963. At that time the lands shall be open to the operation of the public land laws generally, including the mining laws, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10:00 a.m. on July 8, 1963, other than from the State, shall be considered as simultaneously filed at that time.

Inquiries should be addressed to the Manager, Land Office, Bureau of Land Management, Fairbanks, Alaska.

JOHN A. CARVER, JR.,

Assistant Secretary of the Interior.

APRIL 8, 1963.

[F.R. Doc. 63-3899; Filed, Apr. 12, 1963; 8:49 a.m.]

[Public Land Order 3026]

[Colorado 012673]

COLORADO**Opening of Lands Under Section 24, Federal Power Act; Power Project Nos. 842 and 857**

1. In DA-355 and DA-367, Colorado, the Federal Power Commission determined that the value of the following described lands will not be injured or destroyed for purposes of power development by location, entry, or selection under the public land laws, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818) as amended:

NEW MEXICO PRINCIPAL MERIDIAN

T. 47 N., R. 3 W.,

Sec. 5, lot 4, S $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, and NE $\frac{1}{4}$ SW $\frac{1}{4}$;Sec. 8, W $\frac{1}{2}$ E $\frac{1}{2}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$;Sec. 17, E $\frac{1}{2}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$.

T. 48 N., R. 3 W.,

Sec. 7, lots 3 and 4;

Sec. 18, lots 1, 2, 3, SW $\frac{1}{4}$ SE $\frac{1}{4}$, and E $\frac{1}{2}$ SW $\frac{1}{4}$;Sec. 19, NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$;Sec. 20, SW $\frac{1}{4}$ NW $\frac{1}{4}$ and W $\frac{1}{2}$ SW $\frac{1}{4}$;Sec. 29, W $\frac{1}{2}$ W $\frac{1}{2}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$;Sec. 32, W $\frac{1}{2}$.

T. 42 N., R. 4 W.,

Sec. 4, lots 5, 6, and 7.

T. 43 N., R. 4 W.,

Sec. 4, lots 19, 21, 22, 23, 24, and 26;

Sec. 9, lots 3, 4, 5, 7, and 8;

Sec. 10, lots 21, 25, 26, 27, 28, and S $\frac{1}{2}$ NW $\frac{1}{4}$;Sec. 15, lots 8, 9, 10, 13, 14, 15, 16, 17, 18, 19, 20, 21, 24, 26, 27, and NE $\frac{1}{4}$ SE $\frac{1}{4}$;Sec. 22, lots 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, and SE $\frac{1}{4}$ SE $\frac{1}{4}$;Sec. 27, lots 1, 2, 3, 4, 5, 6, E $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, and NE $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 28, lots 1, 2, 3, 5, and 6;

Sec. 33, lots 2, 3, 4, and NE $\frac{1}{4}$.

T. 44 N., R. 4 W.,

Sec. 11, lots 2, 4, and 7;

Sec. 27, lot 5, and NE $\frac{1}{4}$ NE $\frac{1}{4}$;

Sec. 32, lots 9, 10, 11, and 12;

Sec. 33, lots 1, 2, 6, 7, 8, 9, 10, and NE $\frac{1}{4}$ SW $\frac{1}{4}$;Sec. 34, lots 4, 5, 9, 10, and SW $\frac{1}{4}$ SW $\frac{1}{4}$.

T. 45 N., R. 4 W.,

Sec. 1, SW $\frac{1}{4}$ NW $\frac{1}{4}$;Sec. 2, SW $\frac{1}{4}$ NE $\frac{1}{4}$;Sec. 35, S $\frac{1}{2}$ SE $\frac{1}{4}$.

T. 48 N., R. 4 W.,

Sec. 1, NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$;Sec. 2, lots 11, 12, 13, 16, N $\frac{1}{2}$ SE $\frac{1}{4}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 3, lot 3;

Sec. 12, NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, and E $\frac{1}{2}$ SE $\frac{1}{4}$.

The areas described aggregate approximately 4,350 acres. Some of the lands are withdrawn for reclamation purposes and some have been patented.

2. The lands lie along or near the Lake Fork of the Gunnison River. The terrain is rough over most of the area.

3. Until 10:00 a.m. on October 7, 1963, the State of Colorado shall have (1) a preferred right of application to select the lands described in this order in accordance with subsection (c) of section 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852), and (2) a preferred right to apply for the reservation to it or to any of its political subdivisions under any statute or regulation applicable thereto of any of the lands required for a right-of-way for a public highway or as a source of materials for the construction and maintenance of such highways, in accordance with the provisions of section 24 of the Federal Power Act.

4. This order shall not otherwise be effective to change the status of the lands until 10:00 a.m. on October 7, 1963. At that time the said lands shall be open to the operation of the public land laws generally, subject to valid existing rights, the requirements of applicable law, and the provisions of existing withdrawals. All valid applications and selections, other than any preference right applications from the State of Colorado, received at or prior to 10:00 a.m. on May 14, 1963, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

5. Any disposals of the lands described in Paragraph 1 of this order shall be subject to the provisions of section 24 of the Federal Power Act, supra, as specified by the Federal Power Commission in its determinations.

6. The lands have been opened to applications and offers under the mineral leasing laws and to location under the United States mining laws subject to the provisions of the Act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621).

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Denver, Colorado.

JOHN A. CARVER, JR.,

Assistant Secretary of the Interior.

APRIL 8, 1963.

[F.R. Doc. 63-3900; Filed, Apr. 12, 1963; 8:49 a.m.]

[Public Land Order 3027]

CALIFORNIA AND NEW MEXICO**Opening of Lands in Power Withdrawals**

1. In Docket No. DA-67—New Mexico, the Federal Power Commission determined that the value of the following-

described lands, withdrawn under Water Power Designation No. 1, New Mexico No. 1 of August 7, 1916, and Power Site Reserve No. 548 of September 30, 1916, both of which were construed by the Department of the Interior, Interpretation No. 281, of July 11, 1940, to conform to survey, will not be injured or destroyed for purposes of power development by location, entry, or selection under the public land laws, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended;

NEW MEXICO

NEW MEXICO PRINCIPAL MERIDIAN

(New Mexico 0121943)

T. 24 N., R. 11 E.,
Sec. 32, Lot 5.

Containing 42.32 acres. The land is situated in Taos County, New Mexico.

2. In an order issued February 7, 1955, the Federal Power Commission vacated the withdrawal created pursuant to the filing of an application on September 27, 1921, as supplemented on June 22, 1922, for a preliminary permit for proposed water-power Project No. 252, for the following-described lands:

CALIFORNIA

SAN BERNARDINO MERIDIAN

(Los Angeles 0158780)

T. 12 S., R. 1 E.,
Sec. 24, NE $\frac{1}{4}$ NE $\frac{1}{4}$ and S $\frac{1}{2}$ N $\frac{1}{2}$.
T. 12 S., R. 2 E.,
Sec. 15, SW $\frac{1}{4}$;
Sec. 17, SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ and E $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 19, Lots 1, 2, and 3, NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, and NE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 20, NE $\frac{1}{2}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, and SE $\frac{1}{4}$;
Sec. 22, N $\frac{1}{2}$ NW $\frac{1}{4}$ and SE $\frac{1}{4}$;
Sec. 23, E $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 27, SE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 29, NW $\frac{1}{4}$ NE $\frac{1}{4}$.

The areas described including the public and nonpublic lands, and national forest lands in the Cleveland National Forest, aggregate 1,730.26 acres. The lands are situated near the town of Ramona, California.

3. Subject to valid existing rights, the requirements of applicable law, and the provisions of existing withdrawals, the lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

(a) Until 10:00 a.m. on October 7, 1963, the States of California and New Mexico shall have (1) a preferred right of application to select the lands within their respective borders released from withdrawal by this order in accordance with and subject to the provisions of subsection (c) of section 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852), and (2) a preferred right to apply for the reservation to the State or to any of its political subdivisions under any statute or regulation applicable thereto of any of the lands required for a right-of-way for a public highway or as a source of materials for the construction and maintenance of such highways, in accordance with the provisions of section 24 of the Federal Power Act, supra.

(b) All valid applications and selections under the nonmineral public land

laws other than preference right applications from the States of California or New Mexico presented prior to 10:00 a.m. on October 7, 1963, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

(c) The lands have been open to applications and offers under the mineral leasing laws, and to location under the United States mining laws subject to the provisions of the Act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621).

(d) At 10:00 a.m. on October 7, 1963, the national forest lands described in paragraph 2 of this order shall be open to such forms of disposition as may by law be made of such lands.

4. Any disposals of the land described in paragraph 1 of this order shall be subject to the provisions of section 24 of the Federal Power Act, supra, as specified by the Federal Power Commission in its determination.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Riverside, California, or Santa Fe, New Mexico, as appropriate.

JOHN A. CARVER, JR.,

Assistant Secretary of the Interior.

APRIL 8, 1963.

[F.R. Doc. 63-3901; Filed, Apr. 12, 1963; 8:49 a.m.]

[Public Land Order 3028]

[Sacramento 059957]

CALIFORNIA

Power Site Cancellation No. 140; Partial Revocation of Power Site Classification No. 185

By virtue of the authority contained in the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and in section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, and pursuant to the determination of the Federal Power Commission docketed as DA-955-California, it is ordered as follows:

1. The Departmental order of July 14, 1927, as construed by Interpretation No. 242, dated January 17, 1936, establishing Power Site Classification No. 185, is hereby cancelled so far as it affects the following described lands:

MOUNT DIABLO MERIDIAN

T. 17 S., R. 29 E.,
Sec. 37, lots 1 to 8, incl., and SW $\frac{1}{4}$ SE $\frac{1}{4}$.

The areas described contain approximately 202 acres.

2. In DA-955-California the Federal Power Commission determined that the value of the following described lands will not be injured or destroyed for purposes of power development by location, entry, or selection under the public land laws, subject to the provisions of section 24 of the Federal Power Act, as amended, and subject to the prior rights of the licensee for Project No. 298, and its successors to use said lands for project purposes as provided in the license for the project as amended:

MOUNT DIABLO MERIDIAN

T. 17 S., R. 29 E.,
Sec. 37, lots 1 to 6, incl.

The areas described contain approximately 67 acres.

3. Subject to any valid existing rights, the requirements of applicable law, rules, and regulations, and the provisions of any existing withdrawals, the lands described above are hereby opened to filing of applications, selections, and locations in accordance with the following:

(a) Until 10:00 a.m. on October 7, 1963, the State of California shall have (1) a preferred right of application to select the lands in accordance with subsection (c) of section 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852), and (2) a preferred right to apply for the reservation to it or to any of its political subdivisions under any statute or regulation applicable thereto, of any of the lands required for a right-of-way for a public highway or as a source of materials for the construction and maintenance of such highways, in accordance with the provisions of section 24 of the Federal Power Act.

(b) All valid applications and selections under the nonmineral public land laws other than preference right applications from the State presented at or prior to 10:00 a.m. on May 14, 1963, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

4. Any disposals of the lands described in paragraph 2 of this order shall be subject to the provisions of section 24 of the Federal Power Act, supra, and to the rights specified by the Federal Power Commission in its determination.

5. The lands have been open to applications and offers under the mineral leasing laws, and most of them have been open to location under the United States mining laws, subject to the provisions of the Act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621). Portions of the lands described in paragraph 2 are still withdrawn in Project No. 298, an operating project. These lands will be open to location under the mining laws at 10:00 a.m. on October 7, 1963, subject to the conditions specified by the Federal Power Commission in its determination.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Sacramento, California.

JOHN A. CARVER, JR.,

Assistant Secretary of the Interior.

APRIL 8, 1963.

[F.R. Doc. 63-3902; Filed, Apr. 12, 1963; 8:49 a.m.]

[Public Land Order 3029]

[Oregon 012325]

OREGON

Revocation of Public Land Order No. 904 of July 6, 1953

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

RULES AND REGULATIONS

1. Public Land Order No. 904 of July 6, 1953, which withdrew the following described public lands in connection with the North Fork Big Game Winter Range, is hereby revoked:

WILLAMETTE MERIDIAN

- T. 7 S., R. 28 E.,
 Sec. 1, NE $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 12, NE $\frac{1}{4}$ NE $\frac{1}{4}$.
 T. 6 S., R. 29 E.,
 Sec. 31, NE $\frac{1}{4}$ NE $\frac{1}{4}$, lots 1, 5, 6, 8, 12, and 13;
 Sec. 33, N $\frac{1}{2}$ NW $\frac{1}{4}$;
 Sec. 34, W $\frac{1}{2}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 35, E $\frac{1}{2}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$ NW $\frac{1}{4}$.
 T. 7 S., R. 29 E.,
 Sec. 1, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, and SW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 2, SW $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 3, lots 4, SW $\frac{1}{4}$ NW $\frac{1}{4}$, and SW $\frac{1}{4}$;
 Sec. 5, S $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 6, S $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 7, lots 1, 2, 11, 14, 15, 22, 23, 24, N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, and NE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 8, NW $\frac{1}{4}$ NW $\frac{1}{4}$.
 T. 6 S., R. 30 E.,
 Sec. 26, E $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, and NW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 32, SE $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 33, SW $\frac{1}{4}$ NE $\frac{1}{4}$;
 Sec. 34, NW $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 35, NE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$.
 T. 7 S., R. 30 E.,
 Sec. 3, lots 1, 2, 3, and S $\frac{1}{2}$ NW $\frac{1}{4}$;
 Sec. 5, NW $\frac{1}{4}$ NE $\frac{1}{4}$.
 T. 6 S., R. 31 E.,
 Sec. 29, NE $\frac{1}{4}$ NW $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 30, lot 4;
 Sec. 31, NE $\frac{1}{4}$ NE $\frac{1}{4}$.

The areas described aggregate approximately 3,085 acres.

2. The lands are located in the north central part of Grant County, Oregon. They are accessible via unimproved roads from U.S. Highway 395. The vegetation consists primarily of grasses and shrubs.

3. Until 10:00 a.m. on October 7, 1963, the State of Oregon shall have a preferred right of application to select the lands as provided by subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852). On and after that date and hour the lands shall become subject to application, petition, location, and selection generally, including location under the United States mining laws, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications except preference right applications from the State, received at or prior to 10:00 a.m. on May 14, 1963, shall be considered as simultaneously filed at that time.

Inquiries should be addressed to the Manager, Land Office, Bureau of Land Management, Portland, Oregon.

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

APRIL 8, 1963.

[F.R. Doc. 63-3903; Filed, Apr. 12, 1963; 8:49 a.m.]

[Public Land Order 3030]

CALIFORNIA

Revocation in Whole or in Part of Certain Reclamation and Forest Service Administrative Site Withdrawals; Opening of Lands From Power Withdrawal

By virtue of the authority vested in the President by section 1 of the Act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and in the Secretary of the Interior by section 3 of the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), and pursuant to a determination of the Federal Power Commission, docketed as DA-967-California, and to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Executive Order No. 6822 of August 13, 1934, which withdrew the following-described land for use by the Department of Agriculture in connection with the administration of the Mono National Forest is hereby revoked:

MOUNT DIABLO MERIDIAN

(Sacramento 066778)

- T. 10 N., R. 20 E.,
 Sec. 22, SW $\frac{1}{4}$ SW $\frac{1}{4}$.

Containing 40 acres.

2. The Departmental Order of September 14, 1942, which withdrew lands for reclamation purposes in connection with the American River Investigation, and any other order or orders which withdrew lands for reclamation purposes under the provisions of the Act of June 17, 1902, supra, are hereby revoked so far as they affect the following described land:

MOUNT DIABLO MERIDIAN

(Sacramento 057445)

- T. 11 N., R. 10 E.,
 Sec. 26, SW $\frac{1}{4}$.

Containing 160 acres which are still withdrawn in Power Site Reserves Nos. 201 and 268.

3. In an order docketed as DA-967-California, the Federal Power Commission vacated the withdrawal created by the filing of an application for a preliminary permit for proposed Project No. 247 so far as it affects the following described lands:

MOUNT DIABLO MERIDIAN

(Sacramento 058973)

- T. 33 N., R. 7 W.,
 Sec. 14, lot 4.

Containing 36.25 acres.

4. Until 10:00 a.m. on October 7, 1963, the State of California shall have a preferred right of application to select the lands described in Paragraphs 1 and 3 as provided by subsection (c) of section 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852). During this period, the State of California shall also have a preferred right to apply for the reservation to it or to any of its political subdivisions of any of the lands described in paragraph 3 required for a right-of-way for a public highway or as a source of materials for the construction and

maintenance of such highways as provided by Section 24 of the Federal Power Act.

5. At 10:00 a.m. on October 7, 1963, the lands shall become subject to application, petition, location, and selection generally, subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable law. All valid applications except preference right applications from the State received prior to 10:00 a.m. on May 14, 1963, shall be considered as simultaneously filed at that time.

6. The lands have been open to applications and offers under the mineral leasing laws. They will be open to mining location at 10:00 a.m. on October 7, 1963, those described in paragraph 2 being opened subject to the Act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621). Those described in paragraph 1 have been open to location for metalliferous minerals.

Inquiries shall be addressed to the Manager, Land Office, Bureau of Land Management, Sacramento, California.

JOHN A. CARVER, Jr.,

Assistant Secretary of the Interior.

APRIL 8, 1963.

[F.R. Doc. 63-3904; Filed, Apr. 12, 1963; 8:49 a.m.]

[Public Land Order 3031]

ARIZONA AND NEVADA

Revocation of Stock Driveway Withdrawal; Revocation of Reclamation Withdrawals in Whole or in Part; Newlands, Truckee-Carson Project

By virtue of the authority contained in section 10 of the Act of December 29, 1916 (39 Stat. 865; 43 U.S.C. 300), as amended, and in section 3 of the Act of June 17, 1902 (32 Stat. 338; 43 U.S.C. 416), it is ordered as follows:

1. The Departmental order of February 4, 1919, creating Stock Driveway Withdrawal No. 56, and any other order or orders which withdrew lands for stock driveway purposes are hereby revoked so far as they affect the following described lands:

ARIZONA

GILA AND SALT RIVER MERIDIAN

(Arizona 032067)

- T. 11 N., R. 4 W.,
 Sec. 13, NE $\frac{1}{4}$.

Containing approximately 160 acres.

2. The Departmental orders of July 2, 1902; July 9, 1904, and February 16, 1920, and any other order or orders which withdrew lands for reclamation purposes under the provisions of the Act of June 17, 1902, supra, are hereby revoked so far as they affect the following described lands:

NEVADA

MOUNT DIABLO MERIDIAN

(Nevada 042819-A)

- T. 19 N., R. 20 E.,
 Sec. 12, SE $\frac{1}{4}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 14, SE $\frac{1}{4}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$.

T. 19 N., R. 21 E.,
Sec. 10, N $\frac{1}{2}$ SW $\frac{1}{4}$, and NW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 16, N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 18, lots 1, 4, N $\frac{1}{2}$ NE $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$.
T. 20 N., R. 22 E.,
Sec. 26, N $\frac{1}{2}$ S $\frac{1}{2}$;
Sec. 28, N $\frac{1}{2}$ S $\frac{1}{2}$;
Sec. 32, N $\frac{1}{2}$ SW $\frac{1}{4}$.

The areas described aggregate approximately 1,517 acres. The lands are situated along the Truckee River between Reno and Wadsworth, Nevada.

3. Subject to valid existing rights, the requirements of applicable law, and the provisions of existing withdrawals, the lands released from withdrawal by this order are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Until 10:00 a.m. on October 7, 1963, the State of Arizona shall have a preferred right of application to select the lands in Arizona described in paragraph 1 of this order, as provided by subsection (c) of section 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852).

b. All valid applications and selections under the nonmineral public land laws for lands in Arizona other than preference right applications from the State of Arizona, presented prior to 10:00 a.m. on October 7, 1963, and those for lands in Nevada described in Paragraph 2 of this order, presented prior to 10:00 a.m. on May 14, 1963, will be considered as simultaneously filed at the designated hour. Rights under such applications and selections filed thereafter will be considered in the order of filing.

c. The lands have been open to applications and offers under the mineral leasing laws, and those in Arizona have been open to location under the mining laws subject to the regulations in 43 CFR 185.35, 185.36. The lands in Nevada shall be open to location under the United States mining laws at 10:00 a.m. on May 14, 1963.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Phoenix, Arizona, or Reno, Nevada, as appropriate.

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

APRIL 8, 1963.

[F.R. Doc. 63-3905; Filed, Apr. 12, 1963; 8:49 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

PART 33—SPORT FISHING

Modoc National Wildlife Refuge,
California

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

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

CALIFORNIA

MODOC NATIONAL WILDLIFE REFUGE

Sport fishing on the Modoc National Wildlife Refuge, California, is permitted only on the areas designated by signs as open to fishing. This open area, comprising 600 acres or 10 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay Street, Portland 8, Oregon. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Trout, bass, catfish and minor species as prescribed by State regulations.

(b) Open season: Trout—May 4 through October 31, 1963, except closed during migratory waterfowl hunting season. Bass—Open year round except closed during migratory waterfowl hunting season. Minor species as prescribed by State regulations. Dorris Reservoir open year round, except closed during migratory waterfowl hunting season.

(c) Daily creel limits: Trout—10 fish but not more than 10 pounds and 1 fish, except 5 fish on the Dorris Reservoir prior to May 4, 1963. Bass—5 fish. Catfish—30 fish.

(d) Methods of fishing:

1. Tackle—One line or rod and line, closely attended with not more than 3 hooks attached, may be used.

2. Bait—No fish or parts thereof, may be used for bait.

3. Boats—The use of boats, with or without motors, may be used for fishing.

(e) Other provisions:

1. The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

2. A Federal permit is not required to enter the public fishing area.

3. The provisions of this special regulation are effective to March 1, 1964.

PAUL T. QUICK,
Regional Director, Bureau of
Sport Fisheries and Wildlife.

APRIL 5, 1963.

[F.R. Doc. 63-3864; Filed, Apr. 12, 1963; 8:45 a.m.]

PART 33—SPORT FISHING

Deer Flat National Wildlife Refuge,
Idaho

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

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

IDAHO

DEER FLAT NATIONAL WILDLIFE REFUGE

Sport fishing on the Deer Flat National Wildlife Refuge, Idaho, is permitted only on the areas designated by

signs as open to fishing. This open area, comprising 9,500 acres or 90 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland 8, Oregon. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Black bass, crappie, perch, catfish, bullheads, and other minor species permitted under State regulations.

(b) Open season: Upper one-third of Lake Lowell open from January 1 through June 30, 1963. Lower two-thirds of the Lake open to fishing year round, except closed during migratory waterfowl hunting season.

(c) Daily creel limits: Black bass—12 fish; crappie and perch—no limit; catfish and bullheads—100 fish in the aggregate but not to exceed 50 pounds and 1 fish. Other creel limits for minor species are as prescribed by State regulations.

(d) Methods of fishing:

1. Tackle—One line or pole and line in hand only may be used.

2. Bait—The use of live fish for bait is prohibited.

3. Boats—Boats with motors may be used for fishing as follows: Motorboats to be operated on Lake Lowell during daylight hours only. Boats with motors may be used on lower two-thirds of Lake Lowell from April 1 to September 30, 1963. Boats without motors may be used on lower two-thirds of lake throughout fishing season. Boats without motors permitted on upper one-third of lake from January 1 through June 30, 1963. In New York Canal, bank fishing only permitted.

(e) Other provisions:

1. The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

2. A Federal permit is not required to enter the public fishing area.

3. The provisions of this special regulation are effective to April 1, 1964.

PAUL T. QUICK,
Regional Director, Bureau of
Sport Fisheries and Wildlife.

APRIL 5, 1963.

[F.R. Doc. 63-3865; Filed, Apr. 12, 1963; 8:46 a.m.]

PART 33—SPORT FISHING

Charles M. Russell National Wildlife
Range, Montana

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

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

MONTANA

CHARLES M. RUSSELL NATIONAL WILDLIFE RANGE

Sport fishing on the Charles M. Russell National Wildlife Range, Montana, is

permitted only on the areas designated by signs as open to fishing. This open area, comprising 180,000 acres or 18 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters, P.O. Box 819, Lewistown, Montana, and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland 8, Oregon. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: All species.

(b) Open season: Open entire year as prescribed by State regulations.

(c) Daily creel limits: Trout—10 fish not to exceed 10 pounds and 1 fish. Pike and sauger—15 fish not to exceed 15 pounds and 1 fish. Plus minor species as prescribed by State regulations.

(d) Methods of fishing:

1. Tackle—As prescribed by State regulations.

2. Bait—As prescribed by State regulations.

3. Boats—Boats with or without motors may be used for fishing.

(e) Other provisions:

1. The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

2. A Federal permit is not required to enter the public fishing area during the prescribed fishing season.

3. The provisions of this special regulation are effective to May 19, 1964.

PAUL T. QUICK,
*Regional Director, Bureau of
Sport Fisheries and Wildlife.*

APRIL 5, 1963.

[F.R. Doc. 63-3866; Filed, Apr. 12, 1963;
8:46 a.m.]

PART 33—SPORT FISHING

Ninepipe National Wildlife Refuge

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

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

MONTANA

NINEPIPE NATIONAL WILDLIFE REFUGE

Sport fishing on the Ninepipe National Wildlife Refuge, Montana, is permitted

only on the areas designated by signs as open to fishing. This open area, comprising 2,062 acres or 100 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland 8, Oregon. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Bass, perch, bullhead, and sunfish.

(b) Open season: *Area No. 1*—North shore from south end of main dyke to south end of Allentown Bridge, and that portion of the refuge lying east of Highway 93, open all year except closed September 3, 1963, to end of waterfowl hunting season. *Area No. 2*—Balance of shoreline open from July 16, 1963, through February 29, 1964, except closed from September 3, 1963, to end of the migratory waterfowl hunting season.

(c) Daily creel limits: Bass—15 fish not to exceed 15 pounds and 1 fish. Minor species as per State regulations.

(d) Methods of fishing:

1. Tackle—One line or rod and line, in immediate control.

2. Bait—No live or dead fish, except sculpin, may be used.

(e) Other provisions:

1. The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

2. A Federal permit is not required to enter the public fishing area.

3. The provisions of this special regulation are effective to March 1, 1964.

PAUL T. QUICK,
*Regional Director, Bureau of
Sport Fisheries and Wildlife.*

APRIL 4, 1963.

[F.R. Doc. 63-3867; Filed, Apr. 12, 1963;
8:46 a.m.]

PART 33—SPORT FISHING

Pablo National Wildlife Refuge, Montana

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

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

MONTANA

PABLO NATIONAL WILDLIFE REFUGE

Sport fishing on the Pablo National Wildlife Refuge, Montana, is permitted only on the areas designated by signs as open to fishing. This open area, comprising 1,900 acres or 77 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters, National Bison Range, Moiese, Montana, and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland 8, Oregon. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Trout, perch, bass and bullhead.

(b) Open season: The north and east shorelines from the inlet canal to the south end of the main dyke are open from July 16, 1963, through February 29, 1964, except during the migratory waterfowl hunting season.

(c) Daily creel limits: Trout—Ten fish not to exceed 10 lbs. and 1 fish, plus minor species as prescribed by State regulations.

(d) Methods of fishing:

1. Tackle—Single line, or pole and line, in immediate control.

2. Bait—No fish, dead or alive, except sculpin, may be used for bait.

(e) Other provisions:

1. The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

2. A Federal permit is not required to enter the public fishing area.

3. The provisions of this special regulation are effective to March 1, 1964.

PAUL T. QUICK,
*Regional Director, Bureau of
Sport Fisheries and Wildlife.*

APRIL 4, 1963.

[F.R. Doc. 63-3686; Filed, Apr. 12, 1963;
8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Part 7]

GRAND TETON NATIONAL PARK, WYOMING

Proposed Permission for Use of House Trailers

Notice is hereby given that pursuant to the authority contained in section 3 of the act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 3), 245 DM 1 (27 F.R. 6395), National Park Service Order No. 14 (19 F.R. 8824), Regional Director, Midwest Region Order No. 3 (21 F.R. 1494), as amended, it is proposed to amend Title 36 CFR 7.22 as set forth below. The purpose of this amendment is to allow house trailers in all Park campgrounds which are physically capable of accommodating trailers.

It is the policy of the Department of the Interior whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment to the Superintendent, Grand Teton National Park, Moose, Wyoming, within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

FRED C. FAGERGREN,
Superintendent,
Grand Teton National Park.

Paragraph (e) of § 7.22 is amended in its entirety to read as follows:

§ 7.22 Grand Teton National Park.

(e) *House Trailers.* The Jenny Lake Campground is closed to house trailers. [F.R. Doc. 63-3909; Filed, Apr. 12, 1963; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 970]

[AO-321-A1]

CARROTS GROWN IN SOUTH TEXAS

Decision With Respect to Proposed Amendments to Marketing Agree- ment and Order and Referendum Order

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1-19, 48 Stat. 31 as amended; 7 U.S.C. 601-674), and the pertinent rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at McAllen, Texas, on October 10, 1962,

pursuant to notice thereof, which was published in the October 3, 1962, FEDERAL REGISTER (27 F.R. 9776), upon proposed amendments to Marketing Agreement No. 142 and Marketing Order No. 970 regulating the handling of carrots grown in South Texas.

On the basis of the evidence introduced at the aforesaid hearing, and the record thereof, a recommended decision was filed January 29, 1963, with the Hearing Clerk, United States Department of Agriculture.

The notice of the filing of such recommended decision, affording opportunity to file written exception thereto, was published February 1, 1963, in the FEDERAL REGISTER (28 F.R. 978).

Exceptions filed. Within the period provided, four exceptions to the findings on the recommended decision were filed by interested parties. The South Texas Carrot Committee and Edward Bauer, La Feria, Texas, carrot grower and former chairman of the South Texas Carrot Committee, filed exceptions expressing in substance the opinion that the difficulty of identifying out-of-state carrots and the supervision of the handling carrots grown outside the area, but packed or repacked by South Texas handlers present serious administrative problems which, if not properly solved, may endanger successful operation of the marketing order.

The exception of W. J. Thornburg, Thor Packing Company, Inc., Holtville, California, and another exception filed by Frank M. Castiglione, Executive Vice President, Western Growers Association, Los Angeles, California, contended, in substance, that carrots grown and shipped from the producing sections in which they or their association members were interested and later packed or repacked in the South Texas production area should also meet grade, size, and quality requirements placed upon South Texas carrots. Further, they expressed the opinion that the promotion of orderly marketing, protection of consumers, wholesale buyers and the reputation of carrot producing areas, including South Texas, would be promoted by such requirements.

Rulings. The substance of the exceptions filed by the South Texas Carrot Committee and by Edward Bauer were presented previously in the brief filed by the South Texas Carrot Committee on October 24, 1962, which was thoroughly considered in the findings and conclusions in the recommended decision. Although the desires expressed in the exceptions are recognized with sympathetic considerations to those responsible for administering the marketing order, the findings, conclusions, and terms and provisions of the proposed amendments are necessarily based upon the evidence in the record of hearing and are within the limits of authority in the act. Furthermore, since the South Texas Carrot Committee, as the local administrative

agency composed of carrot producers and handlers, is empowered to recommend the safeguards essential to identifying out-of-state carrots and to protect South Texas grown carrots from adulteration of marketable quality, it is concluded that the authority established in the proposed amendments is adequate at this time to attain the essential protection for administration of the order while, at the same time, permit handlers of out-of-state carrots who wish to and in practice do handle them separately from South Texas carrots.

The Thornburg and Castiglione exceptions seeking protection of the quality of out-of-production area carrots from adulteration by pickouts from South Texas carrots established relevant points of administrative and economic interest in operation of this marketing order. Protection of the consumer, buyers, and the reputation of production area carrots, as well as out-of-production area carrots is in the interest of orderly marketing. These arguments supplement the basis for concluding that the authority for appropriate safeguards should be sufficiently broad to allow the South Texas Carrot Committee to recommend, and the Secretary to issue, rules whereby out-of-production area carrots may not be intermingled with South Texas carrots unless all such shipments of intermingled carrots meet grade, size, and quality regulations and, further, that no carrots may be packed by registered handlers during periods when South Texas carrots are subject to market regulations unless they are properly and adequately identified as out-of-production area carrots, and maintained as a separately identifiable market entity, in accordance with the appropriate safeguards recommended by the Committee and approved by the Secretary.

The safeguards section (§ 970.54) contained in the aforesaid recommended decision is redrafted as set forth in the "Marketing Agreement, As Amended, Regulating the Handling of Carrots Grown in South Texas" and the "Order, Amending the Order, Regulating the Handling of Carrots Grown in South Texas" annexed hereto. This revision does not change the intent or the authorities contained in this section. In view of the exceptions filed it is deemed desirable to clarify the context so that it will be more informative to those persons charged with its administration and those persons charged with responsibilities under such section.

The material issues, findings, and conclusions. The material issues, findings, and conclusions and the general findings of the recommended decision set forth in the FEDERAL REGISTER (F.R. Doc. 63-1120; 28 F.R. 978) are hereby approved and adopted as the material issues, findings, and conclusions and the general findings of this decision as if set forth in full herein.

Amendment of the marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement, As Amended, Regulating the Handling of Carrots Grown in South Texas" and "Order Amending the Order Regulating the Handling of Carrots Grown in South Texas" which have been decided upon as the appropriate and detailed means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

It is hereby ordered, That all of this decision, except the annexed marketing agreement, as amended, be published in the FEDERAL REGISTER. The regulatory provisions of the said marketing agreement, as amended, are identical with those contained in the annexed order, which will be published with this decision.

Referendum order. Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674), it is hereby directed that a referendum be conducted among producers who, during the 1962-63 marketing season for South Texas carrots (which is hereby determined to be a representative period for the purpose of such referendum), were engaged, in the production area as defined in § 970.4 of this part, in the production of carrots for market to ascertain whether such producers favor the issuance of the annexed order. The beginning and ending dates of the representative period and the dates of the voting period will be announced at a later date by the agents of the Secretary, either jointly or severally, named in this order.

The procedure applicable to the referendum shall be the "Procedure for the Conduct of Referenda Among Producers in Connection with Marketing Orders (Except those Applicable to Milk and its Products) to Become Effective Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended" (15 F.R. 5176). The ballots used in the referendum shall contain a summary describing the proposed amendments.

W. J. Cremins and K. W. Schaible of the Fruit and Vegetable Division, Agricultural Marketing Service, are hereby designated as agents of the Secretary of Agriculture to conduct such referendum jointly or severally. Said agents may appoint any person or persons to assist them in performing their functions hereunder.

Ballots to be cast in the referendum and copies of the text of the said amendments and the order may be obtained from any referendum agent or appointee.

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

Dated: April 9, 1963.

JOHN P. DUNCAN, Jr.,
Assistant Secretary.

Order¹ Amending the Order Regulating the Handling of Carrots Grown in South Texas

§ 970.0 Findings and determinations.

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

(a) *The findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held at McAllen, Texas, on October 10, 1962, upon proposed amendments to Marketing Agreement No. 142 and Order No. 970 (7 CFR Part 970), regulating the handling of carrots grown in South Texas. On the basis of the evidence introduced at such hearing and the record thereof it is found that:

(1) The marketing agreement and the order, as both are hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act with respect to carrots produced in the production area, by establishing and maintaining such orderly marketing conditions therefor as will tend to establish, as prices to the producers thereof, parity prices and by protecting the interest of the consumer (i) by approaching the level of prices which it is declared in the act to be the policy of Congress to establish by a gradual correction of the current level of prices at as rapid a rate as the Secretary deems to be in the public interest and feasible in view of the current consumptive demand in domestic and foreign markets, and (ii) by authorizing no action which has for its purpose the maintenance of prices to producers of such carrots above the parity level, and (iii) by authorizing the establishment and maintenance of such minimum standards of quality and maturity, and such grading and inspection requirements as may be incidental thereto, as will tend to effectuate such orderly marketing of such carrots as will be in the public interest;

(2) The marketing agreement and the order, as both are hereby proposed to be amended, regulate the handling of carrots grown in the production area in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which hearings have been held;

(3) The said marketing agreement and the order, as both are hereby proposed to

¹ This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

be amended, are limited in application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act; and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) The said marketing agreement and the order, as both are hereby proposed to be amended, prescribe, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to the differences in the production and marketing of carrots grown in the production area; and

(5) All handling of carrots as defined in this part is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

It is, therefore, ordered, That, on and after the effective date hereof the handling of carrots grown in the production area as defined herein shall be in conformity to and in compliance with the terms and conditions of the said order and as hereby further amended as follows:

1. Amend § 970.5 *Carrots* to read as follows:

§ 970.5 Carrots.

"Carrots" means all varieties of *Daucus carota*, commonly known as carrots and unless otherwise specified, grown within the production area.

2. Amend § 970.8 *Registered handler* to read as follows:

§ 970.8 Registered handler.

"Registered handler" means any person who has adequate facilities within the production area for preparing carrots for market or who has access to such facilities, and who is registered as such with the committee in accordance with such rules and regulations as it may prescribe with the approval of the Secretary.

3. Amend § 970.31 *Alternate members* to read as follows:

§ 970.31 Alternate members.

An alternate member of the committee shall act in the place and stead of the member for whom he is an alternate, during such member's absence or when designated to do so by the member for whom he is an alternate. In the event both a member of the committee and his alternate are unable to attend a committee meeting, the member, alternate, or the committee (in that order) may designate any other alternate member from the same district to serve in such member's place and stead. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor of such member is selected and has qualified. The committee may request the attendance of alternates at any or all meetings, notwithstanding the expected or actual presence of the respective members.

§ 970.52 [Amendment]

4. Amend § 970.52 *Issuance of regulations* by adding a new subparagraph (5) under paragraph (b) to read as follows:

(5) Establish, through rules and regulations recommended by the committee and approved by the Secretary, holidays by prohibiting the packaging and shipping of carrots on Sundays.

5. Amend § 970.54 *Safeguards* to read as follows:

§ 970.54 *Safeguards.*

(a) The committee with the approval of the Secretary, may establish through rules such requirements as may be necessary to insure that shipments made pursuant to § 970.53 are handled and used for the purpose stated.

(b) (1) The Committee, with the approval of the Secretary, may establish rules and regulations with respect to carrots packed, but not grown, within the production area which are necessary for maintaining orderly marketing conditions established by regulations issued pursuant to § 970.52. The packing or otherwise preparing for market of such carrots in facilities within the production area shall be a handler function under this part. Such carrots shall be deemed and treated for regulatory purposes as carrots grown in the production area unless they are packed or otherwise prepared for market as a distinct entity subject to determinations in accordance with necessary safeguards specified by rules issued under this section. These safeguards will be for the purpose of insuring that such carrots are not commingled with or represented as carrots grown in the production area.

(2) Such safeguards under the above rules may include, but are not limited to, requirements that each handler of other production area carrots, if he handles them other than under the grade, size, quality, and pack regulations applicable to South Texas carrots, shall provide proof of production in other than the production area defined in § 970.4 of this part; maintain physical separation and identification of out-of-production area carrots from South Texas carrots throughout the receipt, packing, or other preparation for market; evidence that other than production area carrots are not commingled with carrots grown in the production area, and that such other than production area carrots when packed and marketed are identified by the handlers as to the State or area where grown by labeling or other appropriate means of identification on the containers or packages containing such carrots. Such safeguards may also include authority for requiring each handler to provide certification by the Federal-State Inspection Service, or other designated agency, that the other than production area carrots are so handled as to meet the rules prescribed hereunder.

6. Amend paragraph (e) of § 970.35 *Duties*; § 970.50 *Marketing policy*; and § 970.80 *Reports* to coincide with the proposed amendment of § 970.5 as stated above so that such sections or paragraphs will read as follows:

§ 970.35 *Duties.*

(e) To investigate from time to time and to assemble data on the growing, harvesting, shipping, and marketing

conditions with respect to carrots grown in the production area and in competing areas.

§ 970.50 *Marketing policy.*

(a) At the beginning of season, and as the Secretary may require, the committee shall prepare a marketing policy. Such policy shall indicate the data on supplies of carrots, both grown within the production area and in competing areas, and demand on which the committee bases its judgments and recommendations. It shall indicate also the kind or types of regulations contemplated during the ensuing season, and, to the extent practical, shall include recommendations for specific regulations. Notice of such marketing policy shall be given to producers, handlers, and other interested parties by bulletins, newspapers, or other appropriate media, and copies thereof shall be submitted to the Secretary and shall be available generally.

(b) Marketing policy statements relating to recommendations for regulations shall give appropriate consideration to supplies of carrots grown in the production area and in competing areas for the remainder of the season, with special consideration to:

- (1) Estimates of total supplies including grade, size, and quality thereof, in the production area;
- (2) Estimates of supplies in competing areas;
- (3) Market prices by grades, sizes, containers, and packs;
- (4) Estimates of supplies of competing commodities;
- (5) Anticipated marketing problems;
- (6) Level and trend of consumer income; and
- (7) Other relevant factors.

§ 970.80 *Reports.*

Upon request of the committee, made with the approval of the Secretary, each handler shall furnish to the committee, in such manner and at such time as it may prescribe, such reports and other information as may be necessary for the committee to perform its duties under this part.

(a) Such reports may include, but are not necessarily limited to, the following: (1) The quantities of all carrots including those grown within the production area and those grown in competing areas received by a handler; (2) the quantities disposed of by him segregated as to the respective quantities subject to regulation and not subject to regulation; (3) the date of each such disposition and the identification of the carrier transporting such carrots; and (4) identification of the inspection certificates relating to carrots which were handled pursuant to § 970.52, § 970.53, or § 970.54, or any combination thereof.

(b) All such reports shall be held under appropriate protective classification and custody by the committee, or duly appointed employees thereof, so that the information contained therein which may adversely affect the competitive position of any handler in relation

to other handlers will not be disclosed. Compilations of general reports from data submitted by handlers is authorized, subject to the prohibition of disclosure of individual handlers' identities or operations.

(c) Each handler shall maintain for at least two succeeding years such records of the carrots received, and of carrots disposed of, irrespective of where such carrots were grown, by such handler as may be necessary to verify the reports he submits to the committee pursuant to this section.

[F.R. Doc. 63-3942; Filed, Apr. 12, 1963; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 141a]

SODIUM OXACILLIN CAPSULES

Proposed Modification of Required Minimum Potency

The Commissioner of Food and Drugs, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357), and under the authority delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625), proposes to amend the regulations for certification of antibiotic and antibiotic-containing drugs (21 CFR 146a.14) by changing the second sentence of § 146a.14(a) to read: "The potency of each capsule is not less than 125 milligrams." As proposed, paragraph (a) would read as follows:

§ 146a.14 Sodium oxacillin capsules.

(a) *Standards of identity, strength, quality, and purity.* Sodium oxacillin capsules are capsules composed of sodium oxacillin, with or without one or more buffer substances, diluents, binders, lubricants, vegetable oils, colorings, and flavorings, enclosed in a gelatin capsule. The potency of each capsule is not less than 125 milligrams. The moisture content is not more than 6 percent. The sodium oxacillin conforms to the requirements of § 146a.12. Each other ingredient used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

Any interested person may, within 30 days from the publication of this notice in the FEDERAL REGISTER, submit written views and comments on the proposed amendment. Such comments should be submitted in triplicate and addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C.

Dated: April 9, 1963.

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

[F.R. Doc. 63-3928; Filed, Apr. 12, 1963; 8:50 a.m.]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 545]

[No. 16,981]

FEDERAL SAVINGS AND LOAN SYSTEM

Operations; Proposed Amendment Relating to Urban Renewal Invest- ment Trusts

APRIL 3, 1963.

Resolved that, in order to give effect to the provisions of section 901(d) of the Housing Act of 1961 relating to urban renewal investment trusts, pursuant to Part 508 of the general regulations of the Federal Home Loan Bank Board (12 CFR Part 508) and § 542.1 of the Rules and Regulations for the Federal Savings and Loan System (12 CFR 542.1), it is hereby proposed that Part 545 of the rules and regulations for the Federal Savings and Loan System (12 CFR Part 545) be amended by adding a new section to said part, § 545.9-1, the substance of which is as follows:

§ 545.9-1 Urban renewal investment trusts.

(a) *General provisions.* Subject to the provisions of this section, any Federal association may exercise the authority conferred by the sixth paragraph of subsection (c) of section 5 of the Home Owners' Loan Act of 1933, as amended, to invest not more than 5 percent of its assets in certificates of beneficial interest issued by any urban renewal investment trust. No Federal association may be or become a party to, or a trustee of, or a holder of certificates of beneficial interest in, an urban renewal investment trust (hereafter referred to in this section as "trust") unless the urban renewal investment trust agreement (hereafter referred to in this section as "trust agreement") which establishes the trust shall have been approved in writing by the Board before such agreement first becomes effective and binding between the parties thereto, and no change, alteration or modification of any provision of such trust agreement shall be effective and binding unless and until it has been approved in writing by the Board. For the purpose of this section the term "trust" means an urban renewal investment trust established by written agreement between two or more savings institutions, executed by the authorized officers thereof, the savings or share accounts of which are insured by an agency of the Federal Government.

(b) *Trust agreement.* Each trust agreement which establishes a trust to which a Federal association is or may become a party, or of which it is or may become a trustee, or in which it is or may become a holder of certificates of beneficial interest, shall:

(1) Expressly state the purposes and investment powers of the trust, which shall be limited to the elimination or prevention of the spread of slums and blighted or deteriorated or deteriorating areas and the redevelopment, renewal,

rehabilitation, or conservation of such areas by private enterprise through financing the purchase or rehabilitation of real property, or the construction of improvements thereon, designed or usable for industrial, commercial, or housing purposes within the confines of an urban renewal area as defined in section 110 of the Housing Act of 1949;

(2) Expressly limit the beneficial ownership of the trust to savings and loan associations or banks the savings or share accounts of which are insured by an agency of the Federal Government;

(3) Provide that such beneficial ownership be evidenced by certificates of beneficial interest, which certificates shall have first claim at all times on the assets of the trust without preference between the holders thereof, shall be fully transferable and assignable between any such banks and savings and loan associations at all times, and shall be fully paid and non-assessable;

(4) Expressly provide that it shall be effective and binding between the parties only upon approval in writing by the Board;

(5) Expressly provide that no change, alteration or modification of any provision in the trust agreement shall be effective without the prior written approval of the Board;

(6) State the corporate name and address of each party to the trust agreement;

(7) State the nature of the trust and the manner and extent to which the trust proposes to engage in the specific purposes for which it is created;

(8) State the powers of the trust;

(9) State the names of the initial trustees of the trust, the number, term of office, qualifications, and compensation of the trustees, and the procedure for election of successor trustees and for the filling of vacancies;

(10) Authorize the trustees of the trust to appoint and fix the compensation of such officers, employees, attorneys, and committees as such trustees deem necessary to assist them in the management of the trust;

(11) Provide for, and state the provisions governing the holding of, annual and other meetings of the holders of certificates of beneficial interest in the trust;

(12) State the rights of the holders of certificates of beneficial interest in the trust;

(13) Expressly provide for transmittal by the trustees of the trust to the Board of such reports and information as the Board from time to time may require;

(14) Require the trustees of the trust to furnish each holder of a certificate of beneficial interest in the trust an executed copy of the trust agreement, and of each change, alteration, or modification thereof, together with a certified copy of the resolution or order of the Board approving such agreement, change, alteration or modification;

(15) Require that the trustees of the trust submit to the Board and to the holders of certificates of beneficial interest in the trust at least annually, and not more than 90 days after the close of the fiscal year of the trust, a comprehensive

review by such trustees of the operation of the trust for the fiscal year of the trust next preceding the filing of such report, to which report shall be attached a copy of the report of annual audit of the trust made as provided by subparagraph (3) of paragraph (e) of this section;

(16) Require the trustees of the trust (i) to make available to the Board or to any representative of the Board for inspection and examination from time to time all books and records of the trust, wherever located, (ii) to notify the Board promptly of any change in the address or location of such books and records, and (iii) to be bound by rules and regulations of the Board made pursuant to the said sixth paragraph of subsection (c) of section 5 of the Home Owners' Loan Act of 1933, as amended;

(17) Expressly provide that, in all respects, the trust shall be bound by, and shall comply with, all provisions of the trust agreement, all applicable rules and regulations of the Board, and all orders issued by the Board pursuant to such rules and regulations; and

(18) State the effective and binding date of the trust agreement, and the date on which the fiscal year of the trust shall end.

(c) *Powers and limitations.* Subject to the provisions of this section, a trust established by a trust agreement to which a Federal association is or may become a party, or of which it is or may become a trustee, or in which it is or may become a holder of certificates of beneficial interest:

(1) Shall invest its funds in accordance with the provisions of the trust agreement, except as provided in subparagraph (3) of this paragraph (c), only in loans on the security of first liens on real estate of a type that a Federal association is authorized to make pursuant to this Part 545 but without regard to the area restriction or the percentage-of-assets limitation applicable to Federal associations with respect to loans on certain types of real estate;

(2) May purchase any loan that it may make under the provisions of this § 545.9-1;

(3) May invest its funds in the same manner authorized for Federal associations by § 545.9 of this Part 545, except in stock of a Federal home loan bank, but the amount so invested shall not be equal to more than 10 percent of the assets of the trust without prior written approval of the Board;

(4) May sell any loan that it owns, but each loan sold shall be sold without recourse;

(5) May participate with one or more other trusts established by a trust agreement or trust agreements approved by the Board in the making of any loan which such a trust is authorized to make and may purchase from or sell to one or more such trusts a participating interest in any such loan, without regard to the location of the real estate security for the loan: *Provided*, That the seller shall at all times retain an interest in such loan equal to at least

25 percent of the unpaid balance thereof;

(6) Shall not borrow money, and shall not obligate the trust in any manner which establishes a claim against the assets of such trust superior to the claim of the holders of certificates of beneficial interest in the trust;

(7) Shall establish and maintain a reserve for the sole purpose of absorbing losses, in accordance with sound business practice and taking into consideration the financial condition of the trust and the type of operation in which it is engaged, and shall credit to such reserve as of the close of each fiscal year such percentage of the net earnings of the trust for such fiscal year as the trustees of the trust may from time to time determine, but the amount so credited to such reserve for losses shall be equal to at least 5 percent of such net earnings;

(8) May distribute as dividends to the holders of certificates of beneficial interest in the trust such part of the net earnings of the trust for each fiscal year as the trustees of the trust may from year to year determine, after provision for annual credit to the reserve for losses of such trust;

(9) May not make a loan to any trustee or to any officer, attorney, or employee of the trust, or to any person who is a director, officer, employee, or attorney of any institution which is a party to the trust agreement, a trustee of the trust, or a holder of a certificate of beneficial interest in such trust; and may not make a loan to any partnership in which any such person is a partner or to any corporation in which any of such persons are stockholders except that with the prior approval of the trustees of the trust a loan may be made to a corporation in which no such person owns more than 15 percent of the total outstanding stock and in which the stock owned by all such persons does not exceed 25 percent of the total outstanding stock;

(10) Shall not approve any loan except on the basis of a written application by the prospective borrower stating the specific purpose or purposes of the loan; the location of the property; existing liens on the property; the price paid or to be paid for the property by the prospective borrower if the loan is sought for the purpose of financing such purchase; the fees or other charges in connection with such loan which the borrower has obligated himself to pay; the amount and source of funds for the down payment and of any other funds to complete the financing of the purchase; and if any trustee or an employee of the trust, or any director, officer, employee, or attorney of any institution which is a party to the trust agreement, a trustee of the trust, or a holder of a certificate of beneficial interest in such trust has or intends to acquire any interest in the security for, or in the proceeds of, the loan, or if the borrower is a stockholder, there shall be a certificate by such person, prior to approval of the loan, disclosing the nature and extent of his interest in such security, such loan proceeds, or such corporation;

(11) Shall furnish the borrower a loan settlement statement, upon the closing of the loan, showing in detail the charges or fees the borrower has paid or obligated himself to pay to the trust or to any other person in connection with such loan, and a copy of such loan settlement statement shall be retained in the records of the trust;

(12) Shall not approve any loan before a signed appraisal report of the real estate security is submitted by two qualified persons designated by the trustees of the trust stating the value of such security, the date of the appraisal, location of the property and a description thereof, the opinion of the appraisers as to the condition of such real estate and as to the nature and cost of any repairs or improvements that are necessary for the rehabilitation or redevelopment thereof, the basis for determining the value of the land and of such repairs or improvements thereon, and, if a construction loan, the value of the property for security purposes, on the basis of plans and specifications, giving consideration to the appropriateness, of the proposed structure, to the site and neighborhood, structural soundness, proposed use of such property and any other factors the trustees of the trust or the appraisers deem relevant;

(13) Shall obtain a written report on the credit standing of the applicant and the financial ability of the applicant to undertake and to meet the obligations involved in the loan, unless the applicant is a duly constituted local housing authority or other governmental entity;

(14) Shall be governed by the provisions of § 545.6-11 of this Part 545 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.6-11) as to loan contracts and by § 563.19 of Part 563 of the rules and regulations for Insurance of Accounts (12 CFR 563.19) as to fidelity bonds, except that the reference in said § 545.6-11 to a Federal association shall be deemed to refer to a trust and the reference therein to a charter shall be deemed to refer to the trust agreement, and the reference in said § 563.19 to persons or officers specified therein shall be deemed to refer also to trustees unless the trustee or trustees are savings institutions, the savings or share accounts of which are insured by an agency of the Federal government;

(15) May have such bylaws and additional regulations, not inconsistent with any of the provisions of this section, as the trustees of the trust deem necessary.

(d) *Application for approval by the Board.* Approval or disapproval of a trust agreement which establishes a trust to which a Federal association is or may become a party, or of which it is or may become a trustee, or in which it is or may become a holder of certificates of beneficial interest, and of any change, alteration, or modification of any provision of such agreement, shall be by resolution or order of the Board upon application signed by the trustees of the trust. With each application for approval by the Board of a trust agreement,

the following information and documents shall be submitted:

(1) An executed trust agreement;

(2) Copy of the bylaws or regulations, if any, adopted or proposed for adoption by the trustees of the trust;

(3) Specimen form of the proposed certificate of beneficial interest in the trust;

(4) A statement of (i) the aggregate dollar amount of certificates of beneficial interest in the trust to be initially issued, and (ii) the name and address of each institution proposing to acquire such initial issue of certificates of beneficial interest in the trust and the dollar amount to be acquired by each such institution;

(5) A certified copy of the resolution adopted by the board of directors of each of the institutions which have executed the trust agreement authorizing the execution of such agreement by designated officers of the institution; also, a certified copy of the certificate of insurance by the Federal Deposit Insurance Corporation of each party to the trust agreement the accounts of which are insured by that corporation;

(6) A description of the investment policy and method of operation of the trust with respect to the origination and servicing of loans by the trust, delineating the area or areas in which the trust intends to operate and stating the percentage of assets to be invested in loans on the security of one-to-four family properties, multiple-unit residential property, commercial-type property, industrial property, and any other type of property on which the trust intends to make loans, and stating whether such investment and operating policy may be changed without a vote of the holders of the certificates of beneficial interest;

(7) An opinion by the attorney for the trust as to the legality of the trust agreement and of the proposed certificates of beneficial interest, under applicable statutes and this section;

(8) A map or appropriate sketch of the urban renewal area or areas in which the trust proposes to operate, together with evidence that each such area is within the confines of an urban renewal area as defined in section 110 of the Housing Act of 1949; and

(9) A statement, or statements, disclosing in full the personal interest, if any, direct or indirect, of any trustee, employee, or attorney of the trust, and of each director, officer, employee, or attorney of any institution which is a party to the trust agreement or which is or proposes to be a holder of a certificate of beneficial interest in such trust, in any property on the security of which such trust will or proposes to make loans and in any contract or other transaction to which the trust will or proposes to be a party.

(e) *Records, reports, and examinations.* Each trust to which a Federal association is or may become a party, or of which it is or may become a trustee, or in which it is or may become a holder of certificates of beneficial interest, shall:

(1) Establish and maintain an accurate and complete record of all business

transacted by it and shall follow such accounting practices as the Board may from time to time require;

(2) Be examined periodically by the Board, with appraisals when deemed advisable, in accordance with general policies from time to time established by resolution of the Board, and pay the cost thereof as computed by the Board;

(3) Have its accounts audited at least annually by an independent certified public accountant and shall furnish to the Board, as provided in subparagraph (15) of paragraph (b) of this § 545.9-1, a signed copy of the report of each such audit.

(4) Make such additional reports to the Board at such times and in such form as the Board may require;

(5) Make available at its principal office, during normal business hours, for inspection and review by holders of certificates of beneficial interest in the trust, and by any Federal or State agency having supervisory authority over any such holder, (i) a copy of each report of examination of the trust made by the Board pursuant to subparagraph (2) of this paragraph (e) following transmittal of such report to the trust by the Board, (ii) a copy of each report of independent audit made pursuant to subparagraph (3) of this paragraph (e) and (iii) a copy of all other reports made by the trust to the Board pursuant to any provision of this § 545.9-1.

(f) *Liquidation, distribution of assets, and termination of existence*—(1) *Voluntary*. A trust which has been established by a trust agreement which the Board has approved and the approval of which has not been revoked by the Board as provided in paragraph (g) of this § 545.9-1 may be liquidated, its assets distributed, and its existence terminated voluntarily only in accordance with a plan which shall have first been approved by (i) a resolution adopted by the holders of not less than 51 percent of the aggregate amount of certificates of beneficial interest in such trust outstanding at the date on which such resolution is adopted and (ii) the Board; no plan for the voluntary liquidation, distribution of assets, and termination of the existence of any such trust shall become effective unless and until it has been approved in writing by order or resolution of the Board, which order or resolution may either approve the plan as submitted or impose such other or additional terms and conditions as the Board may determine.

(2) *Involuntary*. In the event the Board is of the opinion that a trust established by a trust agreement approved by the Board under the provisions of this § 545.9-1, and to which a Federal association is a party, or of which it is a trustee, or in which it is a holder of any certificate of beneficial interest, is conducting its operations (i) in violation of applicable law or regulations, or (ii) in violation of any provision of the trust agreement, or (iii) in an unsafe or unsound manner, the Board may by formal resolution state the ground or grounds which in its opinion are cause for the liquidation, distribution of assets, and termination of the existence

of the trust, and provide in said resolution for an administrative hearing upon the matter at which the trustee and the parties to the trust may appear and show cause why such action should not be taken. Such resolution shall fix the time and place of such hearing, and shall be served upon the trustees and the parties to the trust agreement. The provisions of §§ 509.2 to and including 509.10, Subchapter A, of this Chapter V (12 CFR 509.2-509.10) shall govern the conduct of such hearing and the rules of practice and procedure in connection therewith, except that any reference in said sections to an institution shall be deemed to refer to a trustee and the parties to the trust agreement. Any interested party may, at any time prior to the date fixed for the hearing, submit for consideration facts, arguments, offers of settlement and proposals of adjustments. In the event the trustee and the parties to the trust agreement do not appear at the administrative hearing the Board may forthwith issue a final order in the matter. Any final order issued as aforesaid, or after a hearing has been held at which the trustees and the parties to the trust agreement have appeared and the Board has found and determined that the trustees and/or the parties to such trust agreement have failed to show cause why the trust should not be terminated, liquidated, and the assets distributed, shall provide that the trustees of such trust submit to the Board a plan for the liquidation, distribution of assets, and termination of the existence of such trust; such plan as submitted, or as modified by the Board, shall become effective only upon approval in writing by order or resolution of the Board. Should the trustees of such trust fail or refuse to submit to the Board, as required by such order, a plan for such liquidation, distribution of assets, and termination of existence of the trust, or should such trustees fail or refuse to liquidate the trust, distribute its assets, and terminate its existence in accordance with the plan approved by the Board, the Board may take such further action as it deems necessary and appropriate to cause such liquidation, distribution of assets, and termination of existence.

(g) *Revocation of Board approval*. The Board's approval of a trust agreement by which a trust has been established, and to which trust no Federal association is a party, or of which it is a trustee, or in which it is a holder of any certificate of beneficial interest, may be revoked as provided in this paragraph (g).

(1) *Upon application by the trust*. Such a trust may apply to the Board for an order revoking the Board's approval of such trust agreement: *Provided*, That the application for revocation by the Board of its approval of such trust agreement shall have first been authorized by a resolution adopted by the holders of not less than 51 percent of the aggregate amount of certificates of beneficial interest in such trust outstanding at the date on which such resolution is adopted. Such application shall be supported by such information as the Board may re-

quire. Revocation by the Board pursuant to the provisions of this subparagraph (1) of this paragraph (g) of such trust agreement shall be by order or resolution of the Board, which may approve the application either as submitted or upon such terms and conditions as the Board may determine. The effective date of such revocation by the Board shall be the date of the Board's resolution or order, unless otherwise fixed therein; after the effective date of such revocation, no Federal association may become a party to, a trustee of, or a holder of certificates of beneficial interest in, such trust.

(2) *By the Board*. In the event the Board is of the opinion that such a trust is conducting its operations (i) in violation of applicable law or regulations, or (ii) in violation of any provision of the trust agreement, or (iii) in an unsafe or unsound manner, the Board may by formal resolution state the ground or grounds which in its opinion are cause for the revocation of its approval of such trust agreement, and provide in said resolution for an administrative hearing upon the matter at which the trustee and the parties to the trust may appear and show cause why such approval should not be revoked. Such resolution shall fix the time and place of such hearing, and shall be served upon the trustees and the parties to the trust agreement. The provisions of §§ 509.2 to and including 509.10 of Part 509, Subchapter A, of this Chapter V (12 CFR 509.2-509.10) shall govern the conduct of such hearing and the rules of practice and procedure in connection therewith, except that any reference in said sections to an institution shall be deemed to refer to a trustee and the parties to the trust agreement. Any interested party may, at any time prior to the date fixed for the hearing, submit for consideration facts, arguments, offers of settlement and proposals of adjustments. In the event the trustee and the parties to the trust agreement do not appear at the administrative hearing the Board may forthwith issue a final order revoking its approval of the trust agreement. If, after a hearing at which the trustees and the parties to the trust agreement have appeared, the Board has found and determined that the trustees and/or the parties to such trust agreement have conducted the trust in (i) violation of applicable law or regulations, or (ii) in violation of any provision of the trust agreement, or (iii) in an unsafe or unsound manner, the Board may issue its order revoking its approval of such trust agreement.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

Resolved further that all interested persons are hereby given the opportunity to submit written data, views, or arguments on the following subjects and issues: (1) Whether said proposed amendments should be adopted as proposed; (2) whether said proposed amendments should be modified and adopted as modified; (3) whether said proposed amendments should be rejected. All such written data, views, or arguments must

be received through the mail or otherwise at the office of the Secretary, Federal Home Loan Bank Board, Federal Home Loan Bank Board Building, 101 Indiana Avenue NW., Washington 25, D.C., not later than May 17, 1963, to be entitled to be considered, but any received later may be considered in the discretion of the Federal Home Loan Bank Board.

By the Federal Home Loan Bank Board.

[SEAL]

HARRY W. CAULSEN,
Secretary.

[F.R. Doc. 63-3934; Filed, Apr. 12, 1963;
8:50 a.m.]

Notices

POST OFFICE DEPARTMENT

ORGANIZATION AND ADMINISTRATION

Assistant Postmaster General, Bureau of Facilities; Correction

In F.R. Doc. 63-2807, appearing at page 2690 of the issue for Tuesday, March 19, 1963, make the following corrections in amendment "II" therein:

1. In the amendatory language revise the reference to "823.752" to read "823.753".

2. Strike out the title heading ".752 Contract Branch", and insert in lieu thereof ".753 Inventory and Distribution Branch".

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 63-3913; Filed, Apr. 12, 1963;
8:49 a.m.]

DEPARTMENT OF STATE

[Public Notice 217; Delegation of Authority
107]

DEPUTY UNDER SECRETARY OF STATE FOR ADMINISTRATION ET AL.

Delegation of Functions Under Migration and Refugee Assistance Act of 1962

By virtue of the authority vested in me by the Migration and Refugee Assistance Act of 1962 (Public Law 87-510) (hereinafter referred to as the Act), Executive Order 11077 of January 22, 1963, entitled "Administration of the Migration and Refugee Assistance Act of 1962" (hereinafter referred to as the Order), and section 4 of the Act of May 26, 1949, as amended (5 U.S.C. 151c), it is hereby ordered:

1. The following functions are delegated to the Deputy Under Secretary of State for Administration:

(a) The functions enumerated in section 5(a)(1) of the Act and reserved to the Secretary of State by section 1(a)(3) of the Order insofar as they relate to compensation, allowances, and travel of personnel whose services are utilized primarily for the purpose of the Act.

(b) The functions enumerated in sections 5(a)(2), (3), (4), and (5) of the Act and reserved to the Secretary of State by section 1(a)(3) of the Order.

(c) The responsibility vested in the Secretary of State by section 3(b) of the Order for assignment to any other agency of performance of those functions which have been vested in the President under the Act and delegated to the Secretary of State under the Order.

(d) The functions delegated to the Deputy Under Secretary of State for Administration by subsections 1(a) and (b) of this Delegation of Authority may be exercised by the organizational com-

ponents vested with functions of that nature by the Organization Manual of the Department of State and other delegations of authority.

2. The following functions are delegated to the Administrator of the Bureau of Security and Consular Affairs:

(a) The responsibility vested in the Secretary of State by section 1(c) of the Order, to be exercised with the advice or review of other areas of the Department as appropriate.

(b) The functions conferred upon the President by section 2(a), and section 2(b)(1) of the Act and delegated to the Secretary of State by section 1(a)(1) of the Order.

(c) The functions conferred upon the President by section 2(b)(2) of the Act and delegated to the Secretary of State by section 1(a)(2) of the Order.

(d) The functions conferred upon the President by section 3(a)(1) and (2) of the Act and delegated to the Secretary of State by section 1(a)(3) of the Order.

(e) The functions conferred upon the President by section 4(b) of the Act and delegated to the Secretary of State by section 1(a)(3) of the Order with respect to funds appropriated or otherwise made available to the Department of State for its programs under the Act, except as otherwise delegated to the Deputy Under Secretary of State for Administration by this Delegation.

(f) The functions enumerated in section 5(a)(1) of the Act and reserved to the Secretary of State by section 1(a)(3) of the Order other than those functions delegated to the Deputy Under Secretary of State for Administration by section 1(a) of this Delegation of Authority.

(g) The functions conferred upon the President by section 5(a)(6) of the Act and delegated to the Secretary of State by section 1(a)(3) of the Order.

(h) The responsibility delegated to the Secretary of State by section 1(b) of the Order to furnish the President documents appropriate for the discharge of the President's responsibilities under section 2(d) of the Act.

(i) The responsibility imposed by section 4(b) of the Order relating to the prudent utilization of the waivers of statutes and limitations of authority enumerated by section 4(a) of the Order.

3. In accordance with section 3(a) of the Order, any officer to whom functions are delegated by this Delegation of Authority may, to the extent consistent with law, delegate any of the functions delegated to him by this Delegation of Authority and authorize any of his subordinates to whom functions are so delegated successively to redelegate any of such functions.

4. Except to the extent that they may be inconsistent with this Delegation of Authority, all delegations, determinations, authorizations, regulations, orders, contracts, agreements, and other actions issued, undertaken or entered into with

respect to any functions affected by this Delegation of Authority shall continue in full force and effect until amended, modified, or terminated by appropriate authority.

5. Authorities vested in individual positions by this Delegation of Authority may also be exercised by each individual position in the direct line of supervision above the positions specified.

Dated: April 1, 1963.

[SEAL]

DEAN RUSK,
Secretary of State.

[F.R. Doc. 63-3936; Filed, Apr. 12, 1963;
8:50 a.m.]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[AA 643.3-C]

CASHMERE YARN FROM BELGIUM

Fair Value Determination

APRIL 5, 1963.

A complaint was received that cashmere yarn from Belgium was being sold in the United States at less than fair value within the meaning of the Antidumping Act of 1921.

I hereby determine that cashmere yarn from Belgium is not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

Statement of reasons. During the period under consideration there was only one producer in Belgium whose cashmere yarn was being sold in the United States. All sales to the United States were made to unrelated firms on either a C&F or f.o.b. Antwerp basis. Purchase price was calculated by deducting from the selling price the actual amount incurred for ocean freight, when applicable, f.o.b. charges and inland freight in Belgium to arrive at a net, f.o.b. factory, packed price.

The Belgium producer made no sales of cashmere yarn either in the home market or to third countries. Therefore, purchase price was compared with the constructed value of the merchandise under consideration.

Constructed value was calculated in accordance with the statutory requirements of the Antidumping Act of 1921, as amended.

A potential dumping margin was found to exist for only one sale and in that instance the margin was less than 2 percent. The margin and the size of the sale involved were deemed not more than insignificant and assurance has been given that future sales will not be made at less than fair value.

This determination and the statement of reasons therefor are published pursuant to section 201(c) of the Antidump-

ing Act, 1921, as amended (19 U.S.C. 160 (c)).

[SEAL] JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 63-3925; Filed, Apr. 12, 1963;
8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Order 551, Amdt. 81]

FUNCTIONS RELATING TO SPECIFIC LEGISLATION

Redelegation of Authority

APRIL 3, 1963.

Order 551 (an order by which the Commissioner of Indian Affairs delegates authority to Bureau Area Directors), as amended, is further amended by the addition of a new section 371 under the heading "Functions Relating to Specific Legislation" to read as follows:

FUNCTIONS RELATING TO SPECIFIC LEGISLATION

SEC. 371. *Authority under Act of September 25, 1962 (76 Stat. 594).* The exercise of all authority vested in the Secretary of the Interior in said act, which provides for the grazing use and leasing by the Three Affiliated Tribes, Fort Berthold Reservation, North Dakota, of the former Indian lands acquired by the United States in connection with the Garrison Reservoir Project in North Dakota.

JOHN O. CROW,
Deputy Commissioner.

[F.R. Doc. 63-3869; Filed, Apr. 12, 1963;
8:46 a.m.]

Bureau of Land Management ALASKA

Notice of Proposed Withdrawal and Reservation of Lands

The Federal Aviation Agency has filed an application, Serial Number A-058836 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws including the mining and mineral leasing laws. The applicant desires the land for an extensive air navigation VORTAC facility 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, 555 Cordova Street, Anchorage, Alaska.

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

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

The lands involved in the application are:

SEWARD MERIDIAN

T. 13 S., R. 56 W. (unsurveyed),
Sec. 36.

T. 14 S., R. 56 W. (unsurveyed),
Sec. 1;

Sec. 2.

Beginning at corner No. 11 of U.S. Survey 2013, which lies S. 8°45'53" W., 192.73 feet from USC & GS Station "Kanakanak"; thence north 15°39' E. (N. 15°44' E. Call), 1,000 feet along the 11-12 line of U.S. Survey 2013; thence north 74°21' W., 1,500 feet; thence south 45° W., 3,000 feet; thence due south 2,033.79 feet; thence due east 4,582.99 feet, more or less, to corner No. 10 of U.S. Survey 2013; thence north 24°47' W., (24°42' W. Call), 3,072.32 feet to corner No. 11, the point of beginning, containing 303 acres, more or less.

GEORGE R. SCHMIDT,
Chief, Branch of Lands
and Minerals Operation.

[F.R. Doc. 63-3870; Filed, Apr. 12, 1963;
8:46 a.m.]

National Park Service

[Order 1]

CAPE COD NATIONAL SEASHORE

Administrative Assistant; Delegation of Authority Regarding Execution of Contracts for Construction, Supplies, Equipment or Services

1. *Administrative Assistant.* The Administrative Assistant may execute and approve contracts not in excess of \$10,000 for construction, supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriations. This authority may be exercised by the Administrative Assistant in behalf of any area administered by the Superintendent of Cape Cod National Seashore.

(National Park Service Order No. 14 (19 F.R. 8824); 39 Stat. 535; 16 U.S.C., sec. 2, as amended; Region Five Order No. 3 (22 F.R. 186) as amended)

Dated: March 20, 1963.

ROBERT F. GIBBS,
Superintendent, Cape Cod
National Seashore.

[F.R. Doc. 63-3906; Filed, Apr. 12, 1963;
8:49 a.m.]

[Order 3]

EVERGLADES NATIONAL PARK AND FORT JEFFERSON NATIONAL MONUMENT

Assistant Superintendent et al.; Delegation of Authority Regarding Execution of Contracts and Purchase Orders for Supplies, Equipment, and Services

1. *Assistant Superintendent and Procurement and Property Management Officer.* The Assistant Superintendent and Procurement and Property Management Officer may execute and approve contracts not in excess of \$10,000 for supplies, equipment, and services in conformity with applicable regulations and statutory authority and subject to availability of appropriations. This author-

ity may be exercised by the Assistant Superintendent and Procurement and Property Management Officer in behalf of any coordinated area.

2. *Supply Assistant.* The Supply Assistant may issue purchase orders not in excess of \$500 for supplies, equipment, and services in conformity with applicable regulations and statutory authority and subject to availability of appropriations. This authority may be exercised by the Supply Assistant in behalf of any coordinated area.

3. *Supervisory Park Rangers and Motorboat Operator.* The Supervisory Park Rangers and Motorboat Operator, Fort Jefferson National Monument, may issue purchase orders not in excess of \$300 for supplies, equipment, and services in conformity with applicable regulations and statutory authority and subject to availability of appropriations.

4. *Revocation.* Everglades National Park Order No. 2 published on August 22, 1959 in the FEDERAL REGISTER is superseded.

(National Park Service Order No. 14 (19 F.R. 8824); 39 Stat. 535; 16 U.S.C., sec. 2; Southeast Region Order No. 3 (21 F.R. 1495))

Dated: March 21, 1963.

WARREN F. HAMILTON,
Superintendent,
Everglades National Park.

[F.R. Doc. 63-3907; Filed, Apr. 12, 1963;
8:49 a.m.]

[Order 1]

FREDERICKSBURG AND SPOTSYLVANIA COUNTY BATTLEFIELDS MEMORIAL NATIONAL MILITARY PARK

Administrative Assistant; Delegation of Authority Regarding Execution of Contracts for Supplies, Equipment or Services

1. *Administrative Assistant.* The Administrative Assistant may execute and approve contracts not in excess of \$2,500 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriations.

(National Park Service Order No. 14 (19 F.R. 8824); 39 Stat. 535; 16 U.S.C., sec. 2; Southeast Region Order No. 3 (27 F.R. 11293))

OSCAR F. NORTHINGTON, Jr.,
Superintendent, Fredericksburg
and Spotsylvania County
Battlefields Memorial National
Military Park.

[F.R. Doc. 63-3908; Filed, Apr. 12, 1963;
8:49 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

DEPUTY MARITIME ADMINISTRATOR

Redelegation of Authority

The Statement of Redelegation of Authority to the Deputy Maritime Administrator which appeared in the FEDERAL

REGISTER issue of October 30, 1962 (27 F.R. 10559), is hereby amended in the following respect:

1. Paragraph 2.01 2 under section 2 *Assignment of responsibility and redelegation of authority for specific activities* is deleted, as the authority covered by said paragraph has been redelegated to the Chief, Office of Government Aid under section 2.16 of notice appearing in the FEDERAL REGISTER issue of March 28, 1963 (28 F.R. 3059).

2. The Statement of Redlegation of Authority to the Deputy Maritime Administrator, as amended, is republished in full, as follows:

SECTION 1. *Redelegation of authority.*

1.01 Department Order No. 117 and other Department Orders and issuances on specific matters, establish the authorities of the Maritime Administrator and give him the authority to redelegate such authorities and to prescribe necessary limitations, restrictions, and conditions on the exercise of such authority.

1.02 All authorities delegated to the Maritime Administrator by the Secretary of Commerce and which may be redelegated are hereby redelegated to the Deputy Maritime Administrator, to be exercised in the absence or preoccupation of the Maritime Administrator.

SEC. 2. *Assignment of responsibility and redelegation of authority for specific activities.*

2.01 In addition to the general redelegation of authority to act in the absence or preoccupation of the Maritime Administrator, contained in section 1 of this order, the Deputy Maritime Administrator also is hereby assigned the responsibility and authorized to take final action in the following specific areas of activity which the Maritime Administrator has not otherwise redelegated to any other official:

1. Approve and sign legal documents implementing decisions or actions of the Maritime Administrator, including contracts, agreements, and related documents, and amendments thereto, relating to the following activities of the Maritime Administration: Title XI loan and/or mortgage insurance, ship construction, research and development, ship exchanges, ship sales, preferred ship mortgages, trade-in of ships, use agreements, general agency or chartering agreements, ship repair and maintenance, claims, marine insurance, maritime training, procurement, and property and supply activities.

2. Approve all actions, including correspondence and recommendations, pertaining to ship sales and ship exchange activities, except the following actions which shall be reserved to the Maritime Administrator: the determination that ships have insufficient value for commercial purposes to warrant preservation, or are of commercial type or capable of conversion to commercial type; the determination that ships will be sold for operation and the conditions governing such sales; declarations of default; waivers of violations and defaults; approvals of ship exchange applications and the conditions governing such exchanges; and the establishment of new or revised policies and regulations under these programs.

3. Approve and sign reports and correspondence to Department of Commerce officials below an Under Secretary, and to officials of other Government agencies below the head thereof or his full deputy, except reports and correspondence giving factual information on activities of the agency, which would not have the effect of altering agency policy, program or position, which exceptions have been delegated to Office Chiefs or other officials having assigned responsibility in the area covered by the report.

4. Approve and sign correspondence and documents on the National Defense Executive Reserve program, including invitations to individual reservists, requests for employer releases and for approval of designation by the Secretary of Commerce, and letters of designation to reservists.

5. Approve or disapprove, pursuant to sections 9 and 37, Shipping Act, 1916, as amended:

(1) The sale, mortgage, lease, charter, delivery or transfer to a person not a citizen of the United States, or the placing under foreign registry and flag of any U.S. privately owned ship of over 5,000 gross tons owned in whole or in part by a citizen of the United States, except any Liberty-type ship or Great Lakes-type overage ship (20 years of age or over); the sale or transfer to a non-citizen of any shipyard, dry dock, shipbuilding or ship repair plant or facilities, with a capacity to handle ships of over 5,000 gross tons, or any interest therein owned by a citizen of the United States; and any agreement or understanding vesting in or for the benefit of a non-citizen, the controlling interest or a majority of the voting power in a United States corporation which owns any such ship, shipyard, drydock, or shipbuilding or ship repair plant or facilities.

(2) Applications for the bareboat charter of U.S. privately owned ships of over 5,000 tons to aliens.

(3) Applications for transfers from one foreign flag to another of ships, except Liberty-type ships, previously transferred foreign and continuing under Maritime Administration contractual control.

(4) The transfer of stock in a foreign corporation by a United States citizen, if by such transfer, the controlling interest in the corporation is vested in aliens.

(5) Recessions of above types of actions.

6. Approve changes in the ownership of ships on which the Maritime Administration holds a mortgage; approve the new owner and the assumption of mortgage obligations executed by the new owner; and approve changes in the ownership of stock in companies owning such ships.

7. Approve extensions of time of delivery of ships constructed under trade-out-and-build program.

8. Approve and sign closing agreements with General Agents.

9. Execute for the Maritime Administrator his residual powers as Director, National Shipping Authority, including signing of all National Shipping Authority Orders.

10. After award of an operating-differential subsidy contract, approve the granting of waivers, permissions and consents to subsidized operators, pursuant to sections 804 and 805 of the Merchant Marine Act, 1936, as amended. (This is exclusive of any actions under sections 805(a) and 805(f) reserved to the Maritime Subsidy Board.)

11. Approve projects involving the furnishing of statistical data to public or private parties pursuant to Administrator's Order No. 191, when the estimated cost thereof exceeds \$250.00.

12. Approve transfers of marine equipment to foreign-flag ships or to shipyards for the construction or repair of foreign-flag ships, under the provisions of Administrator's Order No. 169.

13. Approve donations of personal property to museums, schools and other public institutions, provided the value thereof does not exceed \$5,000.

14. Authorize the solicitation of proposals and the negotiation and execution of research and development type contracts that are within the programs approved in the fiscal plans for the Office of Research and Development, provided that the cost thereof exceeds \$50,000 but does not exceed \$100,000 in any one instance.

15. Approve and sign the monthly report on significant activities of the Maritime Administration to the Under Secretary for Transportation.

16. Give administrative approval to the selection of division chiefs and assistant division chiefs.

17. Approve leave of office chiefs for one day or more.

18. Such other actions as may be authorized in other Administrator's and Management Orders or by other directives of the Maritime Administrator.

2.02 The Deputy Maritime Administrator may in his discretion redelegate the authorities in section 2.01 to subordinate personnel of his office. The Deputy Maritime Administrator retains full responsibility for actions taken by his subordinates under any authority he may have redelegated to them.

Effective date. The foregoing redelegation is effective as of March 22, 1963.

Dated: April 8, 1963.

DONALD W. ALEXANDER,
Maritime Administrator.

[F.R. Doc. 63-3912; Filed, Apr. 12, 1963; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

[Notice 2]

CORN

Notice of Date of Termination of Federal Crop Insurance Contracts for 1963 Crop Year in Certain Counties or States

Pursuant to the authority contained in subsection 15(a) of the Policy shown in § 401.11 of Title 7, as amended, notice is hereby given that any contract of insurance on corn for the 1963 crop year to be

grown in a following named county (as defined in subsection 21(b) of the Policy shown in such § 401.11) or State is terminated on April 13, 1963, if on such date under any such contract either (1) any amount due the Corporation from the insured for insurance on such agricultural commodity for any crop year ending prior to such date remains unpaid, except the premium due on a crop of such agricultural commodity normally harvested in the calendar year in which such earlier date occurs, or (2) the insured has not complied with a request by the Corporation that arrangements satisfactory to the Corporation be made for the payment of the premium for insurance on such agricultural commodity for such crop year.

MINNESOTA

Freeborn. Steele.
Mower. Wabasha.

WISCONSIN

St. Croix.

[SEAL]

JOHN N. LUFT,
Manager,

Federal Crop Insurance Corporation.

[F.R. Doc. 63-3921; Filed, Apr. 12, 1963;
8:49 a.m.]

[Notice 3]

SOYBEANS

Notice of Date of Termination of Federal Crop Insurance Contracts for 1963 Crop Year in Certain Counties or States

Pursuant to the authority contained in subsection 15(a) of the Policy shown in § 401.11 of Title 7, as amended, notice is hereby given that any contract of insurance on soybeans for the 1963 crop year to be grown in a following named county (as defined in subsection 21(b) of the Policy shown in such § 401.11) or State is terminated on April 13, 1963, if on such date under any such contract either (1) any amount due the Corporation from the insured for insurance on such agricultural commodity for any crop year ending prior to such date remains unpaid, except the premium due on a crop of such agricultural commodity normally harvested in the calendar year in which such earlier date occurs, or (2) the insured has not complied with a request by the Corporation that arrangements satisfactory to the Corporation be made for the payment of the premium for insurance on such agricultural commodity for such crop year.

MINNESOTA

Freeborn. Steele.
Mower. Wabasha.

WISCONSIN

St. Croix.

[SEAL]

JOHN N. LUFT,
Manager,

Federal Crop Insurance Corporation.

[F.R. Doc. 63-3922; Filed, Apr. 12, 1963;
8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

SPENCER CHEMICAL CO.

Notice of Filing of Petition Regarding Food Additives Polyethylene Polymers

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 1083) has been filed by Spencer Chemical Company, Dwight Building, Kansas City 5, Missouri, proposing the amendment of § 121.2520 *Adhesives* to provide for the use of polyethylene polymers with various combinations of pendant carboxylic acid groups, their sodium, potassium, and calcium salts, amide, and methyl ester in adhesives in articles intended for use in packaging, transporting, or holding food.

Dated: April 9, 1963.

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

[F.R. Doc. 63-3926; Filed, Apr. 12, 1963;
8:49 a.m.]

SPENCER CHEMICAL CO.

Notice of Filing of Petition Regarding Food Additives Polyethylene Polymers

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 1082) has been filed by Spencer Chemical Company, Dwight Building, Kansas City 5, Missouri, proposing the issuance of a regulation to provide for the safe use of polyethylene polymers with various combinations of pendant carboxylic acid groups, their sodium, potassium, and calcium salts, amide, and methyl ester as the contact surfaces for articles intended for use in manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding dry bulk foods.

Dated: April 9, 1963.

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

[F.R. Doc. 63-3927; Filed, Apr. 12, 1963;
8:49 a.m.]

MONSANTO CHEMICAL CO.

Notice of Filing of Petition Regarding Food Additive Diethyl Sodium Succinate

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 1080) has been filed by Monsanto Chemical Company, 800 North Lindbergh Boulevard, St. Louis 66, Missouri, proposing the issuance of a regulation to provide for the safe use of diethyl sodium sulfosuccinate as a wetting agent in fumaric acid-acidulated dry beverage bases, at a level not to exceed 10 parts per million of the additive in the finished drink.

Dated: April 9, 1963.

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

[F.R. Doc. 63-3918; Filed, Apr. 12, 1963;
8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-17]

INDUSTRIAL REACTOR LABORATORIES, INC., AND TRUSTEES OF COLUMBIA UNIVERSITY IN CITY OF NEW YORK

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 12, set forth below, to Facility License No. R-46. The license authorizes Industrial Reactor Laboratories, Inc. and the Trustees of Columbia University in the City of New York to operate its research reactor located in Plainsboro Township, Middlesex County, New Jersey. The amendment authorizes the licensee to (1) use an atmospheric dilution factor of 1×10^{-3} seconds per cubic meter to be applied to a yearly discharge of gaseous activities from the IRL reactor stack, and (2) use an atmospheric dilution of 2×10^{-3} seconds per cubic meter to be applied to a yearly discharge of gaseous activities from the IRL reactor building normal air exhaust, in accordance with the application for license amendment dated October 11, 1962.

The Commission has found that:

(1) Operation of the reactor in accordance with the license, as amended, will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security;

(2) The application for amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

(3) Prior public notice of proposed issuance of this amendment is not necessary in the public interest since operation of the reactor in accordance with the license, as amended, does not involve consideration of safety factors significantly different from those previously evaluated.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a

request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's regulation (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) a related hazards analysis prepared by the Research and Power Reactor Safety Branch of the Division of Licensing and Regulation and (2) copy of the application for license amendment dated October 11, 1962, both of which are available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of the hazards analysis may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 4th day of April 1963.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor
Safety Branch, Division
of Licensing and Regulation.

[License No. R-46; Amdt. No. 12]

License No. R-46, as amended, issued to Industrial Reactor Laboratories, Inc., and the Trustees of Columbia University in the City of New York (hereinafter "the licensee"), is hereby further amended as follows:

In addition to the activities previously authorized by the Commission at the IRL reactor facility under License No. R-46, the licensee is hereby authorized, in accordance with its application for license amendment dated October 11, 1962, to (1) use an atmospheric dilution factor of 1×10^{-3} seconds per cubic meter to be applied to a yearly discharge of gaseous activities from the IRL reactor stack, and (2) use an atmospheric dilution factor of 2×10^{-2} seconds per cubic meter to be applied to a yearly discharge of gaseous activities from the IRL reactor building normal air exhaust.

This license is effective as of the date of issuance.

Date of issuance: April 4, 1963.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor
Safety Branch, Division of Licensing
and Regulation.

[F.R. Doc. 63-3853; Filed, Apr. 12, 1963;
8:45 a.m.]

[Docket No. 27-37]

NUCLEAR SAFEGUARDS INC.

Notice of Receipt of Application for Byproduct and Source Material License

Please take notice that an application for a byproduct and source material license has been filed by Nuclear Safeguards Inc., 509 Crain Highway SE., Glen Burnie, Maryland.

The application proposes the receipt of packaged radioactive wastes and transfer to AEC and/or state designated land burial sites. A copy of the application is available for public inspection in the Atomic Energy Commission's Public Document Room located at 1717 H Street NW., Washington 25, D.C.

Dated at Germantown, Md., April 5, 1963.

For the Atomic Energy Commission.

EBER R. PRICE,
Assistant Director,
Division of Licensing and Regulation.

[F.R. Doc. 63-3854; Filed, Apr. 12, 1963;
8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 14287]

WESTBOUND PARCEL POST CASE

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on May 7, 1963, at 10 a.m., e.d.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner William F. Cusick.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served on March 11, 1963, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., April 9, 1963.

[SEAL]

WILLIAM F. CUSICK,
Hearing Examiner.

[F.R. Doc. 63-3931; Filed, Apr. 12, 1963;
8:50 a.m.]

[Docket Nos. 14232-14234; Order E-19472]

LAKE CENTRAL AIRLINES, INC.

Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 8th day of April 1963.

Applications of Lake Central Airlines, Incorporated, Docket Nos. 14232, 14233, 14234; for suspension of service, exemption authority and change in service pattern over Route 88.

On December 21, 1962, Lake Central Airlines, Inc. (Lake Central) filed three applications which were assigned to the above dockets.¹ The applications, as change in service pattern over Lake Central's existing system (Route 88), amended, seek authority for an overall The application in Docket 14232 seeks exemption authority to overfly certain

segment junction points on certain flights and to omit service to certain intermediate points on certain flights. The application in Docket 14233 seeks authority pursuant to § 202.4 of the Board's economic regulations to change its pattern of service on Route 88 by overflying certain intermediate points on certain flights. In Docket 14234, Lake Central seeks authority to temporarily suspend service to Kokomo-Logansport-Peru (Kokomo), Ind., as an intermediate point on segment 1 of Route 88.²

Lake Central states that its proposals are necessitated by the Board's proposed new local service class subsidy rate to be effective retroactively to January 1, 1963.³ Lake Central points out that since the proposed new class rate formula is expressed in terms of departures per station per day, Lake Central's short-hop route system will be more adversely affected by the new method of subsidy administration than the system of any other local carrier. Only by modifying its service pattern so as to bring it closer to the industry average for length of hop, asserts the carrier, can Lake Central afford to accept the proposed class rate. Lake Central states that it is compelled, therefore, to reduce scheduled departures at some of the intermediate points on its system. In view of the computed reduction in subsidy under the proposed class rate, retroactive to January 1, 1963, Lake Central seeks expeditious consideration of each of its proposals, pointing out that it is essential to the economic well-being of Lake Central that its proposed flight pattern be made effective as soon as possible.

The cities of Bloomington, Ind.; Elkins, W. Va.; Erie, Pa.; Findlay, Ohio; Jackson, Mich.; Kokomo, Ind.; Lima, Ohio; and Marion, Ind., object to Lake Central's proposals. North Central Airlines, Inc. objects insofar as overflying Jackson is concerned. Delta and Piedmont filed answers stating no objections, providing there is no modification of restrictions (4) and (8) of Lake Central's certificate issued pursuant to Order E-17610, dated October 19, 1961. Eastern filed an answer stating no objections.

In evaluating Lake Central's proposals, we must recognize that the primary objective is to so revise its service plan as to enlarge the carrier's subsidy return under the revised class rate. For calendar year 1962, Lake Central received estimated subsidy of \$4,194,757, and as indicated in the Appendix of Order E-19118, the computed annual subsidy for Lake Central under the proposed 1963 class rate would approximate \$3,698,390 for essentially the same pattern of service as provided in 1962. Since the rate level of payment under the revised 1963 class rate formula is determined basically by the average departures per station per day, with the fewer the departures the higher the rate level, it is apparently the carrier's view that it is necessary to reduce station departures

¹ Amended applications, dated December 31, 1962 and January 14, 1963, were subsequently filed in Docket 14232, and an amended application, dated January 14, 1963, was subsequently filed in Docket 14233. All applications will be discussed herein as currently amended.

² A detailed breakdown of the carrier's proposals in Dockets 14232, 14233 and 14234 are contained in Appendix A (filed as part of the original documents).

³ Order E-19118, December 20, 1962; Order E-19340, March 1, 1963; and Order E-19405, March 22, 1963.

without reducing revenue plane-miles in order to live within the framework of the 1963 class rate. Accordingly, on January 2, 1963, Lake Central instituted certain schedule changes, within the limitations of its certificate, which it is estimated will result in \$3,811,524 annual system subsidy under the 1963 class rate. Based upon the projected schedules, the carrier estimated that the additional changes for which Board approval is sought in the three subject applications would result in an annual system subsidy of \$3,955,572.

We shall proceed first with Lake Central's temporary suspension request in Docket 14234. The carrier seeks authority to temporarily suspend service to Kokomo⁴ as an intermediate point on segment 1. Analysis of Lake Central's on-line O&D passengers at Kokomo for the first six months of 1962 shows that only 220 passengers out of 3,550 made use of the segment 1 service. Of these 220 passengers, 100 connected from Lake Central to another carrier at Indianapolis or Grand Rapids and would continue to have usable service available through connections at Chicago. The traffic loss from discontinued service at Kokomo on segment 1 would be 120 passengers for the six months, or 290 passengers per year.⁵ Based upon the segment 1 passenger response for the year of 530 passengers, Kokomo averaged but 1.5 O&D passengers daily, of which only 0.8 daily passengers would lose usable air service. The estimated breakeven need for providing continued service to Kokomo on segment 1 for a future year is \$8,872.00.⁶ We do not believe that under the foregoing circumstances, expenditure of Federal funds in this amount is justified pending full exploration of the matter.⁷ Therefore, acting pursuant to section 401(j) of the Federal Aviation Act of 1958, as amended, and § 205.2 of the Board's economic regulations, we find that temporary suspension of service to Kokomo on segment 1 is in the public interest.

We turn next to Lake Central's exemption requests in Docket 14232. As to Kokomo, the carrier seeks, *inter alia*,

⁴ Kokomo-Logansport-Peru, Ind.

⁵ Where on-line traffic for the first six months of 1962 is used in these estimates, the traffic has been annualized by computing the percentage that originating passengers for the first six months of 1962 is to the total originating passengers at the point for the 12 months ended September 30, 1962. The number of on-line passengers is then divided by the percentage to arrive at an annual total of O&D passengers. The factor for Kokomo is 41.64 percent.

⁶ See Appendices A and B. (Appendices B through F, filed as part of the original document show the total cost estimates, including depreciation and return and taxes. However, because of the short range of the authorizations herein granted, we do not believe that there would be any significant effect upon the carrier's equipment base, and our references herein to breakeven need refer to the estimates shown in Appendix A, which exclude the items of depreciation and return and taxes set forth in Appendices B through F.)

⁷ The Board is presently contemplating an investigation of air service to various points on Lake Central's system, pursuant to the Board's "use it or lose it" policy.

authority to overfly Kokomo as a junction point of segments 2 and 3, on flights operated over a combination of these segments on Saturdays and Sundays. Kokomo is presently authorized for service on four of Lake Central's segments, 1, 2, 3, and 6. The city generated an average of 10 originating passengers over the four segments for the 12 months ended September 30, 1962, or considerably less than the Board's "use it or lose it" standard of five passengers per segment.⁸ By permitting Lake Central on Saturdays and Sundays to overfly Kokomo as a junction point on segments 2 and 3, an estimated breakeven need reduction of \$2,128.00 will be realized with no great inconvenience to the traveling public (see Appendices A and C).

The round trip scheduled over this segment combination provides roughly a third of Kokomo's service to Chicago and Lafayette and all of Kokomo's service to Muncie and Cincinnati. Chicago accounted for 77 percent, or 2,740 out of 3,550, of Kokomo's O&D passengers during the first six months of 1962. On an annualized basis, there is an average of 18 O&D passengers daily between Chicago and Kokomo. On the segment 3 portion of the round trip, Kokomo produced an exchange of 90 passengers with Cincinnati, 10 with Muncie, and it is reasonable to assume that the 30 Charleston, W. Va., passengers used a connection at Cincinnati during the first six months of 1962. Annualized, there are 312 passengers, or less than one O&D passenger daily, over this portion of the round trip. Even though we are authorizing temporary suspension on segment 1, we believe that the public will be adequately served by granting Lake Central's request for overflight of Kokomo on a combination of segments 2 and 3 flights on Saturdays and Sundays. By so doing, Cincinnati will be retained as an alternate connecting point to Chicago for the passengers who will lose Indianapolis as a connecting point, which will result from temporary suspension of Kokomo on segment 1. Use of Cincinnati as the connecting point would result in increased traffic generation over the segment 3 portion of the segments 2 and 3 flights and the frequency between Kokomo and Chicago on weekdays will be preserved by granting Lake Central's request for overflight on Saturdays and Sundays.

Lake Central also requests exemption authority to omit service to Elkins, West Virginia, on segments 12 and 14 on all flights in excess of one round trip daily. Elkins is authorized service on segment 12 between Pittsburgh and Charleston and on segment 14 between Cincinnati and Washington/Baltimore. Lake Central has been providing service at Elkins on one round trip per day on segment 12 and on one round trip per day scheduled over a combination of segments 12 and 14, between Charleston and Washington/Baltimore. During the 12 months ended September 30, 1962, Elkins originated an average of 7.61 passengers

daily, which is below the "use it or lose it" standards of five passengers per segment. Analysis of Lake Central's on-line O&D passengers at Elkins for the first six months of 1962 shows that segment 12 service accounted for 450 passengers out of a total of 2,750 passengers, or an average of 2.5 per day. In view of this low traffic response, we do not believe that service should be continued at Elkins beyond that proposed in Lake Central's exemption application. The cost of continuing the present service is disproportionate to the use made of it. By granting the authority requested, Lake Central will realize an estimated reduction in breakeven need of \$17,233.00.⁹ Although Elkins would lose one-plane service to points north in West Virginia and to Pittsburgh,¹⁰ and there would be a decrease of service from two round trips to one round trip per day between Elkins and Charleston, Elkins would continue to receive the present amount of service between Washington and Baltimore, its first and third communities of interest.

Lake Central also seeks exemption authority to overfly Wheeling as the junction point of segments 12 and 13 on all flights in excess of one round trip per day operated between Columbus and Pittsburgh which also serve Zanesville. During December 1962, Lake Central scheduled Wheeling for three round trips a day between Pittsburgh and Charleston on segment 12, for one round trip per day between Columbus and Washington/Baltimore on segment 13, and for one round trip per day between Pittsburgh-Wheeling-Zanesville and Columbus by the route junction at Wheeling over a combination of segments 12 and 13. The projected service pattern submitted as an attachment to the application (Docket 14232) shows the following adjustments in the service pattern affecting Wheeling: Zanesville would be omitted from the segment 13 round trip between Columbus and Washington/Baltimore and a new round trip would be scheduled nonstop from Pittsburgh to Zanesville with a terminal at Columbus, Ohio. The requested exemption is required to permit the operation of the new round trip service. Granting of the authority as requested would require Lake Central to operate additional mileage, would increase the number of departures, and would remove some scheduling flexibility. Since Pittsburgh-Wheeling, the primary market involved in this request, is authorized for service by both Allegheny and Lake Central, it appears that there would be a sufficient volume of service between this pair of points to adequately accommodate the traffic if the authority were granted to overfly Wheeling as a junction of segments 12 and 13 on all flights operated between Pittsburgh and Zanesville.¹¹ This will permit the carrier to provide

⁹ See Appendices A and D.

¹⁰ The average number of O&D passengers per day was only 2.3 during the first six months of 1962.

¹¹ In the Wheeling-Pittsburgh market, Lake Central operated four round trips per day for an average of 26 daily passengers during the first six months of 1962, or an average of only 3.25 passengers per flight.

its two round trips per day at Zanesville in the same manner as it did in December merely by removing Wheeling from the existing round trip between Pittsburgh and Columbus, and will avoid the necessity for the operation of additional mileage and departures. It is estimated that the grant of such authorization would further reduce breakeven need by \$10,615.00.¹² Therefore, we shall grant Lake Central the authority to overfly Wheeling as the junction of segments 12 and 13 on all flights operated between Pittsburgh and Zanesville.

Lake Central has requested exemption authority to omit Columbus, Indiana on all flights operated over segment 7 on Saturdays and Sundays.¹³ During December, Columbus was scheduled for one round trip per day between Cincinnati and Chicago. When Lake Central filed its airport notice to serve Columbus through the Bakalar Air Force Base, the Aeronautics Commission of Indiana advised the Board on July 25, 1961, that service to Columbus through the Air Force Base would adversely affect generation of traffic from Seymour, Ind. The Aeronautics Commission stated that the Columbus Municipal Airport is the regional airport for the Columbus-Seymour area, and that the airport is presently being improved to meet FAA requirements. Since the Air Force Base is far less accessible to Seymour passengers than is the Municipal airport, it is reasonable to assume that the traffic figures at Columbus are presently depressed. Thus, the low traffic figure of 1.47 in all likelihood does not represent the true passenger potential at Columbus, and more stringent action than that requested by Lake Central would be inappropriate at this time. Because of the negligible passenger inconvenience and the estimated breakeven need reduction of \$2,531.00,¹⁴ we shall grant Lake Central exemption authority to overfly Columbus on Saturdays and Sundays until such time as the Columbus Municipal Airport is ready for service.

Upon consideration of the foregoing, and acting pursuant to section 416(b) of the Federal Aviation Act of 1958, the Board finds that the enforcement of the provisions of section 401 of the Act and the terms, conditions and limitations of Lake Central's certificate of public convenience and necessity insofar as they would prohibit the service herein authorized would be an undue burden on Lake Central by reason of the unusual circumstances affecting its operations and would not be in the public interest. As heretofore pointed out, the exemption authority we have granted herein affects but a relatively insignificant number of Lake Central passengers, and in terms of passenger convenience and carrier costs, no useful purpose would

be served by an immediate certificate proceeding under section 401 of the Act. Also, we do not believe that the public interest would be adequately served by denying the carrier at this time the opportunity to eliminate uneconomical service and thereby reduce subsidy need.

In Docket 14232, Lake Central has requested further exemption authority, along the lines already considered, affecting again the city of Kokomo and the cities of Lima, Ohio; Portsmouth, Ohio; Jackson, Mich.; Bloomington, Ind.; Youngstown, Ohio; and Erie, Pa.¹⁵ An examination of Lake Central's exemption proposals at these various points reveals that in terms of passenger impact and subsidy implications, we are unable to find that the prevailing circumstances warrant the use of the Board's extraordinary exemption powers. With the exception of Jackson, Mich., and Portsmouth, Ohio, all of the foregoing points in question are generating traffic which is either substantially above the Board's "use it or lose it" requirements, or close to them.¹⁶ The carrier's proposed schedule changes¹⁷ as to most of the foregoing group of cities indicate more drastic reductions in service than in those instances where we previously granted the carrier's requests. The estimated subsidy savings per passenger do not, in our view, require immediate action pending a full exploration into all of Lake Central's marginal services. The carrier has not convinced us that evidentiary proceedings pertaining to the foregoing requests would be an undue burden on the carrier, and that the enforcement of its certificate provisions will not be in the public interest. We shall deny these additional exemption requests.

One final matter must be treated. In Docket 14233, Lake Central has asked permission to make certain changes in the existing patterns of service to Lima, Ohio; Marion, Ind.; Richmond, Ind.; Findlay, Ohio; Portsmouth, Ohio; and Toledo, Ohio.¹⁸ Lake Central's requests are in line with the carrier's announced overall attempts to reduce departures. We are not persuaded, however, that the carrier's proposed changes in service pattern will offer any practicable solution to the carrier's overriding problems and best serve the needs of the traveling public. As to Lima and Toledo, although the carrier requests authority to overfly the cities on certain days on certain flights,¹⁹ the projected service pattern submitted by Lake Central fails to disclose that such service will, in fact, be performed. This factor alone would, in our view, require denial of the request. However, the carrier has not set forth facts which establish that the proposals are in the public interest and are con-

sistent with the holder's performance of a local air transportation service.

As to Marion, Ind., on segment 6, the carrier again has provided no factual basis upon which the Board can make the necessary determination that the relief sought is warranted. However, there is every indication that grant of overflights at Marion as requested would result in an unbalanced pattern of service between Marion and all other cities on the flight. For example, Marion would lose six flights per week from Chicago and two flights per week to Chicago.²⁰ We do not believe that the subsidy benefits which may accrue to the proposed schedule change will offset the disadvantages inherent in the proposal. We shall, therefore, deny the request.

Lake Central also seeks modification of an existing service pattern authorization which allows overflight of Marion on all flights in excess of one round trip daily between Cincinnati and Chicago on segment 3²¹ so as to permit overflight on all westbound flights operated between Cincinnati and Chicago. The effect of such a grant would be the discontinuance of service to Marion from Cincinnati. The use of service between Marion and Cincinnati, however, has been very limited. During the first six months of 1962, there was an average of three O&D passengers per day using the one round trip between Marion and points south of Marion on segment 3. Marion will continue to be provided two round trips a day with Chicago, which is an adequate volume of service for the annualized average of 8.5 daily O&D passengers. For the reasons set forth below, we do not believe that Lake Central's proposal as to Marion on segment 3 is sound from the carrier's standpoint, or in the public interest.

Marion's passenger originations fail to meet the Board's "use it or lose it" requirements for the two segments.²² In addition to Marion, four cities embraced in the proposals of Lake Central fail to meet the Board's "use it or lose it" requirements by a substantial margin. They are Richmond, Ind., 2.08; Findlay, Ohio, 1.40; Portsmouth, Ohio, 2.58; and Jackson, Mich., 1.44.²³ Lake Central's exemption requests to overfly Jackson and Portsmouth on certain flights were referred to earlier (p. 7, supra), but they shall be treated at this point, together with similar requests as to Marion (on segment 3), Richmond and Findlay. An analysis of the carrier's requests as to these points reveals that the proposed reduction in service will lead to relatively little reduction in breakeven need.²⁴ In terms of the overall public interest, we are unable to agree that the carrier's proposals are sound from an economic standpoint.

²⁰ Marion's major community of interest is with Chicago, which accounts for 76 percent (1,460 of 1,920 passengers in six months) of Marion's total O&D passengers.

²¹ Order E-12921, August 29, 1958.

²² See Appendix A.

²³ The average daily originating passengers for the 12 months ended September 30, 1962.

²⁴ Appendix A reveals reduction in breakeven need.

¹² See Appendices A and E.

¹³ Segment 7 extends from Chicago to Danville, Terre Haute, beyond Terre Haute to Evansville and beyond Terre Haute to Bloomington, beyond Bloomington to Indianapolis and beyond Indianapolis to Columbus, Ind., and Cincinnati. During the 12 months ended September 30, 1962, Columbus originated an average of 1.47 passengers per day.

¹⁴ See Appendices A and F.

¹⁵ See Appendix A for detailed breakdown of the carrier's proposals, traffic originations and estimated subsidy reductions.

¹⁶ The figures for Jackson and Portsmouth are 1.44 and 2.58, respectively. The proposed actions in connection with these cities are treated with those contained in Docket 14233. See p. 8, infra.

¹⁷ Attached to Lake Central's application in Docket 14232.

¹⁸ Attention is again directed to Appendix A.

¹⁹ See Appendix A.

We are disturbed that the carrier has failed in its evaluation of its service problems under the revised class rate to seek a voluntary suspension of service at marginal points and over marginal route segments. It appears to us that where a far greater need reduction would result from discontinuance of service, than under a grant of partial service reduction, and that where the difference in passenger inconvenience would be negligible, voluntary suspension of service should be sought by the carrier. We are loath, however, to temporarily suspend service at any particular point, or over any particular segment, in the absence of carrier applications specifically seeking this relief. In this connection, we wish to direct Lake Central's attention to the following language contained in our "use it or lose it" policy:²⁵

(We wish to stress the obligation of management to come forward promptly with suggested route modifications or authorizations to correct such deficiencies that may become apparent upon the actual inauguration of operations. In this connection, we have in mind, not the ordinary aspirations of carriers to enlarge their systems, but rather the responsibilities of management to search out and promptly remedy route and service deficiencies. In particular, where a community or segment fails to make adequate use of a subsidized service, the carrier is free to seek a voluntary suspension of service, even in advance of a proceeding to terminate the certification. Indeed, if a carrier fails to exercise adequate vigilance in this regard, it may reflect upon the economy and efficiency of management in subsidy mail pay proceedings under section 406 of the Act.

We shall, of course, in the forthcoming "use it or lose it" investigation of Lake Central, examine in depth the need for continued air service at marginal points. However, in the interim the Board will entertain any carrier proposal which complies with the requirements of our policy. We do not consider it appropriate to adopt any proposal which would tend to maximize subsidy, while minimizing service benefits. Rather, it is more logical for the carrier to seek ways and means to eliminate uneconomical points and flights and reduce its break-even need without inflicting undue hardship on the traveling public. Accordingly, we have, in those instances where multiple services to the intermediate points create a financial burden disproportionate to the use, relieved the carrier from stopping on supplementary trips after a reasonable level of service has been provided. Consistent with our approach to overall local service obligations, we suggest that where the initial or final legs of particular flights indicate relatively low traffic loads, the carrier exercise "short of terminal authority" to reduce an unproportionate burden attending these legs.

Accordingly, it is ordered:

1. That Lake Central's request in Docket 14234 to temporarily suspend service to Kokomo, Ind., on segment 1 be and hereby is granted;

2. That Lake Central be, and it hereby is, temporarily exempted from the provisions of section 401(a) of the Act,

²⁵ Seven States Area Investigation, 28 C.A.B. 680, 757 (1958).

and the terms, conditions, and limitations of its certificate of public convenience and necessity insofar as they would otherwise prevent Lake Central from overflying Kokomo, the junction point, on flights operated over segments 2 and 3 on Saturdays and Sundays;

3. That Lake Central be, and it hereby is, temporarily exempted from the provisions of section 401(a) of the Act, and the terms, conditions, and limitations of its certificate of public convenience and necessity insofar as they would otherwise prevent Lake Central from omitting service to Elkins, W. Va., on all flights operated over segments 12 and 14 in excess of one round trip daily;

4. That Lake Central be, and it hereby is, temporarily exempted from the provisions of section 401(a) of the Act, and the terms, conditions, and limitations of its certificate of public convenience and necessity insofar as they would otherwise prevent Lake Central from overflying Wheeling, W. Va., the junction point of segments 12 and 13, on all flights operated between Pittsburgh and Zanesville;

5. That Lake Central be, and it hereby is, temporarily exempted from the provisions of section 401(a) of the Act, and the terms, conditions, and limitations of its certificate of public convenience and necessity insofar as they would otherwise prevent Lake Central from omitting service to Columbus, Ind., on all flights operated over segment 7 on Saturdays and Sundays;

6. That the authority granted in paragraph 5 shall continue until such time as the Columbus Municipal Airport is available for service; and

7. That a copy of this order be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 63-3932; Filed, Apr. 12, 1963;
8:50 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 1101]

CEYLON/USA CONFERENCE

Exclusive Patronage (Dual Rate) Contract

Whereas, pursuant to section 14b of the Shipping Act, 1916, a proposed exclusive patronage (dual rate) contract and an application for permission to use the dual rate system in the trade from ports in Ceylon to U.S. Atlantic and Gulf of Mexico ports under Federal Maritime Commission Agreement No. 8050 has been filed for approval; and

Whereas, the terms of said agreement may be unduly restrictive, unjustly discriminatory or unfair between shippers and/or carriers, detrimental to the commerce of the United States, contrary to the public interest, or otherwise in violation of the Shipping Act, 1916; and

Whereas, the spread between ordinary rates and rates charged contract ship-

pers may not be reasonable in all the circumstances:

Now, therefore, it is ordered, That, pursuant to section 14b of the Shipping Act, 1916, an investigation and hearing is hereby instituted to determine whether the institution of the proposed exclusive patronage (dual rate) contract system would, if approved:

(1) Be unjustly discriminatory or unfair between shippers and/or carriers, operate to the detriment of the commerce of the United States, or be contrary to the public interest, within the meaning of section 14b of the Shipping Act, 1916;

(2) Would be in violation of any other provision of said Act;

(3) Whether such form of exclusive patronage (dual rate) contract should be approved, disapproved or modified in any respect pursuant to said section 14b; and

(4) Whether the proposed spread of 15 percent between contract and ordinary rates is reasonable in all the circumstances within the meaning of section 14b(7) of said Act; and

It is further ordered, That the Ceylon/USA Conference, and each of the member lines thereof, as indicated below, be made respondents in this proceeding; and

It is further ordered, That this matter be assigned for hearing before an examiner of the Commission's office of Hearing Examiners at a date and place to be hereafter determined and announced by the Chief Examiner; and

It is further ordered, That action with respect to this proposed dual rate contract be held in abeyance pending the Commission's decision and order in the proceeding herein ordered; and

It is further ordered, That notice of this order and notice of hearing be published in the FEDERAL REGISTER and a copy of such order and notice of hearing be served upon respondents, the Ceylon/USA Conference and member lines thereof.

By order of the Commission, April 9, 1963.

THOMAS LISI,
Secretary.

AGREEMENT No. 8050 (D.R.)

MEMBERSHIP OF CEYLON/U.S.A. CONFERENCE AS OF MARCH 22, 1963

- American Export Lines, Inc., 26 Broadway, New York 4, N.Y.
- American President Lines, Ltd., 601 California Street, San Francisco 8, Calif.
- Barber-Fern-Ville Lines—Fearnley & Eger and A. F. Klaveness & Co.
- Barber Steamship Lines, Inc., Agents, 17 Battery Place, New York 4, N.Y.
- Hellenic Lines, Limited, 39 Broadway, New York 6, N.Y.
- Høegh Lines, Messrs. P. T. Gamarco, Djalan Tiang Bendera 70, Djakarta-Kota.
- Isthmian Lines, Inc., States Marine-Isthmian Agency, Inc., 90 Broad Street, New York 4, N.Y.
- A. P. Moller-Maersk Line, 67 Broad Street, New York 4, N.Y.
- Scindia Steam Navigation Co., Ltd.
- U.S. Navigation Co., Inc., General Agents, 17 Battery Place, New York 4, N.Y.
- Thos. & Jno. Brocklebank, Ltd., 25 Broadway, New York 4, N.Y.

[F.R. Doc. 63-3937; Filed, Apr. 12, 1963;
8:50 a.m.]

**ALCOA STEAMSHIP CO., INC., AND
GRACE LINE, INC.**
**Notice of Filing of Agreement for
Approval**

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

Agreement 8993-1, between Alcoa Steamship Company, Inc., and Grace Line, Inc., modifies approved transshipment Agreement 8993, in the trade from Atlantic Coast ports of Colombia, Venezuela, Netherlands Antilles, Jamaica, B.W.I., and Haiti to Puerto Rico, with transshipment at New York or Baltimore. This modification provides for the elimination of New York as a port of transshipment, and the naming of Philadelphia, in addition to Baltimore, as a port of transshipment in the North Atlantic under the agreement.

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

Dated: April 10, 1963.

By order of the Federal Maritime Commission.

THOMAS LIST,
Secretary.

[F.R. Doc. 63-3938; Filed, Apr. 12, 1963;
8:50 a.m.]

**ALCOA STEAMSHIP CO., INC., AND
NORTON LINE**
**Notice of Filing of Agreement for
Approval**

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

Agreement 9046-1, between Alcoa Steamship Company, Inc., and the carriers comprising the Norton Line joint service, modifies approved transshipment Agreement 9046, in the trade from Argentina, Uruguay and Brazil to Puerto Rico, with transshipment at New York or Baltimore. This modification provides for the elimination of New York as a port of transshipment, and the naming of Philadelphia, in addition to Baltimore, as a port of transshipment in the North Atlantic under the agreement.

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

Dated: April 10, 1963.

By order of the Federal Maritime Commission.

THOMAS LIST,
Secretary.

[F.R. Doc. 63-3939; Filed, Apr. 12, 1963;
8:50 a.m.]

**ALCOA STEAMSHIP CO., INC., AND
YAMASHITA STEAMSHIP CO., LTD.**
**Notice of Filing of Agreement for
Approval**

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

Agreement 9048-1, between Alcoa Steamship Company, Inc., and The Yamashita Steamship Co., Ltd., modifies approved transshipment Agreement 9048 in the trade from Japan, Hong Kong and the Philippines to Puerto Rico, with transshipment at New York or Baltimore. This modification provides for the elimination of New York as a port of transshipment, and the naming of Philadelphia, in addition to Baltimore, as a port of transshipment in the North Atlantic under the agreement.

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

Dated: April 10, 1963.

By order of the Federal Maritime Commission.

THOMAS LIST,
Secretary.

[F.R. Doc. 63-3940; Filed, Apr. 12, 1963;
8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-12153, G-15335, G-15336]

**NORTHERN NATURAL GAS CO., AND
PERMIAN BASIN PIPELINE CO.**
**Notice of Postponement of Conference
and Hearing**

APRIL 5, 1963.

Upon consideration of the request filed April 2, 1963 by Counsel for Northern Natural Gas Company for (1) a postponement of the conference set by notice issued February 15, 1963, and (2) a postponement of the hearing set by notice issued February 15, 1963, in the above-designated matter;

Notice is hereby given that (1) the conference now scheduled for April 18, 1963 is postponed to April 23, 1963; and (2) the hearing now scheduled for April 25, 1963 is postponed to April 30, 1963.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 63-3858; Filed, Apr. 12, 1963;
8:45 a.m.]

[Docket No. E-7087]

PENNSYLVANIA POWER CO.
Notice of Application

APRIL 8, 1963.

Take notice that on April 1, 1963, an application was filed with the Federal Power Commission pursuant to Section 203 of the Federal Power Act by Pennsylvania Power Company (Applicant), incorporated under the laws of the Commonwealth of Pennsylvania, doing business in Pennsylvania, with its principal business office at 19 East Washington Street, New Castle, Pennsylvania, seeking an order authorizing the sale by it to Sharon Steel Corporation, a corporation with its principal offices located in the City of Sharon, Mercer County, Pennsylvania, for the sum of Two Hundred Ninety Thousand Dollars (\$290,000), of all of the goods, chattels and personal property which make up the substation, in place (including transformer, circuit breaker, switches, meter structure, conductors, insulators and associated facilities), at said Sharon Steel Corporation's plant, which substation is located in the City of Farrell, Mercer County, Pennsylvania.

Applicant states that the price was determined by arm's length negotiations between the parties, that the facilities to be disposed of are only part of Applicant's facilities, and that the equipment will continue in service, except that Sharon Steel Corporation will own the facilities.

Applicant further states that the proposed transaction will not have any effect upon any contract for the purchase, sale, or interchange of electric energy except that Sharon Steel Corporation will, following the proposed transaction, take service for its electric furnaces at this location at 138 kv rather than as prior to such transaction at 23 kv. Applicant

further states that the disposition of such facilities will be consistent with the public interest for the reason that Applicant will be able to serve this customer with lesser investment in plant facilities under the then appropriate rate for such service.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 29th day of April 1963 file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 63-3859; Filed, Apr. 12, 1963;
8:45 a.m.]

[Project No. 2351]

PUBLIC SERVICE COMPANY OF COLORADO

Notice of Application for License

APRIL 5, 1963.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Public Service Company of Colorado (correspondence to: Public Service Company of Colorado, Attention: L. R. Patterson, Vice President, Public Service Company Building, Denver, Colorado) for license for proposed Project No. 2351, to be known as "Cabin Creek Pumped Storage Hydroelectric Project", to be located on South Clear Creek and its tributary, Cabin Creek, in Clear Creek County, Colorado, near Georgetown, and affecting lands of the United States within Arapahoe National Forest.

The proposed project will consist of: Upper Dam and Reservoir—a concrete-faced, rock-fill dam located on Cabin Creek about one-half mile above its confluence with South Clear Creek, about 174 feet high above bedrock and about 1,340 feet long at the crest, with an ungated spillway in the left abutment, creating a reservoir with gross storage capacity of about 1,400 acre-feet and water surface area of 26 acres at maximum operating level elevation 11,169 feet; Lower Dam and Reservoir—a rock-fill dam located on South Clear Creek about 3,500 feet downstream from its confluence with Cabin Creek, about 98 feet high above bedrock and about 750 feet long at the crest including an ungated spillway near the left abutment, creating a reservoir with gross storage capacity of about 1,900 acre-feet and water surface area of 61 acres at maximum operating level elevation 9,998 feet; Power Tunnel—extending about 3,600 feet from an intake structure at Upper Reservoir to the Powerhouse; Powerhouse located on the shore of Lower Reservoir just downstream from the mouth of Cabin Creek at the reservoir, with three combined pump-turbine motor-generator units each rated 75,000 kw as generator; and step-up transformers; Transmission Facilities—A

switchyard adjacent to the powerhouse and one 230-kv, double-circuit and one 115 kv, single-circuit transmission lines extending approximately two miles from the switchyard to the Applicant's existing transmission line in the vicinity of Georgetown, Colorado; and Access Roads to the principal project works.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is May 15, 1963. The application is on file with the Commission for public inspection.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 63-3860; Filed, Apr. 12, 1963;
8:45 a.m.]

[Docket No. CP63-214]

TEXAS GAS TRANSMISSION CORP.

Notice of Application and Date of Hearing

APRIL 8, 1963.

Take notice that on January 29, 1963, Texas Gas Transmission Corporation, a Delaware corporation with its principal place of business in Owensboro, Kentucky, filed in Docket No. CP63-214 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of additional volumes of natural gas to 52 of its existing customers, and the construction and operation of pipeline and compressor facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks authority to increase the contract demands of 52 of its existing customers in order to meet their requirements for the heating season of 1963-1964. Applicant states that these increases would total an additional 72,088 Mcf of natural gas per day. The additional capacity will be obtained partly through increased deliverability from Applicant's Leesville and West Greenville storage fields. Applicant proposes to increase the Leesville deliverability to 25,000 Mcf per day from the present capability to 3,500 Mcf per day. Likewise, West Greenville's capability will be increased to 92,000 Mcf per day from the present capability of 85,000 Mcf per day. The Leesville increase will be obtained through drilling new wells and increasing the volumes of gas in the reservoir. West Greenville's increase requires no additional development, but represents actual experience as to the field's capability.

In order for Applicant to increase its deliverability to the involved customers, it seeks authority to construct and operate the following specific facilities: (1) approximately 39.70 miles of 26-inch pipeline located in the States of Louisiana, Indiana, and Ohio; (2) approximately 38.07 miles of 30-inch pipeline located in the States of Louisiana, Mississippi, Tennessee, and Kentucky; (3)

one river crossing under the Mississippi River near Greenville, Mississippi, consisting of approximately 2.39 miles of 36-inch pipeline and 1.27 miles of 30-inch pipeline; (4) one 1,100 horsepower compressor station at Leesville, Indiana; and (5) one 1,500 horsepower compressor unit at the Jeffersonton, Kentucky, compressor station.

The application shows that the proposed service will not require a change in Applicant's rates. The additional service fully recovers allocated costs, and produces a rate of return commensurate with overall system operations.

The estimated cost of the proposed facilities is \$12,610,000 to be immediately financed from funds on hand and short-term bank loans, and later replaced with long-term financing.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 14, 1963, at 9:30 a.m. e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 2, 1963. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision in cases where a request therefor is made.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 63-3861; Filed, Apr. 12, 1963;
8:45 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 422]

MICHIGAN

Declaration of Disaster Area

Whereas, it has been reported that during the month of April 1963, because of the effects of certain disasters, damage resulted to residences and business property located in Ontonagon County in the State of Michigan;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Acting Deputy Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act may be received and considered by the Offices below indicated from persons or firms whose property, situated in the aforesaid County and areas adjacent thereto, suffered damage or destruction resulting from flood and accompanying conditions occurring on or about April 1, 1963.

OFFICE

Small Business Administration Regional Office, 232 West Grand River Avenue, Detroit 26, Mich.

2. A temporary office will be established at the Village of Ontonagon, Michigan, address to be announced locally.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to October 31, 1963.

Dated: April 3, 1963.

LOGAN B. HENDRICKS,
Acting Deputy Administrator.

[F.R. Doc. 63-3916; Filed, Apr. 12, 1963; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

APRIL 10, 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. 38260: *Potassium (potash) to points in Washington.* Filed by Trans-Continental Freight Bureau, Agent (No. 405), for interested rail carriers. Rates on potassium (potash), as described in the application, in carloads, from Carlsbad and Loving, N. Mex., and Machovec, Tex., to points in western Washington on the GN and NP railroads.

Grounds for relief: Market competition.

Tariff: Supplement 1 to Trans-Continental Freight Bureau, Agent, tariff I.C.C. 1683.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 63-3924; Filed, Apr. 12, 1963; 8:49 a.m.]

[Notice 784]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 10, 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 65625. By order of April 3, 1963, the Transfer Board approved the transfer to Kenneth V. Coon, doing business as Coon's Cartage Co., Mattydale, N.Y., of Permit in No. MC 1077, issued February 27, 1957, to Arthur O. Heckerman, doing business as Heckerman Trucking Co., Manlius, N.Y., authorizing the transportation of: Laundry machinery, and supplies, from Syracuse, N.Y., to Richmond, Fort Myer, and Salem, Va., and points in Massachusetts, Connecticut, Rhode Island, New Jersey, Pennsylvania, New York, Maryland, and the District of Columbia; and used and damaged laundry machinery, from Richmond, Fort Myer and Salem, Va., and points in the 7 States mentioned above, and the District of Columbia, to Syracuse, N.Y.; metal partitions and component parts thereof, used in building construction, from Syracuse, N.Y., to points in Massachusetts, Rhode Island, Connecticut, New Jersey, Pennsylvania, New York, Maryland, Virginia, and the District of Columbia; laundry machinery and parts thereof, from Syracuse, N.Y., to points in Virginia, except Richmond, Fort Myer and Salem; and used and damaged laundry machinery, from points in Virginia, with exceptions, to Syracuse, N.Y. Norman M. Pinsky, 407 South Warren Street, Syracuse 2, N.Y., attorney for applicants.

No. MC-FC 65672. By order of April 3, 1963, the Transfer Board approved the transfer to Patrick F. Proffitt, doing business as Proffitt's Vans, Tullahoma, Tenn., of Corrected Certificate No. MC 102492 issued September 13, 1946, to Patrick F. Proffitt and Buel G. Proffitt, a partnership, doing business as Proffitt's Vans, Tullahoma, Tenn., authorizing the transportation of household goods, over irregular routes, between points in Cumberland, Russell, Clinton, and Wayne Counties, Ky., Jefferson, Hamblen, Grainger, Polk, Monroe, McMinn, Loudon, Meigs, Rhea, Bledsoe, Cumberland, Roane, and Morgan Counties, Tenn., and that part of North Carolina on and west of North Carolina Highway 107. Blaine Buchanan, 1024 James Building, Chattanooga 2, Tenn., attorney for applicants.

No. MC-FC 65697. By order of April 3, 1963, the Transfer Board approved the

transfer to Frank R. Lopez and Ruben V. Lopez, a partnership, doing business as Rapid Delivery & Trucking Co., Los Angeles, Calif., of Permit No. MC 89045 issued October 4, 1940 to Jack Gonzales, doing business as Gonzales Truck Company, Los Angeles, Calif., authorizing the transportation of pipe, over regular routes, from Los Angeles Harbor, Calif., to Los Angeles, Calif. A. E. Norrbom, 2716 North Broadway, Los Angeles 31, Calif., representative for applicants.

No. MC-FC 65727. By order of April 2, 1963, the Transfer Board approved the transfer to L. E. Cox, doing business as P. M. C. Company, Greeneville, Tenn., of Permit No. MC 123260 issued January 10, 1962, to P. C. Parker and L. E. Cox, a partnership, doing business as P. M. C. Company, Greeneville, Tenn., authorizing the transportation of peppers, in cans or barrels, over irregular routes, from the plant site of Moody Dunbar, Inc., on Tennessee Highway 107 in Washington County, Tenn., approximately 8 miles south of Limestone, Tenn., to points in Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin. Walter A. Curtis, Post Office Box 492, Greeneville, Tenn., attorney for applicants.

No. MC-FC 65776. By order of April 2, 1963, the Transfer Board approved the transfer to Harry Longwell, Worcester, Mass., of Certificate No. MC 96163, issued June 23, 1960, to Longwell Trucking, Inc., Worcester, Mass., authorizing the transportation of: Household goods, as defined by the Commission, between points in Worcester County, Mass., on the one hand, and, on the other, points in Connecticut, New Jersey, New York, New Hampshire, Michigan, Rhode Island, Vermont, Pennsylvania, and Ohio. Joseph A. Kline, 185 Devonshire Street, Boston 10, Mass., attorney for applicants.

[SEAL]

HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 63-3919; Filed, Apr. 12, 1963; 8:49 a.m.]

[Rev. S.O. 562, Taylor's I.C.C. Order 152-A]

ANN ARBOR RAILROAD CO.

Vacation of Order

Upon further consideration of Taylor's I.C.C. Order No. 152 and good cause appearing therefor:

It is ordered, That:

(a) Taylor's I.C.C. Order No. 152, be, and it is hereby vacated and set aside.

(b) Effective date: This order shall become effective at 2:00 p.m., April 9, 1963.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement

and by filing it with the Director, Office
of the Federal Register.

Issued at Washington, D.C., April 9,
1963.

INTERSTATE COMMERCE
COMMISSION,
[SEAL] CHARLES W. TAYLOR,
Agent.

[F.R. Doc. 63-3923; Filed, Apr. 12, 1963;
8:49 a.m.]

CUMULATIVE CODIFICATION GUIDE—APRIL

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