Pages 245–276

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Contents

(Continued on next page)

Codification Guide

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

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

3 CFR

PROCLAMATIONS:
3298 (see Procs. 3569, 3570) 247, 249
3569 247
3570 249

5 CFR

213 (2 documents) 251
531 251
534 251

7 CFR

722 (2 documents) 251, 252
730 252
905 (2 documents) 252, 253
PROPOSED RULES:
917 266

14 CFR

71 [New] (5 documents) 253, 254
507 (3 documents) 255
PROPOSED RULES:
4b 266
40 266
41 266
42 266
91 [New] 266
507 268

16 CFR

13 (3 documents) 256, 257

21 CFR

1 257

33 CFR

203 258

39 CFR

168 258

41 CFR

50–204 260
PROPOSED RULES:
50–204 266

43 CFR

6 260
PUBLIC LAND ORDERS:
2942 (see PLO 3301) 264
3284 (see PLO 3301) 264
3301 264

46 CFR

206 265
506 265

47 CFR

1 265
13 265
21 265
23 265
25 265
61–63 265
66 265
73 265
74 265
81 265
83 265
85 265
87 265
89 265
91 265
93 265
95 265
97 265

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Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3569

IMMIGRATION QUOTA

By the President of the United States of America

A Proclamation

WHEREAS under the provisions of section 202(a) of the Immigration and Nationality Act, each independent country, self-governing dominion, mandated territory, and territory under the international trusteeship system of the United Nations, other than independent countries of North, Central, and South America, is entitled to be treated as a separate quota area when approved by the Secretary of State; and

WHEREAS under the provisions of section 201(b) of the Immigration and Nationality Act, the Secretary of State, the Secretary of Commerce, and the Attorney General, jointly, are required to determine the annual quota of any quota area established pursuant to the provisions of section 202(a) of the said Act, and to report to the President the quota of each quota area so determined; and

WHEREAS under the provisions of section 202(e) of the Immigration and Nationality Act, the Secretary of State, the Secretary of Commerce, and the Attorney General, jointly, are required to revise the quotas, whenever necessary, to provide for any political changes requiring a change in the list of quota areas; and

WHEREAS under the provisions of section 202(e) of the Immigration and Nationality Act, as amended, the annual quota of any newly established quota area shall be not less than the sum total of quotas in effect or number of visas authorized for the area immediately preceding the change of administrative arrangements, change of boundaries, or other political change requiring a change in the list of quota areas; and

WHEREAS on September 16, 1963 the Federation of Malaya and the former British Colonies of North Borneo (Sabah) and Sarawak and the State of Singapore united to form Malaysia; and

WHEREAS the Secretary of State, the Secretary of Commerce, and the Attorney General have jointly determined and reported to me the immigration quota hereinafter set forth:

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, acting under and by virtue of the authority vested in me by the aforesaid Act of Congress, do hereby proclaim and make known that the annual immigration quota of the quota area hereinafter designated has been determined in accordance with the law to be, and shall be, as follows:

Quota area	*Quota*
Malaysia	400

The establishment of an immigration quota for any quota area is solely for the purpose of compliance with the pertinent provisions of the Immigration and Nationality Act and is not to be considered as having any significance extraneous to such purpose.

Proclamation No. 3298 of June 3, 1959, as amended, entitled "Immigration Quotas," is further amended by the addition of the quota for Malaysia and by the abolishment of the quota for the Federation of Malaya.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this seventh day of January in the year of our Lord nineteen hundred and sixty-four and [SEAL] of the Independence of the United States of America the one hundred and eighty-eighth.

LYNDON B. JOHNSON

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 64-300; Filed, Jan. 9, 1964; 10:02 a.m.]

Proclamation 3570

IMMIGRATION QUOTAS

By the President of the United States of America

A Proclamation

WHEREAS under the provisions of section 202(a) of the Immigration and Nationality Act, each independent country, self-governing dominion, mandated territory, and territory under the international trusteeship system of the United Nations, other than independent countries of North, Central, and South America, is entitled to be treated as a separate quota area when approved by the Secretary of State; and

WHEREAS under the provisions of section 201(b) of the Immigration and Nationality Act, the Secretary of State, the Secretary of Commerce, and the Attorney General, jointly, are required to determine the annual quota of any quota area established pursuant to the provisions of section 202(a) of the said Act, and to report to the President the quota of each quota area so determined; and

WHEREAS under the provisions of section 202(e) of the Immigration and Nationality Act, the Secretary of State, the Secretary of Commerce, and the Attorney General, jointly, are required to revise the quotas, whenever necessary, to provide for any political changes requiring a change in the list of quota areas; and

WHEREAS under the provisions of section 202(e) of the Immigration and Nationality Act, as amended, the annual quota of any newly established quota area shall be not less than the sum total of quotas in effect or number of visas authorized to be issued immediately preceding the change in boundaries, change of administrative arrangements, or other political change requiring a change in the list of quota areas; and

WHEREAS on July 3, 1962, the United States extended formal diplomatic recognition to Algeria as a sovereign independent state; and

WHEREAS on October 9, 1962, the former British protectorate of Uganda was granted independence by the government of the United Kingdom; and

WHEREAS on May 1, 1963, full administrative responsibility for Irian Barat (former West New Guinea) was transferred to the Republic of Indonesia by the United Nations; and

WHEREAS the Secretary of State, the Secretary of Commerce and the Attorney General have jointly determined and reported to me the immigration quotas hereinafter set forth:

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, acting under and by virtue of the authority vested in me by the aforesaid Act of Congress, do hereby proclaim and make known that the annual immigration quotas of the quota areas hereinafter designated have been determined in accordance with the law to be, and shall be, as follows:

Quota area	*Quota*
Algeria	574
Uganda	100
Indonesia	200

The establishment of an immigration quota for any quota area is solely for the purpose of compliance with the pertinent provisions of the Immigration and Nationality Act and is not to be considered as having any significance extraneous to such purpose.

Proclamation No. 3298 of June 3, 1959, as amended, entitled "Immigration Quotas," is further amended by the addition of the quotas for Algeria and Uganda and by the revision of the quota for Indonesia.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this seventh day of January in the year of our Lord nineteen hundred and sixty-four, and [SEAL] of the Independence of the United States of America the one hundred and eighty-eighth.

LYNDON B. JOHNSON

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 64-301; Filed, Jan. 9, 1964; 10:02 a.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of the Army

Effective upon publication in the FEDERAL REGISTER, subparagraph (2) of paragraph (a) of § 213.3307 is amended as set out below.

§ 213.3307 **Department of the Army.**

(a) *Office of the Secretary.* * * *

(2) One Deputy to the Assistant Secretary of the Army (Installations and Logistics)—Installations.

* * * * *

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 64-247; Filed, Jan. 9, 1964; 8:49 a.m.]

PART 213—EXCEPTED SERVICE

Department of Justice

Effective upon publication in the FEDERAL REGISTER, subparagraph (3) of paragraph (m) of § 213.3310 is amended as set out below.

§ 213.3310 **Department of Justice.**

* * * * *

(m) *Bureau of Prisons.* * * *

(3) Four Assistant Directors.

* * * * *

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 64-248; Filed, Jan. 9, 1964; 8:49 a.m.]

PART 531—PAY UNDER THE CLASSIFICATION ACT SYSTEM

Special Provisions, and Equivalent Increase

Effective at the beginning of the first pay period after January 1, 1964, paragraph (a) (2) of § 531.204 and paragraph (c) of § 531.406 are amended as set out below.

§ 531.204 **Special provisions.**

(a) *Promotions and transfers.* * * *

(2) For employees serving in grade GS–3 at the time of promotion, the following are 2 within-grade increases for the purposes of section 802(b) of the act:

(i) For employees who are in rates 1 through 4, $210;

(ii) For employees who are in rate 5, $225;

(iii) For employees who are in rate 6, $245;

(iv) For employees who are in rate 7 or above, $250.

* * * * *

§ 531.406 **Equivalent increase.**

(c) In computations under paragraph (a) or (b) of this section for grade GS–3 an equivalent increase after October 10, 1962, is an increase or increases in the employee's rate of basic compensation equal to or greater than $105 for an employee in rates 1 through 6, $110 for an employee in rate 7 until the beginning of the first pay period after January 1, 1964, and $120 thereafter, and $125 for an employee in rate 8 or higher.

* * * * *

(Sec. 1101, 63 Stat. 971; 5 U.S.C. 1072)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 64-307; Filed, Jan. 9, 1964; 11:12 a.m.]

PART 534—PAY UNDER OTHER SYSTEMS

Subpart B—Trainees in Government Hospitals

MAXIMUM STIPENDS

Effective January 5, 1964, § 534.202 is amended as set out below.

§ 534.202 **Maximum stipends.**

* * * * *

Hospital administration residents, second year approved postgraduate training—$4,000.00.

* * * * *

(Secs. 1, 2, 3, 61 Stat. 727; 5 U.S.C. 902, 1051, 1052)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 64-249; Filed, Jan. 9, 1964; 8:49 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service, Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 722—COTTON

Subpart—National Marketing Quota, National Allotment and Apportionment to States and Counties for 1964 Crop of Upland Cotton

REFERENDUM RESULT

a. Section 722.247 is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). This section announces the result of the marketing quota referendum for the 1964 crop of upland cotton.

b. Since the only purpose of § 722.247 is to announce the referendum result, it is hereby found and determined that the notice, public procedure and 30-day effective date requirements of section 4 of the Administrative Procedure Act (60 Stat. 238, 5 U.S.C. 1003) are not applicable. Accordingly, § 722.247 shall be effective upon filing this document with the Director, Office of the Federal Register.

§ 722.247 **Result of the marketing quota referendum for the 1964 crop of upland cotton.**

(a) *Date of referendum.* The marketing quota referendum for the 1964 crop of upland cotton was held on December 10, 1963, in accordance with § 722.205 of the acreage allotment regulations for the 1964 and succeeding crops of upland cotton (28 F.R. 11041).

(b) *Farmers voting.* 234,682 farmers engaged in the production of the 1963 crop of upland cotton voted in the referendum. Of those voting, 220,701 farmers, or 94.0 percent, favored the 1964 national marketing quota and 13,981 farmers, or 6.0 percent, opposed the 1964 national marketing quota.

(c) *1964 marketing quota continues in effect.* The national marketing quota for the 1964 crop of upland cotton of 14,267,000 bales proclaimed in § 722.241 (28 F.R. 11011) shall continue in effect since two-thirds or more of the cotton farmers voting in the referendum favored the quota.

(Secs. 342, 343, 63 Stat. 670, as amended; 7 U.S.C. 1342, 1343)

Effective date: Date of filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on January 7, 1964.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 64-260; Filed, Jan. 9, 1964; 8:50 a.m.]

PART 722—COTTON

Subpart—National Marketing Quota, National Allotment and Apportionment to States and Counties for 1964 Crop of Extra Long Staple Cotton

REFERENDUM RESULT

a. Section 722.346 is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). This section announces the result of the marketing quota referendum for the 1964 crop of extra long staple cotton.

b. Since the only purpose of § 722.346 is to announce the referendum result, it is hereby found and determined that the notice, public procedure and 30-day effective date requirements of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) are not applicable. Accordingly, § 722.346 shall be effective upon filing this document with the Director, Office of the Federal Register.

§ 722.346 Result of the marketing quota referendum for the 1964 crop of extra long staple cotton.

(a) *Date of referendum.* The marketing quota referendum for the 1964 crop of extra long staple cotton was held on December 10, 1963, in accordance with § 722.305 of the acreage allotment regulations for the 1964 and succeeding crops of extra long staple cotton (28 F.R. 11034).

(b) *Farmers voting.* 1,237 farmers engaged in the production of the 1963 crop of extra long staple cotton voted in the referendum. Of those voting, 919 farmers, or 74.3 percent, favored the 1964 national marketing quota and 318 farmers, or 25.7 percent, opposed the 1964 national marketing quota.

(c) *1964 marketing quota continues in effect.* The national marketing quota for the 1964 crop of extra long staple cotton of 120,200 bales proclaimed in § 722.341 (28 F.R. 11012) shall continue in effect since two-thirds or more of the cotton farmers voting in the referendum favored the quota.

(Secs. 343, 347, 63 Stat. 670, as amended, 63 Stat. 675, as amended; 7 U.S.C. 1343, 1347)

Effective date: Date of filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on January 7, 1964.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 64-259; Filed, Jan. 9, 1964; 8:50 a.m.]

PART 730—RICE

Subpart—1964–65 Marketing Year

REFERENDUM RESULT

Section 730.1509 is issued to announce the results of the rice marketing quota referendum for the marketing year August 1, 1964, through July 31, 1965, under the provisions of the Agricultural Adjustment Act of 1938, as amended. The Secretary proclaimed a marketing quota for rice for the 1964–65 marketing year and announced that a referendum would be held December 10, 1963 (28 F.R. 12104), to determine whether rice producers were in favor of or opposed to marketing quotas for the marketing year August 1, 1964, through July 31, 1965. Since the only purpose of this proclamation is to announce results of the referendum, it is found and determined that with respect to this proclamation application of the notice and procedure provisions of the Administrative Procedure Act is unnecessary.

§ 730.1509 Proclamation of the results of the rice marketing quota referendum for the marketing year 1964–65.

In a referendum of farmers engaged in the production of rice for the 1964 crop held on December 10, 1963, 8,307 farmers voted. Of those voting 7,464 or 89.9 percent favored quotas for the marketing year beginning August 1, 1964. Therefore, rice marketing quotas will be in effect for the 1964–65 marketing year.

(Sec. 375, 52 Stat. 66, as amended; 7 U.S.C. 1375)

Signed at Washington, D.C. on January 7, 1964.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 64-261; Filed, Jan. 9, 1964; 8:51 a.m.]

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

[Grapefruit Reg. 33]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 905.403 Grapefruit Regulation 33.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found and determined, in accordance with paragraph (5) of section 602 of the act, that the continuation of regulation of shipments of grapefruit, as hereinafter provided, is necessary and will tend to avoid a disruption of the orderly marketing of the remainder of the current crop of such grapefruit; and such continuation of regulation will be in the public interest.

(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 thereof 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; 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. Shipments of all grapefruit, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on January 7, 1964, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaining as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Grapefruit (§§ 51.750–51.783 of this title).

(2) Grapefruit Regulation 32 (§ 905.400; 28 F.R. 13538) is hereby terminated at 12:01 a.m., e.s.t., January 10, 1964.

(3) During the period beginning at 12:01 a.m., e.s.t., January 10, 1964, and ending at 12:01 a.m., e.s.t., January 27, 1964, no handler shall ship between the

production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any grapefruit, grown in the production area, which do not grade at least U.S. No. 1 Russet;

(ii) Any seeded grapefruit, grown in the production area, which are smaller than $3^{15}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit; or

(iii) Any seedless grapefruit, grown in the production area, which are smaller than $3^{7}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit.

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

Dated: January 8, 1964.

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

[F.R. Doc. 64–290; Filed, Jan. 9, 1964; 8:51 a.m.]

[Tangerine Reg. 18]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 905.404 **Tangerine Regulation 18.**

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found and determined, in accordance with paragraph (5) of section 602 of the act, that the continuation of regulation of shipments of tangerines, as hereinafter provided is necessary and will tend to avoid a disruption of the orderly marketing of the remainder of the current crop of such tangerines; and such continuation of regulation will be in the public interest.

(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 thereof 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; 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. Shipments of tangerines, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on January 7, 1964, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangerines; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangerines, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, and standard pack, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Tangerines (§§ 51.1810–51.1834 of this title).

(2) Tangerine Regulation 17 (§ 905.401; 28 F.R. 13539) is hereby terminated at 12:01 a.m., e.s.t., January 10, 1964.

(3) During the period beginning at 12:01 a.m., e.s.t., January 10, 1964, and ending at 12:01 a.m., e.s.t., July 31, 1964, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any tangerines, grown in the production area, which do not grade at least U.S. No. 2 Russet; or

(ii) Any tangerines, grown in the production area, which are of a size smaller than $2^{2}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of tangerines smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said United States Standards for Florida Tangerines.

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

Dated: January 8, 1964.

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

[F.R. Doc. 64–291; Filed, Jan. 9, 1964; 8:51 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 63–EA–72]

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

Alteration of Federal Airway

On September 20, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 10304) stating that the Federal Aviation Agency proposed to realign the segment of VOR Federal airway No. 496 from Utica, N.Y., via the intersection of the Utica VOR 091° and the Glens Falls, N.Y., VOR 246° True radials to Glens Falls.

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

The substance of the proposed amendment having been published and for the reason stated in the notice, § 71.123 (27 F.R. 220–6) is amended as follows:

V–496 is amended to read:

V–496 From Utica, N.Y., via INT of Utica 091° and Glens Falls, N.Y., 246° radials to Glens Falls.

This amendment shall become effective 0001 e.s.t. March 5, 1964.

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

Issued in Washington, D.C., on January 2, 1964.

MICHAEL J. BURNS,
Acting Chief, Airspace Utilization Division.

[F.R. Doc. 64–211; Filed, Jan. 9, 1964; 8:46 a.m.]

[Airspace Docket No. 63–AL–27]

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

Alteration of Federal Airway and Alteration, Designation and Revocation of Reporting Points

The purpose of these amendments to §§ 71.125, 71.211 and 71.213 of the Federal Aviation Regulations is to alter VOR Federal airway No. 438 from Anchorage, Alaska, to Nenana, Alaska; alter the Glacier, Alaska, Reporting Point; revoke the Fielding, Alaska, Reporting Point; and to designate the Talkeetna, Alaska, Reporting Point.

The Federal Aviation Agency is commissioning a new VOR at Talkeetna, Alaska (latitude 62°17'57" N., longitude 150°06'12" W.) during January 1964. The Agency is taking action herein to realign Victor 438 from Anchorage via the new Talkeetna facility to Nenana. The segment of the realigned Victor 438 from Talkeetna to Nenana is expanded, beginning at 45 nautical miles from Talkeetna in graduated steps of one mile for every 5 nautical miles in length to 55 nautical miles from Talkeetna, thence 13 miles wide to 55 nautical miles from Nenana, thence decreasing in graduated steps of one mile for every 5 nautical miles in length to 45 nautical miles from Nenana. This realignment of the airway via Talkeetna will provide improved navigational guidance, provide a lower MEA, and reduce the expanded width of this portion of Victor 438. For air traffic control purposes, Talkeetna is designated as a reporting point, the Fielding Intersection is revoked and the Glacier Intersection is redesignated as the intersection of the Nenana 192° radial and the northwest course of the Summit, Alaska, radio range.

Since these amendments are minor in nature, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing, the following actions are taken:

1. In § 71.125 (27 F.R. 220–36, November 10, 1962, 28 F.R. 12341) V–438 "Nenana, Alaska (beginning at 45 nmi from Anchorage increasing in width in graduated steps of one mile for every 5 nmi in length to 85 nmi from Anchorage, thence 19 miles wide to 85 nmi from Nenana, thence decreasing in graduated steps of one mile for every 5 nmi in length to 45 nmi from Nenana);" is deleted and "Talkeetna, Alaska; Nenana, Alaska (beginning at 45 nmi from Talkeetna increasing in graduated steps of one mile for every 5 nmi in length to 55 nmi from Talkeetna, thence 13 miles wide to 55 nmi from Nenana, thence decreasing in graduated steps of one mile for every 5 nmi in length to 45 nmi from Nenana);" is substituted therefor.

2. In §§ 71.211 and 71.213 (27 F.R. 220–174 and 220–175, November 10, 1962) the following changes are made:

(a) Fielding INT is deleted.

(b) Glacier INT is amended to read:

INT Nenana, Alaska, 192° radial, NW course Summit, Alaska, RR.

(c) Add: Talkeetna, Alaska.

These amendments shall become effective 0001 e.s.t., March 5, 1964.

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

Issued in Washington, D.C., on January 6, 1964.

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

[F.R. Doc. 64–238; Filed, Jan. 9, 1964; 8:48 a.m.]

[Airspace Docket No. 63–EA–44]

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

Alteration of Federal Airways

On October 29, 1963, F.R. Doc. 63–11354 was published in the FEDERAL REGISTER (28 F.R. 11502) and was amended in part, Part 71 [New] of the Federal Aviation Regulations by altering VOR Federal airways Nos. 1538, 1540 and 1667 via the new Whitesburg, Ky., VOR. These airways were cited as amendments to § 71.123 instead of § 71.143. Action is taken herein to alter F.R. Document 63–11354 accordingly.

Since this action effects no substantive change to the rule as initially adopted, these changes are made in compliance with section 4 of the Administrative Procedure Act.

In consideration of the foregoing, effective immediately, F.R. Doc. 63–11354 (28 F.R. 11502) is altered as follows:

1. In Item 1., the citation to 27 F.R. 12167, and paragraphs f., g., and h. are deleted and an amendment to § 71.143 is added as follows:

4. Section 71.143 (27 F.R. 220–38, November 10, 1962, 27 F.R. 12167) is amended as follows:

a. In V–1538 "thence Charleston, W. Va.;" is deleted and "thence Whitesburg, Ky.; Charleston, W. Va.;" is substituted therefor.

b. In V–1540 "thence London, Ky.;" is deleted and "thence London, Ky.; Whitesburg, Ky.;" is substituted therefor.

c. In V–1667 "Lexington, Ky." is deleted and "Whitesburg, Ky.; Lexington, Ky.;" is substituted therefor.

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

Issued in Washington, D.C., on January 6, 1964.

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

[F.R. Doc. 64–239; Filed, Jan. 9, 1964; 8:48 a.m.]

[Airspace Docket No. 63–EA–65]

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

Alteration of Federal Airways

On November 27, 1963, F.R. Doc. No. 63–12301 was published in the FEDERAL REGISTER (28 F.R. 12612) and in part altered VOR Federal airways Nos. 226 and 804 between Clarion, Pa., and Keating, Pa., via the intersection of Clarion 086° and Keating 265° True radials. These amendments are effective 0001 e.s.t., January 9, 1964.

This alignment was determined from aeronautical charts and employed to provide 15° lateral separation between these airways and VOR Federal airway No. 232 at Keating. Subsequent to publication of this document, a study of the aeronautical charts has determined that a direct alignment of these airways between Clarion and Keating would provide the desired 15° lateral separation at Keating. Accordingly, action is taken herein to alter F.R. Doc. No. 63–12301 to designate Victors 226 and 804 direct between Clarion and Keating.

Since the changes effected by these amendments are minor in nature and impose no additional burden on any person, notice and public procedure hereon are unnecessary, and the effective date of the Amendment as originally adopted may be retained.

In consideration of the foregoing, effective immediately, Item No. 1 of F.R. Doc. 63–12301 (28 F.R. 12612) is altered to read:

1. Section 71.123 (27 F.R. 220–6, Nov. 10, 1962) is amended as follows:

In V–226 "to Keating, Pa. From Williamsport, Pa., via" is deleted and "via Clarion, Pa.; Keating, Pa.; Williamsport, Pa.;" is substituted therefor.

In V–804 "INT of Williamsport 246° and Keating, Pa., 099° radials; Keating; Fitzgerald, Pa.;" is deleted and "Keating, Pa.;" is substituted therefor.

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

Issued in Washington, D.C., on January 6, 1964.

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

[F.R. Doc. 64–240; Filed, Jan. 9, 1964; 8:48 a.m.]

[Airspace Docket No. 63–WA–88]

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

Revocation of Reporting Point

The purpose of this amendment to § 71.207 is to revoke the Palacios, Tex., VOR as a reporting point. On November 13, 1963, there was published in the FEDERAL REGISTER (28 F.R. 12084) an amendment to § 75.100 of the Federal Aviation Regulations. This amendment eliminated the Palacios VOR from the descriptions of Jet Routes Nos. 22 and 29. Therefore, action is taken herein to revoke the Palacios VOR as a reporting point.

Since this amendment is procedural in nature and does not involve the designation of airspace, notice and public procedure are unnecessary, and the effective date may be the same as for the amendment to § 75.100 described above.

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

In the text of § 71.207 (27 F.R. 220–170, November 10, 1962) "Palacios, Tex." is revoked.

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

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

Issued in Washington, D.C., on January 6, 1964.

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

[F.R. Doc. 64–241; Filed, Jan. 9, 1964; 8:49 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 3033; Amdt. 669]

PART 507—AIRWORTHINESS DIRECTIVES

Lockheed Models 49 Through 1649A Series Aircraft

There has been a recent failure of the crew door on Lockheed Models 49 through 1649A Series aircraft. Investigation disclosed that jamming of the crew door was attributable to the openable window in the crew door. This door is the primary emergency exit for the crew. To correct this unsafe condition, an airworthiness directive is being issued to require inspection of the crew door and either permanent deactivation of the openable window in the crew door or modification thereof. Some of the affected series aircraft incorporate an overhead crew hatch. Since the hatch serves as an alternate crew emergency exit in the event the crew door is jammed, any aircraft incorporating the crew hatch are exempt from the AD.

As a situation exists which demands immediate action in the interest of safety, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

LOCKHEED. Applies to all Models 49, 149, 649, 649A, 749, 749A, 1049–54, 1049C, 1049D, 1049E, 1049G, 1049H, and 1649A Series aircraft that do not incorporate the overhead crew hatch provided for in Flying Tiger Line Supplemental Type Certificate SA4–948 or FAA approved equivalent.

Compliance required as indicated.

(a) (1) To eliminate the possibility of jamming the crew door, accomplish the following within 325 hours' time in service after the effective date of this AD, unless previously accomplished.

(2) Permanently deactivate the openable window in the crew door by bolting the window shut or by deactivating the window operating mechanism, or modify the window operating mechanism by incorporating the modification provided for in Gamco Precision Supplemental Type Certificate SA546WE or a modification approved by the Chief, Engineering and Manufacturing Branch, FAA Western Region, such that the open window will not interfere with the opening of the crew door. Supplemental Type Certificate SA546WE is not applicable to crew door windows previously modified for smoke evacuation purposes.

NOTE: Gamco Precision, 10021 LaTuna Canyon, Sun Valley, California, the holder of STC SA546WE, may be contacted for information regarding the kit for this modification.

(b) A number of crew door windows on aircraft that do not incorporate the overhead hatch provided for in STC SA4–948 or FAA approved equivalent have been modified for use in evacuating smoke from the flight station. When these windows are deactivated in compliance with this AD, delete section 3–31.1 of the FAA approved Airplane Flight Manual (Lockheed Report 11020) and reinsert section 3–31 which is applicable to the affected aircraft.

This amendment shall become effective January 10, 1964.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on December 31, 1963.

G. S. MOORE,
Director,
Flight Standards Service.

[F.R. Doc. 64–208; Filed, Jan. 9, 1964; 8:45 a.m.]

[Reg. Docket No. 3034; Amdt. 670]

PART 507—AIRWORTHINESS DIRECTIVES

Lockheed Models L–18 and PV–1 Aircraft

Amendment 625, 28 F.R. 10564, AD 63–21–4, permits reactivation of elevator trim tabs on Lockheed Models L–18 and PV–1 aircraft which have been modified to incorporate Supplemental Type Certificate SA2–183. Since STC SA2–183 applies to Model L–18 only, Amendment 625 is being amended to delete reference to the Model PV–1.

Since this amendment corrects a provision of AD 63–21–4 and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and the amendment may be made effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is amended as follows:

Amendment 625, 28 F.R. 10564, AD 63–21–4, Models L–18 and PV–1 aircraft, is amended by deleting in (b) (1) reference to "or PV–1".

This amendment shall become effective January 10, 1964.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on December 31, 1963.

G. S. MOORE,
Director,
Flight Standards Service.

[F.R. Doc. 64–209; Filed, Jan. 9, 1964; 8:45 a.m.]

[Reg. Docket No. 2044; Amdt. 671]

PART 507—AIRWORTHINESS DIRECTIVES

Vickers Viscount Models 745D and 810 Series Aircraft

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring inspection of the stiffeners and rib spar angles on Vickers Viscount Models 745D and 810 Series aircraft, and repair or replacement of any parts found cracked was published in 28 F.R. 12064.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

VICKERS. Applies to all Viscount Models 745D and 810 Series aircraft.

Compliance required as indicated.

Fatigue cracks in the vertical flanges of the rib spar angles at Station 257.75 have been revealed during routine wing overhauls. Associated stiffeners on the opposite face of the rib were also found to have cracked. All areas affected are defined in Preliminary Technical Leaflet No. 241 Issue 3 and Preliminary Technical Leaflet No. 105 Issue 3.

To preclude further failures accomplish the following:

(a) Within 250 hours' time in service on aircraft which have accumulated 6,500 hours' time in service on the effective date of this AD, or before the accumulation of 6,750 hours' time in service on aircraft which have not accumulated 6,500 hours' time in service on the effective date of this AD, unless already accomplished, conduct initial inspection for cracks in accordance with "The Action" paragraphs of the applicable PTL referenced herein.

(b) Subsequent to the inspection per (a) accomplish the following in accordance with the applicable PTL:

(1) Where the inspection per (a) shows no cracks to be present in the stiffeners or rib spar angles accomplish repetitive inspections at intervals not exceeding 6,500 hours' time in service.

(2) Where the inspection per (a) reveals cracks in the stiffeners which do not exceed the acceptable limits as specified in Figure 1, Detail A Note 1 of the referenced PTL accomplish one of the following before further flight:

(i) Replace with stiffeners of the original design, or repair the stiffeners in accordance with Figure 2 of the referenced PTL. Thereafter accomplish repetitive inspection of the rib spar angles and stiffeners at intervals not exceeding 6,500 hours' time in service.

(ii) Replace stiffeners with modified stiffeners locally manufactured from 18 gauge S521 material or FAA approved equivalent. Thereafter accomplish repetitive inspections of the rib spar angles and stiffeners at intervals not exceeding 6,500 hours' time in service.

(iii) Repair all stiffeners (whether cracked or not) per (i) or replace all stiffeners (whether cracked or not) per (ii). Thereafter accomplish repetitive inspection of the rib spar angles and stiffeners at intervals not exceeding 12,000 hours' time in service.

NOTE: Vickers-Armstrongs Modifications D. 3067 (for 745D) and FG. 1917 (for 810) reinforce the six vertical stiffeners and are similar to the reinforcing schemes outlined in the referenced PTL's.

(3) Where the inspection per (a) reveals cracks in the stiffeners in excess of the acceptable limits as specified in Figure 1, Detail A of the referenced PTL the stiffeners must be replaced per (b) (2) (i) or (ii) before further flight. Thereafter accomplish repetitive inspections of the rib spar angles and stiffeners at intervals specified in (b) (2) (i) or (ii), as applicable.

(4) Where the inspection per (a) reveals cracks in rib spar angles replace the rib spar angles before further flight. Thereafter accomplish repetitive inspection at intervals not exceeding 6,500 hours' time in service if all stiffeners have not been reinforced per (b) (2) (iii), or at intervals of 12,000 hours'

time in service if all stiffeners have been reinforced per (b) (2) (iii).

NOTE: Modifications D. 3070 (for 745D) and FG. 1925 (for 810) change the material of the spar angles. These modifications are summarized in the PTL referenced herein.

(c) Where the inspection per (a) reveals no cracks in the stiffeners or rib spar angles and operators choose to incorporate the reinforcement scheme per (b) (2) (iii) on all stiffeners the following may be substituted for the time set forth in (b) (1):

(1) Inspect rib spar angles and stiffeners within 12,000 hours' time in service after incorporation of the reinforcement scheme. Accomplish subsequent repetitive inspections at intervals not exceeding 12,000 hours' time in service.

(Vickers-Armstrongs PTL 241 Issue 3, Mods D.3067 and D.3070 for 700 Series aircraft and PTL 105 Issue 3, Mods. FG. 1917 and FG. 1925 for 800/810 Series aircraft cover this subject.)

This amendment shall become effective February 10, 1964.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on January 3, 1964.

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

[F.R. Doc. 64-210; Filed, Jan. 9, 1964; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-621]

PART 13—PROHIBITED TRADE PRACTICES

Berco, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.170 *Qualities or properties of product or service;* § 13.170-96 *Waterproof, waterproofing, water-repellent.* Subpart—Misbranding or mislabeling: § 13.1290 *Qualities or properties.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition;* § 13.1845-15 *Federal Trade Commission Act;* § 13.1865 *Manufacture or preparation;* § 13.1900 *Source or origin;* 13.1900-30 *Foreign in general.*

(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, Berco, Inc., et al., New York, N.Y., Docket C-621, Nov. 29, 1963]

In the Matter of Berco, Inc., a Corporation, and Ernest Grunwald and Ilse Grunwald, Individually and as Officers of Said Corporation

Consent order requiring New York City distributors of watches to retailers to cease selling watches with bezels of base metal processed to simulate precious metal or stainless steel, without disclosing the true metal composition; selling watches without disclosing that the cases were imported from Hong Kong; and falsely marking and advertising certain watch cases as "water resistant" and "water protected".

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

It is ordered, That respondents Berco, Inc., a corporation, and its officers, and Ernest Grunwald and Ilse Grunwald, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of watches, or any other merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Offering for sale or selling watches, the cases of which are in whole or in part composed of base metal other than stainless steel which has been treated to simulate precious metal or stainless steel, without clearly and conspicuously disclosing on such cases or parts the true metal composition of such treated cases or parts.

2. Offering for sale or selling watches, the cases of which are in whole or in part composed of base metal which has been treated with an electrolytically applied flashing or coating of precious metal of less than 1½/1000 of an inch over all exposed surfaces after completion of all finishing operations, without clearly and conspicuously disclosing on such cases or parts that they are base metal which have been flashed or coated with a thin and unsubstantial coating.

3. Offering for sale or selling watches, the cases of which are in whole or in part of foreign origin, without affirmatively disclosing the country or place of foreign origin thereof on the exterior of the cases of such watches on an exposed surface or on a label or tag affixed thereto of such degree of permanency as to remain thereon until consummation of consumer sale of the watches and of such conspicuousness as to be likely observed and read by purchasers and prospective purchasers.

4. Representing, directly or by implication, that their watches are "water resistant," it being understood that respondents may successfully defend the use of such representation with respect to any watch, the case of which respondents can show will provide protection against water or moisture to the extent of meeting the test designated test No. 2 of the trade practice conference rules for the watch industry, as set forth in the Code of Federal Regulations, Title 16, Chapter I, § 170.2(c) (16 CFR 170.2(c)).

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

Issued: November 29, 1963.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 64-215; Filed, Jan. 9, 1964; 8:46 a.m.]

[Docket No. C-623]

PART 13—PROHIBITED TRADE PRACTICES

Joseph Laufer and Laco Supply Co.

Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—Misbranding or mislabeling: § 13.1175 *Comparative data or merits;* § 13.1185 *Composition:* § 13.1185-40 In general; § 13.1255 *Manufacture or preparation;* § 13.1280 *Price;* § 13.1295 *Quality or grade.* Subpart—Misrepresenting oneself and goods—Prices: § 13.1785 *Comparative.*

(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, Joseph Laufer trading as Laco Supply Company, Los Angeles, Calif., Docket C-623, Nov. 29, 1963]

In the Matter of Joseph Laufer, Trading as Laco Supply Company

Consent order requiring a Los Angeles distributor of tools to retailers to cease misrepresenting, on the package in which it was sold, the comparative price, quality, composition and superiority to competitive products of a 29 piece drill set.

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

It is ordered, That respondent Joseph Laufer, an individual, trading as Laco Supply Company, or under any other trade name or names, and his agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of tools, drills, drill sets or any other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that:

a. His product is of a value comparable to any other product retailing at a higher price unless the merchandise to which his product is compared is at least of like grade and quality in all material respects and is generally available for purchase at the comparative price in the same trade area, or areas, where the claim is made.

b. Drills made of carbon steel are high-speed drills or super-speed drills or are composed of high-speed steel.

c. Drills made of carbon steel are made of chromium-vanadium steel or contain significant amounts of chromium or vanadium.

d. Drills made of carbon steel are suitable for use on steel.

e. Drills have been hardened or otherwise manufactured so as to increase their efficiency or cutting capacity beyond the actual efficiency or cutting capacity of said drills.

2. Misrepresenting in any manner the composition, quality, characteristics or performance of any tools, drills, drill sets or related products.

3. Furnishing or otherwise placing in the hands of retailers and others the means and instrumentalities by and

through which they may mislead or deceive the public in the manner or as to the things hereinabove prohibited.

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

Issued: November 29, 1963.

By the Commission.

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

[F.R. Doc. 64-216; Filed, Jan. 9, 1964; 8:46 a.m.]

[Docket No. C-622]

PART 13—PROHIBITED TRADE PRACTICES

Weldon F. Saxon et al.

Subpart—Advertising falsely or misleadingly: § 13.115 *Jobs and employment service;* § 13.143 *Opportunities.* Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.1995 *Job guarantee and employment.*

(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, Weldon F. Saxon trading as Vendocraft, Inc., et al., St. Louis, Mo., Docket C-622, Nov. 29, 1963]

In the Matter of Weldon F. Saxon, an Individual Trading and Doing Business as Vendocraft, Inc., A to Z Sales Company, and Select-A-Vend

Consent order requiring an individual in St. Louis, Mo., engaged in the sale and distribution of vending machines under several trade names, to cease representing falsely in advertising in the "Help Wanted" columns of newspapers, that he was offering employment as the manager of a vending machine route, and representing falsely to persons responding to his advertisements that they would earn a substantial income from operating such routes.

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

It is ordered, That respondent Weldon F. Saxon, an individual trading and doing business as Vendocraft, Inc., A to Z Sales Company, Select-A-Vend or under any other name or names, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of vending machines or any other product do forthwith cease and desist from representing, directly or by implication, that:

(1) Employment is being offered when the real purpose of such offer is to secure purchasers of vending machines or other products.

(2) A person purchasing vending machines from respondent and operating a vending machine route can earn any specified amount of money when such amount is in excess of that which respondent can establish as being the earnings such person may reasonably expect to achieve.

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

Issued: November 29, 1963.

By the Commission.

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

[F.R. Doc. 64-217; Filed, Jan. 9, 1964; 8:46 a.m.]

Title 21—FOOD AND DRUGS

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

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

Prescription-Drug Advertisements

The Commissioner of Food and Drugs, on October 15, 1963 (28 F.R. 10993), issued an order placing into effect the regulations in § 1.105 (e), (f), (g), (i), and (j) with respect to prescription-drug advertising.

This order allowed counsel for the objectors thirty days within which to file a brief in support of objections to paragraph (h). The time for filing this brief was extended to and including December 30, 1963.

Further consideration of paragraph (h), with counsel for the objectors, has developed a revision on the basis of which the objections have been withdrawn. The revision applies to § 1.105 (f) and (h).

Section 1.105(f), as previously published in the FEDERAL REGISTER of June 20, 1963 (28 F.R. 6376), and made effective in the FEDERAL REGISTER of October 15, 1963, is hereby withdrawn and is revised to read as follows, and § 1.105 (h) (28 F.R. 6376) is also revised to read as follows:

§ 1.105 Prescription-drug advertisements.

* * * * *

(f) (1) An advertisement for a prescription drug covered by a new-drug application approved after October 10, 1962, or any approved supplement thereto, shall not recommend nor suggest any use that is not in the labeling accepted in the approved new-drug application or such supplement. The advertisement shall present information from the approved new-drug application labeling concerning those side effects and contraindications that are pertinent with respect to the uses recommended or suggested in the advertisement and any other use or uses for which the dosage form advertised is commonly prescribed.

(2) If a prescription drug was covered by a new-drug application or a supplement thereto that became effective prior to October 10, 1962, an advertisement may recommend or suggest:

(i) Uses contained in the labeling accepted in such new-drug application and any effective or approved supplement thereto.

(ii) Additional uses contained in labeling in commercial use on October 9, 1962, to the extent that such uses did not cause the drug to be an unapproved "new drug" as "new drug" was defined in section 201(p) of the act as then in force and to the extent that such uses would be permitted were the drug subject to paragraph (h) of this section.

(iii) Additional uses contained in labeling in current commercial use to the extent that such uses do not cause the drug to be an unapproved "new drug," as defined in section 201(p) of the act, as amended.

The advertisement shall present information from such labeling concerning those side effects and contraindications that are pertinent with respect to the uses recommended or suggested in the advertisement and for any other use or uses for which the dosage form advertised is commonly prescribed.

* * * * *

(h) In the case of an advertisement for a prescription drug other than a drug the labeling of which causes it to be an unapproved "new drug" and other than drugs covered by paragraphs (f) and (g) of this section, an advertisement may recommend and suggest the drug only for those uses contained in the labeling thereof:

(1) For which the drug is generally recognized as safe and effective among experts qualified by scientific training and experience to evaluate the safety and effectiveness of drugs; or

(2) For which there exists substantial evidence of safety and effectiveness, consisting of adequate and well-controlled investigations, including clinical investigations, by experts qualified by scientific training and experience to evaluate the safety and effectiveness of the drug involved, on the basis of which it can fairly and responsibly be concluded by such experts that the drug is safe and effective for such uses; or

(3) For which there exists substantial clinical experience, adequately documented in medical literature or by other data (to be supplied to the Food and Drug Administration, if requested), on the basis of which it can fairly and responsibly be concluded by qualified experts that the drug is safe and effective for such uses; or

(4) For which safety is supported under any of the preceding clauses in subparagraphs (1), (2), and (3) of this paragraph and effectiveness is supported under any other of such clauses.

The advertisement shall present information concerning those side effects and contradictions that are pertinent with respect to the uses recommended or suggested in the advertisement and for any other use or uses for which the dosage form advertised is commonly prescribed.

* * * * *

Now, therefore, under the authority provided in sections 502(n) and 701(a) and (e) of the Federal Food, Drug, and

Cosmetic Act (21 U.S.C. 352(n), 371 (a), (e); 52 Stat. 1050, 1051, as amended 76 Stat. 790, 791, 792; 1055, as amended 70 Stat. 919, 74 Stat. 380), and delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the regulations in § 1.105(f) and (h) included in this order are hereby made effective 90 days after the publication of this order in the FEDERAL REGISTER.

(Secs. 502(e), (n), 701(a), (e), 52 Stat. 1050, 1051, as amended 76 Stat. 790, 791, 792; 1055, as amended 70 Stat. 919, 74 Stat. 399; 21 U.S.C. 352(e), (n), 371(a), (e))

Dated: January 2, 1964.

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

[F.R. Doc. 64-243; Filed, Jan. 9, 1964; 8:49 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

Broad Creek River, Del.

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), § 203.245 is hereby amended with respect to paragraph (f) revising subparagraph (14) by adding regulations to govern the operation of three Delaware State Highway Department bridges across Broad Creek River at Laurel, Delaware, effective 30 days after publication in the FEDERAL REGISTER, as follows:

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

* * * * *

(f) *Waterways discharging into Chesapeake Bay.* * * *

(14) Broad Creek River, Del.; Delaware State Highway Department bridges at Bethel, and at Poplar Street and U.S. Route 13A, Laurel. Between the hours of 5:00 p.m. and 7:00 a.m., at least four hours' advance notice required. Pennsylvania Railroad Company bridge at Laurel. At least four hours' advance notice required. Delaware State Highway Department bridge at Delaware Avenue, Laurel. The draw need not be opened for the passage of vessels, and paragraphs (b) to (e), inclusive, of this section shall not apply to this bridge.

* * * * *

[Regs., 23 December 1963, 1507-32 (Broad Creek River, Del.)—ENGCW-ON] (Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

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

[F.R. Doc. 64-207; Filed, Jan. 9, 1964; 8:45 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 168—INTERNATIONAL MAIL

Individual Countries

The regulations of the Post Office Department in § 168.5 *Individual country regulations* are amended as follows:

I. In country "Azores", as amended by 28 F.R. 6507, under Postal Union Mail, amend the item *Letter packages containing dutiable merchandise* to read as follows:

Letter packages containing dutiable merchandise. Accepted. See § 112.1(e) of this chapter.

II. In country "Canada", as amended by 28 F.R. 2278, 28 F.R. 4093, 28 F.R. 6507, 28 F.R. 8404, 28 F.R. 10490, make the following changes:

A. Under Postal Union Mail, amend the first paragraph of the item *Observations* to read as follows:

Observations. Mail for members of the Canadian armed forces serving overseas must be addressed as follows:

Surface mail.

Number, rank, name.
Unit.
CAPO (number).
Belleville, Ont., Canada.

Air mail.

Number, rank, name.
Unit.
CAPO (number).
Montreal, P.Q., Canada.

B. Under Parcel Post delete the paragraph after footnote "1" in the tabular information following the item *Air parcel post.* Surcharges no longer collected from the addressees of parcels in the Mackenzie River District.

III. Amend the country heading "Ethiopia" to read "Ethiopia (Abyssinia) (Including Eritrea)" and delete the country "Eritrea" and the accompanying data from the list of countries. Mail for "Eritrea" should be addressed to "Ethiopia" as country of destination.

IV. Delete the countries "Malaya, North Borneo, and Sarawak" and their accompanying data; and insert in proper alphabetical order the following new country as a result of the establishment of the "Federation of Malaysia".

MALAYSIA (FEDERATION OF)

(The former Federation of Malaya [Johore, Kedah, Kelantan, Malacca, Negri Sembilan, Pahang, Penang, Perak, Sembilan, Pahang, Penang, Perak, Perles, Selangor and Trengganu], Sabah [North Borneo], Sarawak and Singapore)

Postal Union Mail

Surface rates, classification, weight limits and dimensions. (See § 168.1.)

Air rates. (See § 168.1 for classifications, weight limits and dimensions.)

Letters, 25 cents per half ounce.
Single post cards, 11 cents each.
Aerogrammes, 11 cents each.
Other articles, 50 cents first 2 ounces; 30 cents each additional 2 ounces.

Small packets. Accepted.

Letter packages containing dutiable merchandise. Accepted. See § 112.1(e) of this chapter. Perishable biological materials accepted.

See § 111.3(b)(5) of this chapter.

Registration. Fee, 60 cents. Maximum indemnity, $8.17.

Special delivery. No service.

Money orders. Yes. See § 61.2 of this chapter.

Prohibitions and import restrictions. Paper money exceeding 100 Malayan dollars in value; coins, manufactured or unmanufactured platinum, gold or silver, jewelry, and other precious articles.

Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

Parcel Post

Surface parcel rates. Two pounds or less, 90 cents; each additional pound, 35 cents.

Air parcel rates. Four ounces or less, $2.05; each additional 4 ounces, 90 cents.

Weight limit: 22 pounds.
Sealing: Insured parcels must, and ordinary parcels may, be sealed.
Registration: No.
Insurance: Yes.
Postal forms required:
1 Form 2922.
1 Form 2966.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Special handling. Available. See § 168.4.

Insurance. The following insurance fees and limits or indemnity apply:

Limit of indemnity:	*Fee, cents*
Not over $10	20
From $10.01 to $25	25
From $25.01 to $50	35
From $50.01 to $100	55

Print on the wrapper, near the "INSURED" endorsement and number, the amount for which the parcel is insured. This amount shall be shown in United States currency and in gold francs. The indication in United States currency shall be in figures and in letters spelled out in full, and the gold franc equivalent in figures only, as shown in the following example:

INSURED VALUE

$25.75 (U.S.)

TWENTY-FIVE DOLLARS AND SEVENTY-FIVE CENTS

77.25 GOLD FRANCS

Insured parcels for Sabah (North Borneo) and Sarawak are accepted only for delivery at the following offices:

Sabah (North Borneo): Beaufort, Jesselton, Keningau, Kota Belud, Kudat, Labuan, Lahad Datu, Papar, Ranau, Sandakan, Semporna, Tawau, Tenom, and Tuoran.

Sarawak: Baram, Bintulu, Kuching, Limbang, Miri, Mukah, Sarikei, Sibu, and Simanggang.

See Part 133 of this chapter for method of converting United States currency into gold francs and for general information on insurance.

Parcels containing coin, precious metals, jewelry, or other precious articles must be insured.

Prohibitions. Arms, etc.: Firearms, including gas guns, and any component parts of such weapons.

Butane gas lighters and refills therefor.

For other reasons: Coins or ingots of a value higher than $50, except coins manifestly intended for ornaments.

Unvulcanized rubber, except samples of rubber which do not exceed 7 pounds avoirdupois.

Paper money and negotiable instruments payable to bearer (such articles are, however, admitted in registered letters).

Import restrictions. Hypodermic syringes require authorization of the medical authorities at Kuala Lumpur or Singapore.

V. In country "Nicaragua", under Parcel Post, amend the item *Observations* to read as follows:

Observations. For parcels valued at $10 or over, a set of five commercial invoices prepared in Spanish must be sent to the nearest Nicaraguan consulate for legalization. The consulate retains one copy. The original and one copy must be enclosed in the parcel and the fact noted on the wrapper; another copy should be sent by air to the addressee.

Nicaraguan consulates are located in principal cities of the United Sttaes.

For parcels valued at less than $10, legalized invoices are not required, but two copies of the commercial invoice should be placed in the parcel and the fact noted on the wrapper.

Parcels may be addressed to banks or other organizations for ultimate delivery to second addresses. The latter however may not take delivery without written, authority from the first addressee, unless the sender arranges for change of address as provided in the Part 137 of this chapter.

VI. Delete the country "Rhodesia and Nyasaland (Federation of)" and insert in proper alphabetical order the following new countries and their accompanying data as a result of the termination of the "Federation of Rhodesia and Nyasaland".

NORTHERN RHODESIA

Postal Union Mail

Surface rates, classifications, weight limits and dimensions. See § 168.1.

Air rates. (See § 168.1 for classifications, weight limits and dimensions.)

Letters, 25 cents per half ounce.

Single post cards, 11 cents each.

Other articles, 50 cents first 2 ounces; 30 cents each additional 2 ounces.

Small packets. Accepted.

Letter packages containing dutiable merchandise. Accepted. See 112.1(e) of this chapter. Perishable biological materials accepted. See § 111.3(b)(5) of this chapter.

Registration. Fee, 60 cents. Maximum indemnity, $8.17.

Special delivery. No service.

Money orders. Yes. See § 61.2 of this chapter.

Prohibitions. Correspondence concerning fraudulent enterprises or fortune telling.

Parcel Post

Surface parcel rates. Two pounds or less, 90 cents; each additional pound, 35 cents.

Air parcel rates. Four ounces or less, $1.69; each additional 4 ounces, 79 cents.

Weight limit: 22 pounds.
Sealing: Optional.
Registration: No.
Insurance: No.
Postal forms required:
1 Form 2922.
1 Form 2966.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Special handling. Available. See § 168.4.

Indemnity. No provision.

Prohibitions. Advertisements concerning the treatment of venereal disease, unless addressed to physicians or pharmacists for professional use.

Vaccines, sera, and similar substances, unless labeled with the name and address of the manufacturer and the date of manufacture or the date after which the preparation is not to be used.

Bank notes as well as gold, platinum, silver, jewels, and other precious articles.

NYASALAND

Postal Union Mail

Surface rates, classifications, weight limits and dimensions. See § 168.1.

Air Rates. (See § 168.1 for classifications, weight limits and dimensions.)

Letters, 25 cents per half ounce.

Single post cards, 11 cents each.

Aerogrammes, 11 cents each.

Other articles, 50 cents first 2 ounces; 30 cents each additional 2 ounces.

Small packets. Accepted.

Letter packages containing dutiable merchandise. Accepted. See § 112.1(e) of this chapter. Perishable biological materials accepted. See § 111.3(b)(5) of this chapter.

Registration. Fee, 60 cents. Maximum indemnity, $8.17.

Special delivery. No service.

Money orders. Yes.

Prohibitions. Correspondence concerning fraudulent enterprises or fortune telling.

Parcel Post

Surface parcel rates. Two pounds or less, 90 cents; each additional pound, 35 cents.

Air parcel rates. Four ounces or less, $1.69; each additional 4 ounces, 79 cents.

Weight limit: 22 pounds.
Sealing: Optional.
Registration: No.
Insurance: No.
Postal forms required:
1 Form 2922.
1 Form 2966.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Special handling. Available. See § 168.4.

Indemnity. No provision.

Prohibitions. Advertisements concerning the treatment of venereal disease, unless addressed to physicians or pharmacists for professional use.

Vaccines, sera, and similar substances, unless labeled with the name and address of the manufacturer and the date of manufacture or the date after which the preparation is not to be used.

Bank notes as well as gold, platinum, silver, jewels, and other precious articles.

SOUTHERN RHODESIA

Postal Union Mail

Surface rates, classifications, weight limits and dimensions.—See § 168.1.

Air rates. (See § 168.1 for classifications, weight limits and dimensions.)

Letters, 25 cents per half ounce.

Single post cards, 11 cents each.

Aerogrammes, 11 cents each.

Other articles, 50 cents first 2 ounces; 30 cents each additional 2 ounces.

Small packets. Accepted.

Letter packages containing dutiable merchandise. Accepted. See § 112.1(e) of this chapter. Perishable biological materials accepted. See § 111.3(b)(5) of this chapter.

Registration. Fee, 60 cents. Maximum indemnity, $8.17.

Special delivery. No service.

Money orders. Yes. See § 61.2 of this chapter.

Prohibitions. Correspondence concerning fraudulent enterprises or fortune telling.

Parcel Post

Surface parcel rates. Two pounds or less, 90 cents; each additional pound, 35 cents.

Air parcel rates. Four ounces or less, $1.69; each additional 4 ounces, 79 cents.

Weight limit: 22 pounds.
Sealing: Optional.
Registration: No.
Postal forms required:
1 Form 2922.
1 Form 2966.
Insurance: No.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Special handling. Available. See § 168.4.

Indemnity. No provision.

Prohibitions. Advertisements concerning the treatment of veneral disease, unless addressed to physicians or pharmacists for professional use.

Vaccines, sera, and similar substances, unless labeled with the name and address of the manufacturer and the date of manufacture or the date after which the preparation is not to be used.

Bank notes as well as gold platinum, silver, jewels, and other precious articles.

VII. In country "Philippines (Republic of)", under Parcel Post, amend the first paragraph of the item *Prohibitions* to read as follows:

Prohibitions. Playing cards and gambling devices.

VIII. In country "Union of Soviet Socialist Republics", as amended by 28 F.R. 6507, under Parcel Post, make the following changes to show that postage stamps and medicines are prohibited:

A. Amend the item *Observations* to read as follows:

Observations. Parcels must not be closed by means of metal bands or metal straps.

B. In the item *Prohibitions and import restrictions* make the following changes:

1. Amend the second paragraph to read as follows:

Prohibitions and import restrictions. * * *

Medicines addressed to individuals, postage stamps, and used clothing, linen and footwear are prohibited.

2. Delete item "6" in the "List of articles allowed to enter without a permit when intended for personal use."

IX. In country "Venezuela", under Postal Union Mail, amend the item *Observations* to read as follows:

Observations. Packages containing dutiable printed matter to be sent in the prints mails to Venezuela must have affixed to the wrapper a green customs label (Form 2976) or the detached upper portion thereof. In the latter case the paper form of customs declaration (Form 2976–A) must be endorsed in the package. A single Form 2976–A may cover as many as ten packages of printed matter for one addressee.

X. In "Places Not Included in Alphabetical List of Countries", as amended by 28 F.R. 6507, make the following changes:

A. Amend the following places as they appear in alphabetical order therein to read as follows:

Borneo (North) (Malaysia).
Damao (India).
Diu (India).
Federation of Malaya (Malaysia).
Goa (India).
Johore (Malaysia).
Kedah (Malaysia).
Kelantan (Malaysia).
Malacca (Malaysia).
Negri Semblian (Malaysia).
New Guinea (Netherlands) (Indonesia).
Penang (Malaysia).
Perak (Malaysia).
Perlis (Malaysia).
Province Wellesley (Malaysia).
Selangor (Malaysia).
Singapore (Malaysia).
Trengganu (Malaysia).
Wellesley Province (Malaysia).

B. Delete "El Salvador, Northern Rhodesia, Nyasaland, and Southern Rhodesia."

C. Insert in proper alphabetical order the following:

Irian Barat (Indonesia).
Labuan (Malaysia).
Malaya (Malaysia).
Netherlands New Guinea (Indonesia).
North Borneo (Malaysia).
Sabah (Malaysia).
Salvador, El (El Salvador).
Sarawak (Malaysia).
West New Guinea (Indonesia).

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 505)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 64–246; Filed, Jan. 9, 1964; 8:49 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 50—Division of Public Contracts, Department of Labor

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

Radiation

The effective date of the radiation safety and health standards published in the FEDERAL REGISTER on August 9, 1963 (28 F.R. 8208) is hereby postponed from January 6, 1964 (28 F.R. 9812) to February 5, 1964.

Signed at Washington, D.C., this 4th day of January 1964.

W. WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 64–222; Filed, Jan. 9, 1964; 8:46 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

PART 6—PATENT REGULATIONS

Purpose. The purpose of this part is to revise and update the previous Patent Regulations, 19 F.R. 8840, which are hereby superseded.

No notice of proposed rule making has been issued inasmuch as the changes herein relate to obsolete sections and reflect new provisions which have been previously published at 37 CFR Part 300, 27 F.R. 3289 and 37 CFR Part 301, 19 F.R. 3937. The citations of several statutes have been brought up-to-date.

Subpart A—Inventions by Employees

Sec.
6.1 Definitions.
6.2 Report of invention.
6.3 Action by supervisory officials.
6.4 Action by Solicitor.
6.5 Rights in inventions.
6.6 Appeal by employee.
6.7 Domestic patent protection.
6.8 Foreign patent protection.
6.9 Publication and public use of invention before patent application, is filed.
6.10 Publicity concerning invention after patent application is filed.
6.11 Condition of employment.

Subpart B—Licenses

6.51 Purpose.
6.52 Patents.
6.53 Unpatented inventions.
6.54 Use or manufacture by or for the Government.
6.55 Terms of licenses or sublicenses.
6.56 Issuance of licenses.
6.57 Evaluation Committee.

AUTHORITY: The provisions of this Part 6 issued under 5 U.S.C. 1958 ed., sec. 22; sec. 2, Reorganization Plan No. 3 of 1950, 15 F.R. 3174; Executive Order 10096, 15 F.R. 389; and Executive Order 10930, 26 F.R. 2583.

Subpart A—Inventions by Employees

§ 6.1 Definitions.

As used in this subpart:

(a) The term "Department" means the Department of the Interior.

(b) The term "Secretary" means the Secretary of the Interior.

(c) The term "Solicitor" means the Solicitor of the Department of the Interior, or anyone authorized to act for him.

(d) The term "Commissioner" means the Commissioner of Patents, or any Assistant Commissioner who may act for the Commissioner of Patents.

(e) The term "invention" means any new and useful art, process, method, machine, manufacture, or composition of matter, or any new and useful improvement thereof, or any new variety of plant, or any new, original and ornamental design for an article of manufacture, which is or may be patentable under the laws of the United States.

(f) The term "employee" as used in this part includes a part time consultant, a part time employee or a special employee (as defined in 18 U.S.C. 202) of the Department in so far as inventions made during periods of official duty are concerned, except when special circumstances in a specific case require an exemption in order to meet the needs of the Department, each such exemption to be subject to the approval of the Commissioner.

(g) The term "governmental purpose" means the right of the Government of the United States (including any agency thereof, state, or domestic municipal government) to practice and have practiced (made or have made, used of have used, sold or have sold) throughout the world by or on behalf of the Government of the United States.

(h) The "making of the invention" means the conception or first actual reduction to practice of such invention.

§ 6.2 Report of invention.

(a) Every invention made by an employee of the Department shall be reported by such employee through his supervisor and the head of the bureau or office to the Solicitor, unless the invention obviously is unpatentable. If the invention is the result of group work, the report shall be made by the supervisor and shall be signed by all employees participating in the making of the invention. The original and two copies of the invention report shall be furnished to the Solicitor. The Solicitor may prescribe the form of the report.

(b) The report shall be made as promptly as possible, taking into consideration such factors as possible publication or public use, reduction to practice, and the necessity for protecting any rights of the Government in the invention. Although it is not necessary to withhold the report until the process or device is completely reduced to practice, reduction to practice assists in the preparation of a patent application and, if diligently pursued, protects the interests

of the Government and of the inventor. If an invention is reduced to practice after the invention report is filed, the Solicitor must be notified forthwith.

(c) For the protection of the rights of the Government and of the inventor, invention reports and memoranda or correspondence concerning them are to be considered as confidential documents.

(d) An invention report shall include the following:

(1) A brief but pertinently descriptive title of the invention;

(2) The full name, residence, office address, bureau or office and division, position or title, and official working place of the inventor or inventors;

(3) A statement of the evidence that is available as to the making of the invention, including information relative to conception, disclosures to others, and reduction to practice. Examples of such information are references to signed, witnessed and dated laboratory notebooks, or other authenticated records pertaining to the conception of the invention, operational data sheets, analysis and operation evaluation reports pertaining to a reduction to practice, and visitor log books, letters and other documents pertaining to disclosures to others. These need not be submitted with the report, only the identifying data is required, e.g., volume and page number in a laboratory notebook;

(4) Information concerning any past or prospective publication, oral presentation or public use of the invention;

(5) The problem which led to the making of the invention;

(6) The objects, advantages, and uses of the invention;

(7) A detailed description of the invention;

(8) Experimental data;

(9) The prior art known to the inventor(s) and the manner in which the invention distinguishes thereover;

(10) A statement that the employee:

(i) Is willing to and does hereby assign to the Government:

(*a*) The entire rights (foreign and domestic) in the invention;

(*b*) The domestic rights only, but grants to the Government an option to file for patent protection in any foreign country, said option to expire as to any country when it is decided not to file thereon in the United States, or within six months after such filing;

(ii) Requests, pursuant to § 6.5(e), a determination of the respective rights of the Government and of the inventor.

(e) If the inventor believes that he is not required by the regulations in this subpart to assign to the Government the entire domestic right, title, and interest in and to the invention, and if he is unwilling to make such an assignment to the Government, he shall, in his invention report, request that the Solicitor determine the respective rights of the Government and of the inventor in the invention, and he shall include in his invention report information on the following points, in addition to the data called for in paragraph (d) of this section:

(1) The circumstances under which the invention was made (conceived, actually reduced to practice or constructed and tested);

(2) The employee's official duties, as given on his job sheet or otherwise assigned, at the time of the making of the invention;

(3) The extent to which the invention was made during the inventor's official working hours, the extent use was made of government facilities, equipment, funds, material or information, and the time or services of other government employees on official duty;

(4) Whether the employee wishes a patent application to be prosecuted under the act of March 3, 1883, as amended (35 U.S.C. sec. 266), if it should be determined that he is not required to assign all domestic rights to the invention to the Government; and

(5) Whether the employee would be willing, upon request to voluntarily assign foreign rights in the invention to the Government if it should be determined that an assignment of the domestic rights to the Government is not required.

§ 6.3 Action by supervisory officials.

(a) The preparation of an invention report and other official correspondence on patent matters is one of the regular duties of an employee who has made an invention and the supervisor of such employee shall see that he is allowed sufficient time from his other duties to prepare such documents. The supervisor shall ascertain that the invention report and other papers are prepared in conformity with the regulations of this part; and, before transmitting the invention report to the head of the bureau or office, shall check its accuracy and completeness, especially with respect to the circumstances in which the invention was developed, and shall add whatever comments he may deem to be necessary or desirable. The supervisor shall add to the file whatever information he may have concerning the governmental and commercial value of the invention.

(b) The head of the bureau or office shall make certain that the invention report is as complete as circumstances permit. He shall report whatever information may be available in his agency concerning the governmental and commercial value of the invention, and the foreign countries in which it is likely that the invention would be most useful and would have the greatest commercial value.

(c) If the employee inventor requests that the Solicitor determine his rights in the invention, the head of the bureau or office shall state his conclusions with respect to such rights.

(d) The head of the bureau or office shall indicate whether, in his judgment, the invention is liable to be used in the public interest, and he shall set out the facts supporting his conclusion whenever the employee's invention report does not contain sufficient information on this point.

§ 6.4 Action by Solicitor.

(a) If an employee inventor requests, pursuant to paragraph (e) of § 6.2, that such determination be made, the Solicitor shall determine the respective rights of the employee and of the Government in and to the invention. His determination shall be subject to review by the Commissioner in proper cases under Executive Orders 10096 and 10930 and the rules and regulations issued by the Commissioner with the approval of the President.

(b) If the Government is entitled to obtain the entire domestic right, title, and interest in and to an invention made by an employee of the Department, the Solicitor, subject to review by the Commissioner in proper cases, may take such action respecting the invention as he deems necessary or advisable to protect the interests of the United States.

§ 6.5 Rights in inventions.

(a) The rules prescribed in this section shall be applied in determining the respective rights of the Government and of an employee of the Department in and to any invention made by the employee.

(b)(1) Except as indicated in the succeeding subparagraphs of this paragraph, the Government shall obtain the entire domestic right, title, and interest in and to any invention made by an employee of the Department (i) during working hours, or (ii) with a contribution by the Government of facilities, equipment, materials, funds, or information, or of time or services of other government employees on official duty, or (iii) which bears a direct relation to or is made in consequence of the official duties of the inventor.

(2) In any case where the contribution of the Government, as measured by any one or more of the criteria set forth in subparagraph (1) of this paragraph, to the invention is insufficient equitably to justify a requirement of assignment to the Government of the entire domestic right, title, and interest in and to such invention, or in any case where the Government has insufficient interest in an invention to obtain the entire domestic right, title, and interest therein (although the Government could obtain same under subparagraph (1) of this paragraph), the Solicitor, subject to the approval of the Commissioner, shall leave title to such invention in the employee, subject, however, to the reservation to the Government of a nonexclusive, irrevocable, royalty-free license in the invention with power to grant sublicenses for all governmental purposes, such reservation, in the terms therof, to appear, where practicable, in any patent, domestic or foreign, which may issue on such invention.

(3) In applying the provisions of subparagraphs (1) and (2) of this paragraph to the facts and circumstances relating to the making of any particular invention, it shall be presumed that any invention made by an employee who is employed or assigned (i) to invent or improve or perfect any art, machine, manufacture, or composition of matter, or (ii) to conduct or perform research, development work, or both, or (iii) to supervise, direct, coordinate, or review Government financed or conducted research, development work, or both, or

(iv) to act in a liaison capacity among governmental or nongovernmental agencies or individuals engaged in such work, falls within the provisions of subparagraph (1) of this paragraph, and it shall be presumed that any invention made by any other employee falls within the provisions of subparagraph (2) of this paragraph. Either presumption may be rebutted by a showing of the facts and circumstances in the case and shall not preclude a determination that these facts and circumstances justify leaving the entire right, title and interest in and to the invention in the government employee, subject to law.

(4) In any case wherein the Government neither (i) obtains the entire domestic right, title, and interest in and to an invention pursuant to the provisions of subparagraph (1) of this paragraph, nor (ii) reserves a nonexclusive, irrevocable, royalty-free license in the invention, with power to grant sublicenses for all governmental purposes, pursuant to the provisions of subparagraph (2) of this paragraph, the Solicitor, subject to the approval of the Commissioner, shall leave the entire right, title, and interest in and to the invention in the employee, subject to law.

(c) In the event that the Solicitor determines, pursuant to paragraph (b) (2) or (4) of this section, that title to an invention will be left with an employee, the Solicitor shall notify the employee of this determination and promptly prepare, and preserve in appropriate files, accessible to the Commissioner, a written signed, and dated statement concerning the invention including the following:

(1) A description of the invention in sufficient detail to identify the invention and show the relationship to the employee's duties and work assignment;

(2) The name of the employee and his employment status, including a detailed statement of his official duties and responsibilities at the time the invention was made; and

(3) A statement of the Solicitor's determination and reasons therefor. The Solicitor shall, subject to considerations of national security, or public health, safety, or welfare, submit to the Commissioner a copy of this written statement. This submittal in a case falling within the provisions of paragraph (b) (2) of this section shall be made after the expiration of the period prescribed in § 6.6 for the taking of an appeal, or it may be made prior to the expiration of such period if the employee acquiesces in the Solicitor's determination. The Commissioner thereupon shall review the determination of the Solicitor and the Commissioner's decision respecting the matter shall be final, subject to the right of the employee or the Solicitor to submit to the Commissioner within 30 days (or such longer period as the Commissioner may, for good cause, shown in writing, fix in any case) after receiving notice of such decision, a petition for the reconsideration of the decision. A copy of such petition must also be filed by the inventor with the Solicitor within the prescribed period.

§ 6.6 Appeals by employees.

(a) Any employee who is aggrieved by a determination of the Solicitor pursuant to § 6.5(b) (1) or (2) may obtain a review of the determination by filing, within 30 days (or such longer period as the Commissioner may for good cause shown in writing, fix in any case) after receiving notice of such determination, two copies of an appeal with the Commissioner. The Commissioner then shall forward one copy of the appeal to the Solicitor.

(b) On receipt of a copy of an appeal filed pursuant to paragraph (a) of this section, the Solicitor shall, subject to considerations of national security, or public health, safety, or welfare, promptly furnish both the Commissioner and the inventor with a copy of a report containing the following information about the invention involved in the appeal:

(1) A copy of a statement containing the information specified in § 6.5(c), and

(2) A detailed statement of the points of dispute or controversy, together with copies of any statements or written arguments that may have been filed, and of any other relevant evidence that the Solicitor considered in making his determination of Government interest. Within 25 days (or such longer period as the Commissioner may, for good cause shown, fix in any case) after the transmission of a copy of the Solicitor's report to the employee, the employee may file a reply thereto with the Commissioner and file one copy thereof with the Solicitor.

(c) After the time for the employee's reply to the Solicitor's report has expired and if the employee has so requested in his appeal, a date will be set for the hearing of oral arguments by the employee (or by an attorney whom he designates by written power of attorney filed before, or at the hearing) and the Solicitor. Unless it shall be otherwise ordered before the hearing begins, oral arguments will be limited to thirty minutes for each side. The employee need not retain an attorney or request an oral hearing to secure full consideration of the facts and his arguments. He may expedite such consideration by notifying the Commissioner when he does not intend to file a reply to the Solicitor's report.

(d) After a hearing on the appeal, if a hearing was requested, or after expiration of the period for the inventor's reply to the Solicitor's report, if no hearing is set, the Commissioner shall issue a decision on the matter, which decision shall be final after the period for asking reconsideration expires or on the date that a decision on a petition for reconsideration is finally disposed of. Any request for reconsideration or modification of the decision must be filed within 30 days from the date of the original decision (or within such an extension thereof as may be set by the Commissioner before the original period expires). The Commissioner's decision shall be made after consideration of the statements of fact in the employee's appeal, the Solicitor's report, and the employee's reply, but the Commissioner, at his discretion and with due respect to the rights and convenience of the inventor and the Solicitor, may call for further statements on specific questions of fact or may request additional evidence in the form of affidavits or depositions on specific facts in dispute.

§ 6.7 Domestic patent protection.

(a) The Solicitor, upon determining that an invention coming within the scope of § 6.5(b) (1) or (2) has been made, shall thereupon determine whether patent protection will be sought in the United States by the Department for such invention. A controversy over the respective rights of the Government and of the inventor in any case shall not delay the taking of the actions provided for in this section. In cases coming within the scope of § 6.5(b) (2), action by the Department looking toward such patent protection shall be contingent upon the consent of the inventor.

(b) Where there is a dispute as to whether subparagraphs (1) or (2) of paragraph (b) of § 6.5 applies in determining the respective rights of the Government and of an employee in and to any invention, the Solicitor will determine whether patent protection will be sought in the United States pending the Commissioner's decision on the dispute, and, if he determines that an application for patent should be filed, he will take such rights as are specified in § 6.5(b) (2), but this shall be without prejudice to acquiring the rights specified in § 6.5 (b) (1) should the Commissioner so decide.

(c) Where the Solicitor has determined to leave title to an invention with an employee under § 6.5(b) (2), the Solicitor will, upon the filing of an application for patent and pending review of the determination by the Commissioner, take the rights specified in that subparagraph, without prejudice to the subsequent acquisition by the Government of the rights specified in § 6.5(b) (1), should the Commissioner so decide.

(d) In the event that the Solicitor determines that an application for patent will not be filed on an invention made under the circumstances specified in § 6.5(b) (1) giving the United States the right to title thereto, the Solicitor shall, subject to considerations of national security, or public health, safety, or welfare, report to the Commissioner, promptly upon making such determination, the following information concerning the invention:

(1) Description of the invention in sufficient detail to permit a satisfactory review;

(2) Name of the inventor and his employment status;

(3) Statement of the Solicitor's determination and reasons therefor.

The Commissioner, may, if he determines that the interest of the Government so requires and subject to considerations of national security, or public health, safety, or welfare, bring the invention to the attention of any Government agency to whose activities the invention may be pertinent, or cause the invention to be fully disclosed by publication thereof.

§ 6.8 **Foreign filing.**

(a) *By Government.* (1) In every case where the employee has indicated pursuant to § 6.2(d)(10), his willingness to assign the domestic patent rights in the invention to the Government, or where it has been determined pursuant to § 6.5 that the Government shall obtain the entire domestic patent rights, the Government shall reserve an option to acquire assignment of all foreign rights including the rights to file foreign patent applications or otherwise to seek protection abroad on the invention.

(2) The Government's option shall lapse as regards any foreign country:

(i) When the Solicitor determines after consultation with the agency most directly concerned, not to cause an application to be filed in said foreign country or otherwise to seek protection of the invention, as by publication;

(ii) When the Solicitor fails to take action to seek protection of the invention in said foreign country (*a*) within six months of the filing of an application for a United States patent on the invention, or (*b*) within six months of declassification of an invention previously under a security classification, whichever is later.

(b) *By Employee.* (1) No Department employee shall file or cause to be filed an application for patent in any foreign country on any invention in which an application for patent in any foreign country on any invention in which the Government has acquired the entire (foreign and domestic) patent rights, or holds an unexpired option to acquire the patent rights in said foreign country, or take any steps which would preclude the filing of an application by or on behalf of the Government.

(2) An employee may file in any foreign country where the Government has not exercised its option acquired pursuant to § 6.2(d)(10), to do so, or determines not to do so.

(3) The determination or failure to act as set forth in § 6.8(a)(2) shall constitute a decision by the Government to leave the foreign patent rights to the invention in the employee, subject to a nonexclusive, irrevocable, royalty-free license to the Government in any patent which may issue thereon in any foreign country, including the power to issue sublicenses for governmental purposes or in furtherance of the foreign policies of the Government or both.

§ 6.9 **Publication and public use of invention before patent application is filed.**

(a) Publication or public use of an invention constitutes a statutory bar to the granting of a patent for the invention unless a patent application is filed within one year of the date of such publication or public use. In order to preserve rights in unpatented inventions, it shall be the duty of the inventor, or of his supervisor if the inventor is not available to make such report, to report forthwith to the Solicitor any publication or use (other than experimental) of an invention, irrespective of whether an invention report has previously been filed. If an invention report has not been filed, such a report, including information concerning the public use or publication, shall be filed at once. If an invention is disclosed to any person who is not employed by the Department or working in cooperation with the Department upon that invention, a record shall be kept of the date and extent of the disclosure, the name and address of the person to whom the disclosure was made, and the purpose of the disclosure.

(b) No description, specification, plan, or drawing of any unpatented invention upon which a patent application is likely to be filed shall be published, nor shall any written description, specification, plan, or drawing of such invention be furnished to anyone other than an employee of the Department or a person working in cooperation with the Department upon that invention, unless the Solicitor is of the opinion that the interests of the Government will not be prejudiced by such action. If any publication disclosing the invention, not previously approved by the Solicitor, comes to the attention of the inventor or his supervisor, it shall be the duty of such person to report such publication to the Solicitor.

§ 6.10 **Publicity concerning the invention after patent application is filed.**

In order that the public may obtain the greatest possible benefit from inventions in which the Secretary has transferable interests, inventions assigned to the Secretary upon which patent applications have been filed shall be publicized as widely as possible, within limitations of authority, by the Department, by the originating agency, by the division in which the inventor is employed, and by the inventor himself in his contacts with industries in which the invention is or may be useful. Regular organs of publication shall be utilized to the greatest extent possible. In addition, it shall be the duty of the Solicitor, upon being advised of the issuance of any patent assigned to the Secretary, to take steps towards listing the patent as available for licensing, where feasible.

§ 6.11 **Condition of employment.**

(a) The regulations in this subpart shall be a condition of employment of all employees of the Department and shall be effective as to all their inventions. These regulations shall be effective without regard to any existing or future contracts to the contrary entered into by any employee of the Department with any person other than the Government.

(b) If a patent application is filed upon an invention which has been made by an employee of the Department under circumstances that entitle the Government to the entire domestic right, title and interest in and to the invention, but which has not been reported to the Solicitor pursuant to the regulations in this subpart, title to such invention shall immediately vest in the Government, as represented by the Secretary, and the contract of employment shall be considered an assignment of such rights.

Subpart B—Licenses

§ 6.51 **Purpose.**

It is the purpose of the regulations in this subpart to secure for the people of the United States the full benefits of Government research and investigation in the Department of the Interior by providing a simple procedure under which the public may obtain licenses to use United States patents and inventions in which the Secretary of the Interior has transferable interests and which are available for licensing without undue risk of losing patent protection to which the public is entitled.

§ 6.52 **Patents.**

United States patents in which the Secretary of the Interior has transferable interests, and under which he may issue licenses or sublicenses, are classified as follows:

(a) *Class A.* Patents, other than those referred to in paragraph (c) of this section, which are owned by the United States, as represented by the Secretary of the Interior, free from restrictions on licensing except such as are inherent in Government ownership;

(b) *Class B.* Patents in which the interest of the United States, as represented by the Secretary of the Interior, is less than full ownership, or is subject to some express restriction upon licensing or sublicensing (including patents upon which the Secretary of the Interior holds a license, patents assigned to the Secretary of the Interior as trustee for the people of the United States, and patents assigned to the Secretary of the Interior upon such terms as to effect a dedication to the public);

(c) *Class C.* Patents and patent rights acquired by the Secretary of the Interior pursuant to the act of April 5, 1944 (58 Stat. 190; 30 U.S.C. 321–325), and any amendments thereof.

§ 6.53 **Unpatented inventions.**

The Secretary of the Interior may also have transferable interests in inventions which are not yet patented. In order to protect the patent rights of the Department, for the eventual benefit of the public, a license may be granted with respect to such an invention only if (a) a patent application has been filed thereon; (b) the invention has been assigned to the United States, as represented by the Secretary of the Interior, and the assignment has been recorded in the Patent Office; and (c) the Solicitor of the Department is of the opinon that the issuance of a license will not prejudice the interests of the Government in the invention. Such licenses shall be upon the same terms as licenses relating to patents of the same class, as described in § 6.52.

§ 6.54 **Use or manufacture by or for the Government.**

A license is not required with respect to the manufacture or use of any invention patented under the act of March 3, 1883, as amended (35 U.S.C. 266), or assigned or required to be assigned without restrictions or qualifications to the

United States, as represented by the Secretary of the Interior, when such manufacture or use is by or for the Government for governmental purposes. A license or sublicense may be required, however, for such manufacture or use in the case of Class B patents or patent rights when the terms under which the Secretary of the Interior acquires interests therein necessitate the issuance of a license or sublicense in such circumstances.

§ 6.55 Terms of licenses or sublicenses.

(a) The terms of licenses and sublicenses issued under this subpart shall not be unreasonably restrictive. All terms and conditions required by this subpart shall be expressly stated in licenses and sublicenses.

(b) To the extent that they do not conflict with any restrictions to which the licensing or sublicensing of Class B patents and unpatented inventions may be subject, all licenses and sublicenses relating to Class A and Class B patents and unpatented inventions shall be subject to the following terms and provisions, and to such other terms and conditions as the Solicitor may prescribe:

(1) The acceptance of a license or sublicense shall not be construed as a waiver of the right to contest the validity of the patent. A license or sublicense shall be revocable only upon a finding by the Solicitor of the Department that the terms of the license or sublicense have been violated and that the revocation of the license or sublicense is in the public interest. Such finding shall be made only after reasonable notice and an opportunity to be heard.

(2) Licenses and sublicenses shall be nontransferable. Upon a satisfactory showing that the public will be benefited thereby, they may be granted to properly qualified applicants royalty-free. If no such showing is made, they shall be granted only upon a reasonable royalty or other consideration, the amount or character of which is to be determined by the Solicitor. A cross-licensing agreement may be considered adequate consideration.

(3) Licensees and sublicensees may be required to submit annual or more frequent technical or statistical reports concerning practical experience acquired through the exercise of the license or sublicense, the extent of the production under the license or sublicense, and other related subjects.

(4) A licensee or sublicensee manufacturing a patented article pursuant to a license or sublicense shall give notice to the public that the article is patented by affixing thereon the word "patent", together with the number of the patent, or when, from the character of the article, this cannot be done, by fixing to it, or to the package in which it is enclosed, a label containing such notice.

(c) Licenses and sublicenses relating to Class C patents and patent rights shall be granted upon such terms and conditions as may be prescribed pursuant to sections 3 and 5 of the act of April 5, 1944, and any amendments thereof.

§ 6.56 Issuance of licenses.

(a) Any person desiring a license relating to an invention upon which the Secretary of the Interior holds a patent or patent rights may file with the Solicitor of the Department of the Interior an application for a license, stating:

(1) The name, address, and citizenship of the applicant;

(2) The nature of his business;

(3) The patent or invention upon which he desires a license;

(4) The purpose for which he desires a license;

(5) His experience in the field of the desired license;

(6) Any patents, licenses, or other patent rights which he may have in the field of the desired license; and

(7) The benefits, if any, which the applicant expects the public to derive from his proposed use of the invention.

(b) It shall be the duty of the Solicitor, after consultation with the bureau most directly interested in the patent or invention involved in an application for a license, and with the Evaluation Committee if royalties are to be charged, to determine whether the license shall be granted. If he determines that a license is to be granted, he shall execute, on behalf of the Secretary, an appropriate license.

§ 6.57 Evaluation Committee.

At the request of the Solicitor, an Evaluation Committee will be appointed by the Secretary to recommend royalty rates with respect to any patents or inventions for which royalties may be charged.

STEWART L. UDALL,
Secretary of the Interior.

JANUARY 3, 1964.

[F.R. Doc. 64-221; Filed, Jan. 9, 1964; 8:51 a.m.]

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3301]

ALASKA AND CALIFORNIA

Correcting Public Land Order No. 3284 of December 3, 1963 and Public Land Order No. 2942 of February 15, 1963; Opening Lands Described in Public Land Order No. 2942

ALASKA

[Misc. 884931]

1. The reference to "Group lot 1," Homesite No. 1141 in the Tongass National Forest, appearing in Public Land Order No. 3284 of December 3, 1963 (28 F.R. 13307-8), is corrected to read "Group 1, lot E."

CALIFORNIA

[Los Angeles 0166005]

2. (a) In paragraph 2 of Public Land Order No. 2942 of February 15, 1963 (28 F.R. 1635), the reference to the "SW¼" of sec. 29, T. 26 S., R. 34 E. as included in Power Project No. 564 is corrected to read "NW¼."

(b) Paragraphs 3, 4 and 5 of Public Land Order No. 2942 are hereby eliminated.

3. Until 10:00 a.m. on July 6, 1964, the State of California shall have the preferred right of application to select any of the restored land described in Public Land Order No. 2942 for school land indemnity purposes, as provided by Sec. 2(c) of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852). The State also has a more limited preferred right of application with respect to the lands in sec. 29, described in paragraph 2 of Public Land Order No. 2942 as amended by this order for highway easement or for highway material site purposes as provided by Sec. 24 of the Act of June 10, 1920, as amended May 28, 1948 (62 Stat. 275; 16 U.S.C. 818).

4. At 10:00 a.m. on July 6, 1964, the public lands described in Public Land Order No. 2942 shall be open to the operation of the public land laws generally, subject to existing valid 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 July 6, 1964, shall be considered as simultaneously filed at that time. Those filed thereafter shall be considered in the order of filing. Any disposal of the lands in the NW¼ of sec. 29 T. 26 S., R. 34 E., shall be subject to the provisions of Section 24 of the Federal Power Act, as provided by the Federal Power Commission in DA-962-California.

Inquiries concerning the lands described in Public Land Order No. 2942 should be addressed to the Manager, Land Office, Bureau of Land Management, Riverside, California. The lands are described as follows:

MOUNT DIABLO MERIDIAN

T. 26 S., R. 34 E.,
Sec. 20, SE¼NE¼ and SE¼,
Sec. 29, N½ and N½S½.
T. 26 S., R. 35 E.,
Sec. 2, NW¼SE¼.
T. 27 S., R. 35 E.,
Sec. 17, W½SW¼.
T. 25 S., R. 36 E.,
Sec. 21, S½NE¼NE¼, SW¼NE¼, NE¼SW¼, and E½SW¼SW¼.

Containing 920 acres.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

JANUARY 6, 1964.

[F.R. Doc. 64-219; Filed, Jan. 9, 1964; 8:46 a.m.]

Title 46—SHIPPING

Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER A—POLICY, PRACTICE, AND PROCEDURE

PART 206—MISCELLANEOUS FEES

Subpart B—Foreign Discrimination Affecting U.S. Ships

CROSS REFERENCE: For a document affecting Subpart B of Part 206, see F.R. Doc. 64–223, Title 46, Chapter IV, *infra*.

Chapter IV—Federal Maritime Commission

SUBCHAPTER A—GENERAL PROVISIONS

[General Order 8, Part III]

PART 506—FOREIGN DISCRIMINATION AFFECTING U.S. SHIPS

By General Order 1 (26 F.R. 7788, August 19, 1961) the Federal Maritime Commission continued in effect rules and regulations issued by the Federal Maritime Board necessary to the exercise of the functions, delegations, powers and duties transferred to the Federal Maritime Commission by Reorganization Plan No. 7 of 1961. The Commission is now in the process of updating its rules and regulations by means of redesignations, revocations and republications of parts of the Code of Federal Regulations. A notice of revocations and redesignations was published in the FEDERAL REGISTER on October 4, 1963 (28 F.R. 10703), and on Nov. 16, 1963 the Commission's rules of practice and procedure were republished (28 F.R. 12205). The Commission is now republishing as a new part, Part 506, of Title 46 of the Code of Federal Regulations, a rule which prescribes procedure in the event of promulgation by a foreign government of rules and regulations which discriminate against vessels documented under the laws of the United States. This rule is now Subpart B of Part 206, Title 46. There have been no substantive changes in the rule as it is republished, and it will therefore become effective immediately upon publication in the FEDERAL REGISTER.

Sec.

AUTHORITY: The provisions of this Part 506 issued under sec. 19 (41 Stat. 995; 46 U.S.C. 876) of Merchant Marine Act, 1920, and sec. 204 (49 Stat. 1987, as amended; 46 U.S.C. 1114) of Merchant Marine Act, 1936.

§ 506.1 Scope.

The rules of this part will be invoked when the Federal Maritime Commission finds that a foreign government has promulgated laws, regulations, or practices which discriminate against vessels of the United States, and when efforts of the Commission fail to eliminate the discriminatory laws, regulations, or practices through friendly representations with foreign governments or agencies via diplomatic or other channels.

§ 506.2 Imposition of equalization fees or charges.

The Federal Maritime Commission, in order to counteract the adverse effect of fees or charges imposed by a foreign government which discriminate, directly or indirectly, against vessels documented under the laws of the United States, will impose equalizing fees or charges against vessels flying the flag of the discriminating country or vessels owned, operated, or chartered by shipping companies to which such foreign government has extended the same preferential treatment accorded to vessels flying the flags of the discriminating country, and/or the users of the services of said vessels.

§ 506.3 Other off-setting regulations.

If and when other discriminatory practices against vessels documented under the laws of the United States are found to exist, off-setting regulations will be imposed by the Federal Maritime Commission.

Dated: January 6, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64–223; Filed, Jan. 9, 1964; 8:46 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

SCHEDULE OF FEES

Stay of Effective Date

JANUARY 2, 1964.

Stay of effective date of Commission's schedule of application filing fees (see §§ 1.1101–1.1119, 13.14, 13.15, 21.12, 23.13, 25.523, 61.153, 62.24, 63.52, 66.14, 73.17, 73.214, 73.514, 73.620, 73.710, 74.11, 81.49, 81.50, 83.53, 83.54, 85.25, 87.51, 87.53, 89.81, 89.83, 91.67, 91.68, 93.66, 93.67, 95.23, 95.25, 97.53, and 97.55).

Pursuant to a stay imposed Dec. 31, 1963, by the U.S. Court of Appeals for the Seventh Circuit, the Commission announces that its application filing fees scheduled to become effective Jan. 1, 1964, have been postponed until further announcement.

Under the Court's opinion the Commission's schedule of filing fees may not become effective for 60 days, pending consideration of a further stay until disposition of a joint petition for review which has been brought in the Court to set aside adoption of the fee schedule by the Commission.

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

[F.R. Doc. 64–252; Filed, Jan. 9, 1964; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 917]

FRESH BARTLETT PEARS GROWN IN CALIFORNIA

Proposed Changes in Representation of Certain Districts on Commodity Committee

Notice is hereby given that the Department is considering a proposed amendment, as hereinafter set forth, to the rules and regulations (Subpart—Rules and Regulations; 7 CFR 917.100–917.179) currently in effect pursuant to the applicable provisions of Marketing Agreement No. 85, as amended, and Order No. 917, as amended (7 CFR Part 917), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in California. This is a regulatory program effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The amendment to the said rules and regulations was proposed by the Control Committee, established under the said amended marketing agreement and order as the agency to administer the terms and provisions thereof. The amendment changes the representation of certain districts on the Bartlett Pear Commodity Committee.

The said amendment is as follows:

1. Delete § 917.116 and substitute therefor the following:

§ 917.116 Changes in representation of certain districts on Bartlett Pear Commodity Committee.

The representation or membership on the Bartlett Pear Commodity Committee is changed to provide for:

(a) One (1) member to represent the North Sacramento Valley District and the Central Sacramento Valley District;

(b) Three (3) members to represent the Sacramento River District, Stockton District, Contra Costa District, Santa Clara District, Solano District;

(c) One (1) member to represent the Placer District and the Colfax District;

(d) Four (4) members to represent the Lake District;

(e) One (1) member to represent the North Coast District and the North Bay District;

(f) Two (2) members to represent the El Dorado District; and all of the area not included in the North Sacramento Valley District, Central Sacramento Valley District, Colfax District, Placer District, Sacramento River District, Stockton District, Solano District, Contra Costa District, Santa Clara District, Lake District, North Coast District, and North Bay District.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed amendment should do so by forwarding same to the Director, Fruit and Vegetable Division, Agricultural Marketing Service, Room 2077, South Building, Washington, D.C., 20250, not later than the 10th day after publication of the notice in the FEDERAL REGISTER.

Dated: January 6, 1964.

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

[F.R. Doc. 64–258; Filed, Jan. 9, 1964; 8:50 a.m.]

DEPARTMENT OF LABOR

Division of Public Contracts

[41 CFR Part 50–204]

SAFETY AND HEALTH STANDARDS FOR FEDERAL SUPPLY CONTRACTS EXCEPT THOSE CONCERNING RADIATION

Proposed Revision

On October 1, 1963, a proposed revision of the general safety and health regulations applicable under the Walsh-Healey Public Contracts Act was published in the FEDERAL REGISTER (28 F.R. 10524). Interested persons were given until December 31 to submit written data, views, and argument concerning the proposal (28 F.R. 12668).

Upon review of the many submissions received, I hereby give notice of oral proceedings to be held at 10:00 a.m. March 17, 1964, in the Auditorium of the United States Department of Commerce, on Constitution Avenue between 14th and 15th Streets NW., Washington, D.C., before a hearing examiner appointed under section 11 of the Administrative Procedure Act (5 U.S.C. 1010) for the purpose of receiving additional data, views, and argument concerning the proposed revision.

All persons wishing to be heard on the above question shall file with the Administrator of the Wage and Hour and Public Contracts Divisions, United States Department of Labor, Washington 25, D.C., on or before March 3, 1964, notice of intention to appear which shall contain the following information:

(1) The name and address of the person appearing;

(2) If such person is appearing in a representative capacity, the name and address of the person or persons or organization he is representing;

(3) The substance of the position he intends to take; and

(4) The approximate length of time he will need for his presentation.

The oral presentations shall be stenographically reported. Transcripts will be made available to interested persons on such terms as the hearing examiner shall prescribe. The hearing examiner shall regulate the proceedings, dispose of procedural requests, objections, and related matters, and confine the proceedings to the terms of such safety and health standards other than radiation as should be provided in procedural regulations issued under the Walsh-Healey Public Contracts Act and section 7(d) of the Administrative Procedure Act (5 U.S.C. 1006(d)). The hearing examiner shall have discretion to keep the record open to permit any person who participated in the oral presentations to submit additional data, views, and argument responsive to the oral presentations made by other persons. After the record has been closed, the hearing examiner shall certify it to me for any appropriate amendment to 41 CFR Part 50–204.

Signed at Washington, D.C., this 6th day of January 1964.

W. WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 64–242; Filed, Jan. 9, 1964; 8:49 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 4b, 40, 41, 42, 91 [New]]

[Notice 64–1; Docket No. 3038]

EMERGENCY EXITS FOR AIRPLANES CARRYING PASSENGERS FOR HIRE

Notice of Proposed Rule Making

The Federal Aviation Agency has under consideration a proposal to amend the provisions of Special Civil Air Regulation No. SR–389B by: (1) Setting forth more definitive rules concerning the number of occupants which may be added to the number previously authorized if additional approved exits are provided, and concerning a corresponding reduction in the authorized number of occupants if existing exists are eliminated; (2) specifying the order in which existing exist can be eliminated; and (3) making other minor revisions for clarification or for editorial reasons. Operators of transport category airplanes carrying passengers for hire may be affected by this proposed amendment.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the notice or docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before March 12, 1964, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be

changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Paragraph 2 of currently effective SR–389B states that a maximum of 8 additional occupants (beyond the number listed in the prescribed occupant-exit table) may be authorized for the addition of an exit which is "comparable to at least a Type II or Type IV exit as prescribed in § 4b.362," and that a lesser number of additional occupants may be authorized for the addition of an exit which is not "comparable." The Agency has found the term "comparable" difficult to apply in the absence of criteria which clearly relate the number of additional occupants to the size, location, and type (window or floor level) of the added exit. There is uncertainty not only in determining what is "comparable" but in determining, when the added exit is not "comparable," what lesser number of additional occupants (less than 8) may be authorized. A further uncertainty derives from the fact that only Type II and Type IV exits are referred to in this provision, raising the question whether additional occupants would be authorized for an additional exit "comparable" to a Type I or Type III exit.

The Agency has observed, moreover, that by limiting the number of additional occupants to 8, irrespective of the effectiveness of the added exit, it has discouraged the fitting of new floor-level exits on airplanes modified for additional occupancy, since the same number of additional occupants is permitted for a less costly (and less effective) window exit.

To correct these deficiencies in paragraph 2, it is proposed to make revisions which will set forth a specific number of additional occupants for each type of additional exit which may be provided, taking into account: (1) Exit size; (2) exit location; and (3) access to the exit from the main passenger aisle. Recognizing that floor-level exits are more effective for emergency egress than window exits and that overwing window exits are more effective than non-over-wing window exits, the Agency proposes to authorize 12 additional occupants for each added floor-level exit, 8 additional occupants for each added overwing exit, and 5 additional occupants for each added non-over-wing window exit, all subject to conditions relating to size and, in the case of floor-level exits, subject to a further condition relating to access from the main passenger aisle. This latter condition is proposed to facilitate the movement of occupants from the main passenger aisle to floor-level exits.

Paragraph 3 of currently effective SR–389B in part requires that, for airplanes which have a ratio (as computed from the table in this special regulation) of maximum number of occupants to number of exits greater than 14:1, and for airplanes which do not have installed at least one full-size door-type exit in the side of the fuselage in the rearward portion of the cabin, the first additional exit for increased occupancy shall be a floor-level exit not less than 24 inches wide by 48 inches high located in the side of the fuselage in the rearward portion of the cabin. This provision does not speak to whether, when one floor-level exit is already installed in one side of the fuselage, the added floor-level exit shall be on the opposite side. It is evident that if both floor-level exits in this case were installed on the same side of the fuselage both might be useless for emergency egress if a fire developed on that side, or if the airplane came to rest on that side, during a crash landing. Nor does this provision speak to the question of access to the floor-level exit from the main passenger aisle. Without such access, the effectiveness of the floor-level exit would be sharply reduced. For these reasons, it is proposed to add new provisions which would require that, for the airplanes stipulated, the first added exit be a floor-level exit located on the side of the fuselage which is opposite the main entrance door, and that adequate access be provided to this exit from the main passenger aisle.

Paragraph 4 of SR–389B states, in part, that the maximum number of occupants authorized in the table shall be reduced if the number of approved exits is less than that shown in the table; and that this reduction shall be at least 8 for each eliminated exit. This provision again contains no definite criteria by which the reduction in the maximum number of occupants could be related to the effectiveness of the eliminated exit; nor does it prescribe the order in which exits must be eliminated. To be consistent with the proposed provisions dealing with increased occupancy for additional exits above the number listed in the table, it is proposed that the authorized maximum number of occupants be reduced, for each eliminated exit, by a corresponding number of occupants. The Agency believes, in addition, that an orderly progression toward the higher level of safety set forth in currently effective § 4b.362 can be achieved by prescribing a priority schedule for the elimination of exits. It is proposed, therefore, to add new provisions requiring that exits be eliminated in the order of increasing effectiveness, thereby insuring the most favorable occupant-exit relationship, from the safety standpoint, between the remaining exits and the corresponding maximum number of occupants.

The Agency has reviewed the service record established by airplanes operating under the provisions of currently effective SR–389B, and of the special regulations which preceded it, and has determined that there is no need to apply the previously described proposed amendments to airplanes with occupant-exit configurations approved in the past under the terms of these special regulations. Accordingly, it is proposed to add a provision to this effect.

It is to be noted that the Agency also has under consideration a proposal respecting evacuation procedures and other requirements (Notice 63–42; 28 F.R. 4507) which, if adopted, will affect the provisions of this proposal.

This revised Special Civil Air Regulation is proposed under the authority of sections 313(a), 603, and 604 of the Federal Aviation Act of 1958 (49 U.S.C. 1354, 1423, 1424), and is subject to the FAA Recodification Program announced in Draft Release 61–25 (26 F.R. 10698).

In consideration of the foregoing, it is proposed that Special Civil Air Regulation No. SR–389B, as amended by Amendment No. 1, be superseded by a new special regulation to read as follows:

1. Contrary provisions of the Civil Air Regulations notwithstanding, no large airplane (more than 12,500 pounds maximum certificated takeoff weight) type certificated under Civil Air Regulations effective prior to April 9, 1957, while carrying passengers for hire, shall be operated with occupants in excess of the number permitted by applying the provisions of § 4b.362 (a), (b), and (c) of Part 4b of Civil Air Regulations as amended by Amendment 4b–4 effective December 20, 1951, except that airplane types listed in the following table may be operated with:

(a) The maximum number of occupants listed in the table in this special regulation (including all crewmembers) and the corresponding number of exits (including emergency exits and doors) heretofore approved for the emergency egress of passengers; or

(b) Any occupant-exit configuration approved under the provisions of Special Civil Air Regulation No. SR–387, SR–389, SR–389A, or SR–389B; or

(c) Any occupant-exit configuration permitted under the provisions of paragraphs 2 and 3 of this special regulation.

2. Additional occupants above the values listed in the table, or above any value authorized for the airplane under the provisions of Special Civil Air Regulation No. SR–387, SR–389, SR–389A, or SR–389B, may be carried, if additional exits are provided, subject to the provisions of subparagraphs (a) through (d) of this paragraph.

(a) Twelve additional occupants may be added for each additional floor-level exit if it is at least 24 inches wide by 48 inches high, and if an unobstructed, 20-inch wide, access aisleway is provided between each such exit and the main passenger aisle.

(b) Eight additional occupants may be added for each additional window exit if it is located over a wing, and if its size is such that:

(1) A 19 x 26 inch ellipse can be inscribed within it; or

(2) It is in accordance with the provisions of the Civil Air Regulations under which the airplane was type certificated.

(c) Five additional occupants may be added for each additional window exit which is not located over the wing, if its size is in accordance with subparagraph (b) of this paragraph.

(d) For airplanes which have a ratio (as computed from the table in this special regulation) of maximum number of occupants to number of exits greater than 14:1, and for airplanes which do not have installed at least one full-size door-type exit in the side of the fuselage in the rearward portion of the cabin, the first additional exit for increased occupancy shall be a floor-level exit which satisfies the conditions relating to size and access set forth in subparagraph (a) of this paragraph, and which is located in the rearward portion of the cabin but not on the same side of the fuselage as the main entrance door. The maximum number of occupants shall not exceed 115 unless there is a floor-level exit, satisfying the conditions relating to size and access set forth in subparagraph (a) of this paragraph, on each side of the fuselage in the rearward portion of the cabin.

3. If any approved exit is eliminated subsequent to the effective date of this special regulation, the provisions of subparagraphs (a) through (d) of this paragraph shall apply.

(a) For each exit eliminated, the previously authorized maximum number of occupants shall be reduced by the same number of occupants as may be added, for this exit, under the provisions of subparagraphs (a), (b), and (c) of paragraph 2.

(b) Exits shall be eliminated in accordance with the following priority schedule: First, non-over-wing window exits; second, over-wing window exits; third, floor-level exits located in the forward portion of the cabin; and fourth, floor-level exits located in the rearward portion of the cabin.

(c) At least one exit shall be retained on each side of the fuselage, irrespective of the number of occupants.

(d) In no case shall the resulting ratio of maximum number of occupants to number of approved exits be greater than 14:1.

Airplane type	Maximum number of occupants including all crewmembers	Corresponding number of exits authorized for passenger use
B-307	61	4
B-377	96	9
C-46	67	4
CV-240	53	6
CV-340 and CV-440	53	6
DC-3	35	4
DC-3 (Super)	39	5
DC-4	86	5
DC-6	87	7
DC-6B [1]	112	11
L-18	17	3
L-049, L-649, L-749	87	7
L-1049 series	96	9
M-202	53	6
M-404	53	7
Viscount 700 series	53	7

[1] The DC-6A, if converted to a passenger transport configuration, will be governed by the maximum number applicable to the DC-6B.

Issued in Washington, D.C., on January 3, 1964.

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

[F.R. Doc. 64-214; Filed, Jan. 9, 1964; 8:46 a.m.]

[14 CFR Part 507]

[Reg. Docket No. 3036]

LOCKHEED MODELS 1049C, D, E, G, AND H SERIES AIRCRAFT

Proposed Airworthiness Directive

The Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive for Lockheed Models 1049C, D, E, G, and H Series aircraft. A metallurgical investigation has revealed that a fatigue crack in a beam cap tie-in fitting, Lockheed P/N 311134, was caused by improperly oriented grain direction. To correct this unsafe condition, this AD requires inspection of the fittings and replacement of any found cracked.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before February 10, 1964, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

LOCKHEED. Applies to all Models 1049C, 1049D, 1049E, 1049G, and 1049H Series aircraft.

Compliance required as indicated.

As the result of a metallurgical investigation which revealed a beam cap tie-in fitting fatigue crack, attributed to improperly oriented material grain direction of the part, accomplish the following:

(a) Within 350 hours' time in service after the effective date of this AD, unless already accomplished, inspect the beam cap tie-in fittings, Lockheed P/N's 311134L and 311134R, for cracks in the area of the .16 radius near the center of the fitting using dye penetrant or FAA approved equivalent. Gain access to the part through opening No. 87 as described in Figure 1-3 of the Model 1049 Maintenance Instructions Manual.

(b) Replace any cracked fitting with a new fitting of the same part number before further flight, except that the aircraft may be ferried in accordance with the provisions of CAR 1.76 to the base at which the repairs are to be accomplished.

Issued in Washington, D.C., on January 3, 1964.

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

[F.R. Doc. 64-213; Filed, Jan. 9, 1964; 8:46 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

Notice of Filing of Plat of Survey

JANUARY 3, 1964.

1. Plat of survey of the following described land will be officially filed in the Land Office, Sacramento, California, effective 10:00 a.m. on February 7, 1964.

MOUNT DIABLO MERIDIAN

T. 32 S., R. 11 E.
Tract 39, Whalers Island in San Luis Obispo Bay, containing 0.73 acre.

2. The plat represents the extent of the public lands as defined by the line of mean high water on Whalers Island in San Luis Obispo Bay as shown upon the U.S. Geological Survey Quadrangle, Port San Luis, edition of 1951, supplemented by data from the U.S. Coast and Geodetic Survey Chart No. 5386 and photogrammetric compilation methods.

3. Whalers Island is located approximately 400 feet off shore from the mainland and lies approximately one-quarter of a mile east of the Point San Luis Light Station, and one and three-quarter miles southwest of the community of Avila Beach, San Luis Obispo County. The island is a pendant type island composed mostly of large massive boulders upthrust from the ocean on top of which is a thin mantle of soil supporting a dense stand of sage and other associated brush species. It rises approximately 65 feet out of the water and is difficult to gain access to. This island is a part of the existing breakwater constructed by the Port of San Luis.

4. Under authority of the act of Congress approved June 25, 1910 (36 Stat. 847), as amended by the act of August 24, 1912 (37 Stat. 497), the land is withdrawn from settlement, location, sale, or entry, for classification and in aid of legislation, pursuant to Executive Order No. 5326 of April 14, 1930, which withdrew all unreserved islands, rocks and pinnacles situated in the Pacific Ocean off the coast of California. Executive Order No. 5326 was modified by Public Land Order 1834 of April 15, 1959, to the extent of permitting the filing of applications for selection by the State of California under section 2276(c) of the Revised Statutes (43 U.S.C. 852), as amended by section 2 of the act of August 27, 1958 (72 Stat. 928).

5. The land has been open to application for selection by the State of California as indicated in the preceding paragraph; application under the act of June 14, 1926 (44 Stat. 741; 43 U.S.C. 869), as amended; applications and offers under the mineral leasing laws; and to location for metalliferous minerals under the mining laws. The land is embraced in pending application Sacramento 072064 filed by the Port San Luis Harbor District under the act of June 14, 1926, supra.

6. Inquiries concerning this land shall be addressed to the Manager, Land Office, Bureau of Land Management, United States Department of the Interior, Room 4201, U.S. Courthouse and Federal Building, 650 Capitol Mall, Sacramento, California, 95814.

WALTER E. BECK,
Manager, Land Office.

[F.R. Doc. 64-220; Filed, Jan. 9, 1964; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

NURSERY SPECIALTY PRODUCTS, INC.

Notice of Withdrawal of Petition for Food Additives Polyvinylidene Chloride, Copolymer of Polyvinylidene Chloride

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Nursery Specialty Products, Inc., 202 East 47th Street, New York 17, New York, has withdrawn its petition (FAP 653) published in the FEDERAL REGISTER of May 29, 1962 (27 F.R. 5002), proposing the issuance of a regulation to establish a tolerance of 375 parts per million (0.0375 percent) for residues of polyvinylidene chloride and/or the copolymer of polyvinylidene chloride in or on fodder from pea vines treated with the polymer as an antidesiccant.

The withdrawal of this petition is without prejudice to a future filing.

Dated: January 6, 1964.

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

[F.R. Doc. 64-244; Filed, Jan. 9, 1964; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-160]

GEORGIA INSTITUTE OF TECHNOLOGY

Notice of Extension of Completion Date

Please take notice that the Atomic Energy Commission has issued an order extending to June 30, 1964, the latest completion date specified in Construction Permit No. CPRR-57 which authorizes construction of a one-megawatt (thermal) heavy water moderated, tank-type nuclear reactor on the campus of Georgia Institute of Technology in Atlanta, Georgia.

Copies of the Commission's order and the application filed by Georgia Institute of Technology are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 31st day of December 1963.

For the Atomic Energy Commission.

EBER R. PRICE,
Acting Director, Division of Licensing and Regulation.

[F.R. Doc. 64-206; Filed, Jan. 9, 1964; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. SA-375]

ACCIDENT AT JAMAICA, N.Y.

Investigation; Notice of Hearing

In the matter of investigation of accident involving aircraft of United States Registry N 6673D, which occurred on October 14, 1963 at New York International Airport, Jamaica, New York; Docket No. SA-375.

Notice is hereby given that an Accident Investigation Hearing on the above matter will be held commencing January 14, 1964, at 1:30 p.m., l.t., in the United States Mission to the United Nations, United Nations Plaza, New York City.

Dated this 6th day of January 1964.

[SEAL] RICHARD G. RODRIGUEZ,
Hearing Officer.

[F.R. Doc. 64-250; Filed, Jan. 9, 1964; 8:49 a.m.]

[Docket 14938]

TRANS-TEXAS AIRWAYS, INC.

"Use It or Lose It" Investigation; Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled investigation is assigned to be held on January 28, 1964, at 10:00 a.m. (e.s.t), in Room 725, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Associate Chief Examiner Thomas L. Wrenn.

Dated at Washington, D.C., January 7, 1964.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 64-251; Filed, Jan. 9, 1964; 8:49 a.m.]

CIVIL SERVICE COMMISSION

MEDICAL OFFICERS

Notice of Increase of Minimum Rates of Pay

Correction

In F.R. Doc. 64–76, appearing at page 64 of the issue for Friday, January 3, 1964, the Step 7 entry for GS–12 should read "13,940" instead of "13,94".

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 15260, 15261]

COOSA VALLEY RADIO CO. AND ROME BROADCASTING CORP.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Coosa Valley Radio Company, Rome, Georgia, Requests: 97.7 mc, #249; 290 w; 817 ft., Docket No. 15260, File No. BPH–4108; Rome Broadcasting Corporation, Rome, Georgia, requests: 97.7 mc, #249; 250 w; 865 ft., Docket No. 15261, File No. BPH–4136; for construction permits:

The Commission, by the Chief of the Broadcast Bureau under delegated authority, considered the above-captioned applications on January 3, 1964;

It appearing, that the applications are mutually exclusive in that operation by both applicants as proposed would result in mutually destructive interference; and

It further appearing, that the areas for which the applicants propose to provide FM broadcast service are not identical in size and that, for the purpose of comparison, the areas and populations within the proposed one mv/m contours will be considered in the hearing ordered below; and

It further appearing, that upon due consideration of the application of the Coosa Valley Radio Company and the Rome Broadcasting Corporation, the Commission finds that, pursuant to section 309(e) of the Communications Act of 1934, as amended, a hearing is necessary; that each of the applicants is legally, financially, technically and otherwise qualified to construct, own and operate the FM broadcast stations proposed;

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the area and population within the proposed 1 mv/m contours, the areas and populations therein which would be served by the proposed stations and the availability of other FM services (at least 1 mv/m) to such proposed service areas.

2. To determine, on a comparative basis, which of the proposals would better serve the public interest, convenience and necessity in the light of the evidence adduced pursuant to the foregoing issue and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate its proposed station.

(b) The proposals of each of the applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the said applications.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues which of the instant applications should be granted.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants, pursuant to § 1.221 (c) of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicants herein, shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

It is further ordered, That the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: January 7, 1964.

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

[F.R. Doc. 64–254; Filed, Jan. 9, 1964; 8:50 a.m.]

[Docket Nos. 15212, 15213; FCC 64M–9]

TVUE ASSOCIATES, INC., AND UNITED ARTISTS BROADCASTING, INC.

Order Continuing Prehearing Conference

In re applications of TVUE Associates, Inc., Houston, Texas, Docket No. 15212, File No. BPCT–3161; United Artists Broadcasting, Inc., Houston, Texas, Docket No. 15213, File No. BPCT–3166; for construction permits for new television broadcast stations.

It is hereby ordered, This 6th day of January 1964, that the further prehearing conference scheduled in this proceeding for January 7, 1964, is rescheduled for January 17, 1964, at 10:00 a.m. in Washington, D.C.

Released: January 6, 1964.

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

[F.R. Doc. 64–256; Filed, Jan. 9, 1964; 8:50 a.m.]

[Docket Nos. 15006–15008]

HARRY WALLERSTEIN ET AL.

Notice of Place of Hearing

In re Applications of Harry Wallerstein, Receiver, Television Company of America, Inc., for renewal of license of Station KSHO–TV, Las Vegas, Nevada, Docket No. 15006, File No. BRCT–397; Harry Wallerstein, Receiver, Television Company of America, Inc., (Assignor) and Television Company of America, Inc., (Assignee) for assignment of license of Station KSHO–TV, Las Vegas, Nevada, Docket No. 15007, File No. BALCT–181; Reed R. Maxfield, Robert W. Hughes, Carl A. Hulbert and Alex Gold, (Transferors) and Arthur Powell Williams, (Transferee) for transfer of control of Nevada Broadcasters' Fund, Inc., Holding Company of Television Company of America, Inc., Licensee of Station KSHO–TV, Las Vegas, Nevada, Docket No. 15008, File No. BTC–3965.

The hearing on the above-entitled matter presently scheduled for Wednesday, January 15, 1964, will be held at 10:00 a.m., at Clark County Airport, south end of the Ticketing Building on the second floor, Las Vegas, Nevada.

Dated: January 6, 1964.

Released: January 6, 1964.

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

[F.R. Doc. 64–257; Filed, Jan. 9, 1964; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. G–14853 and G–15208]

ARKANSAS LOUISIANA GAS CO. AND HUMBLE GAS TRANSMISSION CO.

Notice of Applications To Amend

JANUARY 3, 1964.

Take notice that on October 1, 1963, Arkansas Louisiana Gas Company (Arkansas Louisiana), Shreveport, Louisiana, in Docket No. G–14853 and on October 21, 1963, Humble Gas Transmission Company (Humble), New Orleans, Louisiana, in Docket No. G–15208 filed applications to amend the Commission's or-

der issued December 8, 1958, in said Dockets by authorizing the continuance of the sale of gas by Arkansas Louisiana to Humble pursuant to a new agreement, dated August 30, 1963, between the two companies, all as more fully set forth in the respective applications to amend on file with the Commission and open to public inspection.

The order of December 8, 1958, authorized Arkansas Louisiana to construct and operate certain facilities and to sell and deliver at the tailgate of Arkansas Louisiana's Munce Compressor Station, Ouachita Parish, Louisiana, natural gas to Humble (formerly Olin Gas Transmission Corporation). Said order also authorized Humble to operate any facilities, subject to the jurisdiction of the Commission, necessary for such sale.

By letter of May 17, 1963, Humble exercised its right to terminate the contract between the two parties at the end of five years. Accordingly, Arkansas Louisiana filed in Docket No. CP63–331 its application to abandon the sale covered thereby.[1] Subsequently, Arkansas Louisiana and Humble entered into the new agreement to continue the sale at the same price (18.2293 cents per Mcf) at the same delivery point. Said agreement also provides that Arkansas Louisiana may deliver such volumes from time to time as it may have available for sale and as Humble may wish to buy.

On October 1, 1963, Arkansas Louisiana tendered for filing the August 30, 1963, agreement as its First Revised Sheets Nos. 180, 181, 182, 183, 184 and 185 to its FPC Gas Tariff, Original Volume No. 2, covering the herein proposed continued sale of gas to Humble.

Protests, petitions to intervene or requests for hearing in this proceeding may be filed with the Federal Power Commission, Washington 25, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 27, 1964.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 64–233; Filed, Jan. 9, 1964; 8:48 a.m.]

[Docket Nos. RI64–519—RI64–523]

SKELLY OIL CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates;[1] and Allowing Rate Change To Become Effective Subject to Refund

JANUARY 3, 1964.

The Skelly Oil Company, Docket No. RI64–519; Skelly Oil Company (Operator), et al., Docket No. RI64–520; Feuille, R. H., Docket No. RI64–521; The British-American Oil Producing Company, Docket No. RI64–522; Pan American Petroleum Corporation, Docket No. RI64–523.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. All of the sales are made at a pressure base of 15.025 psia. The proposed changes, which constitute increased rates and charges, are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date[2] unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI64-519	Skelly Oil Co., P.O. Box 1650, Tulsa, Okla.	107	14	El Paso Natural Gas Co. (Rio Arriba County, N. Mex.) (San Juan Basin)	$464	12- 6-63	1- 6-64	6- 6-64	[4] 13.0536	[3][4] 14.0577	RI64-14.
				and (La Plata County, Colo.).	6,019	12- 6-63	1- 6-64	6- 6-64	[5] 13.0	[3][5] 14.0	
	----do----------	140	7	El Paso Natural Gas Co. (Ignacio-Blanco Field, La Plata County, Colo.).	3,855	12- 6-63	1- 6-64	6- 6-64	[5] 11.0454	[3][6] 12.0495	RI64-14.
									[7] 13.0	[3][7] 14.0	
RI64-520	Skelly Oil Co. (Operator), et al., P.O. Box 1650, Tulsa, Okla.	157	4	El Paso Natural Gas Co. (Undesignated Field, Rio Arriba County, N. Mex.) (San Juan Basin).	2,787	12- 5-63	1- 5-64	6- 5-64	[7] 13.0	[3][7] 14.0	RI64-13.
RI64-521	Feuille, R. H., 11th Floor, El Paso Natural Bank Building, El Paso, Tex., 79901.	1	3	El Paso Natural Co. (San Juan Field, San Juan County, N. Mex.) (San Juan Basin).	54	12- 6-63	1- 6-64	6- 6-64	[7][8] 13.0	[3][7][8] 14.0536	
		1	4	----do----------	47	12- 6-63	1- 6-64	6- 6-64	[7][8] 13.0	[3][7][8] 14.0536	
RI64-522	The British-America Oil Producing Co., Mercantile Dallas Building, Dallas 21, Tex.	45	3	El Paso Natural Gas Co. (Bisti Field, San Juan County, N. Mex.) (San Juan Basin).	(10)	12-12-63	1-12-64	6-12-64	[11] 13.21755	[3][11] 14.2343	RI64-32.
		48	6	El Paso Natural Gas Co. (West Kitt Canyon Field, San Juan County, N. Mex.) (San Juan Basin).	4,118	12-12-63	1-12-64	6-12-64	[7][11] 13.2008	[3][7][11] 14.2175	RI64-32.
RI64-523	Pan American Petroleum Corp., P.O. Box 591, Tulsa, Okla., 74102.	291	3	El Paso Natural Gas Co. (Devil's Fork-Gallup Field, Rio Arriba County, N. Mex.) (San Juan Basin).	108	12- 9-63	1- 9-64	1-10-64	12.0	[11][12] 12.2295	

[1] The stated effective date is the first day after expiration of the required statutory period or, if later, the date proposed by Respondent.
[2] Periodic increase.
[4] For gas delivered at 500 psig in Rio Arriba County, N. Mex.
[5] For gas delivered at 500 psig in La Plata County, Colo.
[6] For gas delivered at 250 psig in Rio Arriba County, N. Mex.
[7] Includes 1.0 cent per Mcf minimum guarantee for liquids.
[8] For gas produced from Mesa Verde Formation.
[9] For gas produced from Dakota Formation.
[10] Not estimated.
[11] Includes partial reimbursement for full 2.55 percent New Mexico Emergency School Tax.
[12] Tax increase.

The proposed increased rates filed by The British-American Oil Company involving periodic rate increases include partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax and exceed the area price level for increased rates in the San Juan Basin as set forth in the Commission's Statement of General Policy No. 61–1, as amended (18 CFR, Chapter I, Part 2, 2.56). The increased rate filing of Pan American Petroleum Corporation reflects partial reimbursement for full 2.55 percent New Mexico Emergency School Tax. Pan American's proposed rate does not exceed the applicable area price level for increased rates.

The buyer, El Paso Natural Gas Company (El Paso), has protested the rate increase filed by British-American and Pan American. El Paso questions the right of British-American and Pan American under their tax reimbursement clauses to file a rate increase reflecting tax reimbursement computed on the basis of an increase in tax rate by the New Mexico Legislature in excess of 0.55 percent. While El Paso concedes that the New Mexico tax legislation effected a higher tax rate of at least 0.55 percent, El Paso claims there is controversy as to whether or not the new legislation effected an increased tax rate in excess of 0.55 percent. Under the circumstances, we shall provide that the hearings provided for herein for British-American and Pan American shall concern themselves with the contractual basis for these producers' rate filings, as well as the statutory lawfulness of the increased rates contained in British-American's proposed rate filings. However, the suspension period for Pan American's proposed rate may be shortened to one day from January 9, 1964, the date of expiration of the required statutory notice.

Skelly Oil Company, under its FPC Gas Rate Schedule No. 140, Skelly Oil

[1] Arkansas Louisiana's subject application also withdraws its abandonment application in Docket No. CP63–331.

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

Company (Operator), et al., Feuille, R. H., and The British-American Oil Producing Company, under its FPC Gas Rate Schedule No. 7, filed for increases based on the contract rate exclusive of the 1.0 cent per Mcf minimum guarantee for liquid products. The addition of this minimum guarantee of 1.0 cent to the base rates plus the periodic increases results in total proposed rates in excess of the 13.0 cents per Mcf area ceiling, as set forth in the Commission's Statement of General Policy No. 61–1.

The presently effective rate under Skelly Oil Company's (Skelly) FPC Gas Rate Schedule No. 107 for the sale of gas delivered at 250 psig was suspended in Docket No. RI64–14, because it reflected a 2.0 cents per Mcf reduction in price as consideration for reduction of line pressure which will later be a compression cost to the buyer. For this reason, the instant proposed increased rate under Skelly's FPC Gas Rate Schedule No. 107 should be suspended although it does not exceed the applicable area price level for increased rates.

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

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the contractual basis for the proposed rate filings of British-American and Pan American which El Paso has protested, as well as the lawfulness of the proposed changes involved herein with the exception of Pan American's proposed rate and that the above-designated supplements be suspended and the use thereof deferred as hereinatfer ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR Chapter I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the contractual basis for the proposed rate filings by Pan American and British-American which El Paso has protested and the statutory lawfulness of the proposed rates involved herein with the exception of Pan American's proposed rate.

(B) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act: *Provided, however,* That Supplement No. 3 to Pan American Petroleum Corporation's FPC Gas Rate Schedule No. 291 shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of issuance of this order Pan American Petroleum Corporation shall execute and file under Docket No. RI64–523 with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon El Paso Natural Gas Company. Unless Pan American Petroleum Corporation is notified to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notice of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before February 18, 1964.

By the Commission. Commissioner Woodward not participating.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64–234; Filed, Jan. 9, 1964; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

ALONSO SHIPPING CO. ET AL.

Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Federal Maritime Commission for approval pursuant to section 15 of the Shipping Act, 1916 (75 Stat. 763 and 46 U.S.C. 814). All parties involved are eligible to operate as independent ocean freight forwarders pursuant to section 44 of the Shipping Act, 1916.

Unless otherwise indicated, these agreements are non-exclusive, cooperative working arrangements under which the parties may perform freight forwarding services for each other.

Agreement No. FF–1221 between Alonso Shipping Company, New Orleans, Louisiana, and International Traffic Co., Los Angeles, California, provides that forwarding and service fees are $5.00 per shipment, with special services subject to agreement. Ocean freight compensation is to be divided equally.

Agreement No. FF–1228 between International Sea & Air Shipping Corp., New York, New York, and Knopf Shipping Co., Inc., New York, New York, provides that forwarding and service fees are $12.00 per shipment with special services subject to agreement. Ocean freight compensation is to be divided equally.

Agreement No. FF–1180 between Almac Shipping Co., Inc., New York, N.Y., and Southern Traffic Association, Mobile, Alabama, provides that forwarding and service fees are $2.50 to pass declaration plus $2.50 to pass through consulate, with special services subject to agreement. Ocean freight compensation is to be retained by Almac Shipping Co., Inc.

Interested persons may inspect these agreements and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C., or at the Commission's Field offices at:

45 Broadway, New York, N.Y., 10006.
180 New Montgomery Street, San Francisco, Calif., 94105.
Room 333, Federal Office Building South, 600 South Street, New Orleans, La. Mail address: P.O. Box 30550, Lafayette Station, New Orleans, La., 70130.

They may submit to the Secretary, Federal Maritime Commission, Washington, D.C., within twenty days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: January 6, 1964.

By the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64–224; Filed, Jan. 9, 1964; 8:47 a.m.]

WILMINGTON SHIPPING CO. ET AL.

Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Federal Maritime Commission for approval pursuant to section 15 of the Shipping Act, 1916 (75 Stat. 763 and 46 U.S.C. 814). All parties involved are eligible to operate as independent ocean freight forwarders pursuant to section 44 of the Shipping Act, 1916.

Unless otherwise indicated, these agreements are non-exclusive, cooperative working arrangements under which the parties may perform freight forwarding services for each other, dividing forwarding and service fees as agreed on each transaction. Ocean freight compensation is to be divided between the parties as agreed.

Wilmington Shipping Company, Wilmington, North Carolina, is party to the following agreements, the terms of which are identical. The other parties are:

Coastal Forwarding Company, Charleston, S.C.	FF–1297
Robert M. McCoy, Jacksonville, Fla.	FF–1298
T. R. Spedden, New Orleans, La.	FF–1299
United Forwarders Service, Miami, Fla.	FF–1300

The following agreements have similar terms:

George M. Leininger Co., Inc., New Orleans, La. and M. Weisel & Company, New York, N.Y.	FF–1296
Gulf Florida Terminal Company, Tampa, Fla. and Trans Marine System, Inc., New York, N.Y.	FF–1301
Fred P. Gaskell Co., Inc., Norfolk, Va. and W. D. Wall Traffic Service, San Jose, Calif.	FF–1303

Agreement No. FF–1214 between International Sea & Air Shipping Corp., New York, New York, and Interstate Auto Shippers, Inc., New York, New York, provides that forwarding and service fees will be $7.50 per shipment, with ship-

ments which warrant an increased rate being subject to agreement. Ocean freight compensation will be retained by Interstate Autoshippers, Inc., exclusively.

Agreement No. FF–1302 between Rapid World Forwarders, Inc., New York, New York, and J. T. Steeb & Co., Inc., Portland, Oregon, provides that forwarding services and fees are subject to agreement. Ocean freight compensation will be retained by the originating party.

Agreement No. FF–1304 between Trans-Marine Co., New Orleans, Louisiana, and Almac Shipping Co., Inc., New York, New York, provides that forwarding and service fees will be $5.50 per shipment. Ocean freight compensation will be divided equally.

Interested persons may inspect these agreements and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C., or at the Commission's field offices at:

45 Broadway, New York, N.Y., 10006.
180 New Montgomery Street, San Francisco, Calif., 94105.
Room 333 Federal Office Building South, 600 South Street, New Orleans, La. Mail address: P.O. Box 30550, Lafayette Station, New Orleans, La., 70130.

They may submit to the Secretary, Federal Maritime Commission, Washington, D.C., within twenty days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: January 6, 1964.

By the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64–225; Filed, Jan. 9, 1964; 8:47 a.m.]

JOHN S. JAMES ET AL.

Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Federal Maritime Commission for approval pursuant to section 15 of the Shipping Act, 1916 (75 Stat. 763 and 46 U.S.C. 814). All parties involved are eligible to operate as independent ocean freight forwarders pursuant to section 44 of the Shipping Act, 1916.

Unless otherwise indicated, these agreements are non-exclusive cooperative working arrangements under which the parties may perform freight forwarding services for each other, dividing forwarding and service fees as agreed on each transaction. Ocean freight compensation is to be divided between the parties as agreed.

The following agreements have similar terms:

John S. James, Savannah, Ga. and Transoceanic Shipping Co., Inc., Houston, Tex. FF–1327
James E. Fox & Co., Inc., New York, N.Y. and John A. Steer Co., Philadelphia, Pa. FF–1322
W. O. Smith & Co., Inc., Norfolk, Va. and Schenkers International Forwarders, Inc., New York, N.Y. FF–1320
Universal Transcontinental Corp., New York, N.Y. and J. Cortina, Tampa, Fla. FF–1319
Taub, Hummel & Schnall, Inc., New York, N.Y. and The Hipage Company, Inc., Norfolk, Va. FF–1318
Gulf Florida Terminal Company, Tampa, Fla. and Bernardine Shipping Co., Inc., New York, N.Y. FF–1317
Paul A. Boulo, Mobile, Ala. and Lyons Export and Import, Inc., Chicago, Ill. FF–1316
Milton G. West, Baton Rouge, La. and Barr Shipping Co., Inc., New York, N.Y. FF–1315
H. A. Gogarty, Inc., New York, N.Y. and Allen Forwarding Company, Philadelphia, Pa. FF–1314
Valle Forwarding Co., New Orleans, La. and Trans Marine System, Inc., New York, N.Y. FF–1313
Stone Forwarding Company, Inc., Galveston, Houston, and Corpus Christi, Tex. and Acosta Shipping Corporation, New York, N.Y. FF–1312
Mohegan International Corporation, New York, N.Y. and Southern Shipping Company, Inc., Savannah, Ga. FF–1310
Barnett International Forwarders, Inc., Hollywood, Calif. and Barnett International Forwarders, Inc., New York, N.Y. FF–1309
Lep Transport, Inc., New York, N.Y. and W. R. Zanes & Co. of La., Inc., New Orleans, La. FF–1306
The A. W. Fenton Co., Inc., Cleveland, Ohio and W. R. Zanes & Co. of La., Inc., New Orleans, La. FF–1305
Frank P. Dow Co., Inc., Seattle, Wash., Frank P. Dow Co., Inc., Portland, Oreg. and Terra-Marine Shipping Co., San Francisco, Calif. FF–1308
James E. Fox & Co., Inc., New York, N.Y. and T. D. Downing Company, Boston, Mass. FF–1323
James E. Fox & Co., Inc., New York, N.Y. and Cavalier Shipping Co., Inc., Newport News, Va. FF–1324
Marine Forwarding Company, Inc., New York, N.Y. and Geo. Wm. Rueff, Inc., New Orleans, La. FF–1325
John S. James, Savannah, Ga. and Maher & Company, New Orleans, La. FF–1326

Agreement No. FF–1321 between George M. Leininger Co., New Orleans, Louisiana, and H. Stone & Co., New York, New York, provides for an equal (50/50) split of both forwarding and service fees and ocean freight compensation.

Agreement No. FF–1311 between Arthur J. Fritz & Co., San Francisco, California, and all other branch offices and Tidewater Forwarding Co., Inc., New York, New York, provides that forwarding and service fees are subject to negotiation and agreement on each transaction. Ocean freight compensation will be retained by the originating forwarder.

Interested persons may inspect these agreements and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C., or at the Commission's field offices at:

45 Broadway, New York, N.Y., 1006.
180 New Montgomery Street, San Francisco, Calif., 94105.
Room 333 Federal Office Building South, 600 South Street, New Orleans, La. Mail address: P.O. Box 30550, Lafayette Station, New Orleans, La., 70130.

They may submit to the Secretary, Federal Maritime Commission, Washington, D.C., within twenty days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: January 6, 1964.

By the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64–226; Filed, Jan. 9, 1964; 8:47 a.m.]

JAPAN-ATLANTIC AND GULF FREIGHT CONFERENCE

Notice of Filing of Agreement

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

Agreement 3103–23, between the member lines of the Japan-Atlantic and Gulf Freight Conference, operating in the trade from Japan, Korea and Okinawa to United States Gulf Ports and Atlantic Coast Ports of North America, cancels pending Agreement 3103–22 and modifies Article 2 of the basic Agreement (3103, as amended) by confining the application of said Article to transportation in the foreign commerce of the United States, i.e., to U.S. Atlantic and Gulf Ports within the scope of sections 15 and 18b of the United States Shipping Act, 1916, as amended.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington 25, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 10 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: January 6, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64–227; Filed, Jan. 9, 1964; 8:47 a.m.]

[Docket No. 1140]

MATSON NAVIGATION CO.

Reduced Pineapple Rates, Hawaii/U.S. Atlantic and Gulf Trade; Discontinuance of Proceeding

By order dated August 30, 1963, the Commission, on its own motion, entered into an investigation concerning the lawfulness of reduced rates on "Pineapple, fresh, refrigerated but not frozen" from Hawaii to United States Atlantic and

Gulf ports contained in Matson Navigation Company (Matson) Freight Tariff No. 3–P, FMC–F No. 124, and suspended the operation of said rates to and including December 31, 1963. On November 14, 1963, the Commission granted Matson special permission authority to amend the suspended matter on statutory notice and by order dated November 14, 1963, placed any rates filed pursuant to such permission under investigation in this proceeding. Subsequently the amended rates were filed. The new tariff filing appears to have eliminated the matter which caused the Commission to institute this proceeding and the Commission now is of the opinion that no reason exists for continuing the proceeding.

Now therefore it is ordered, That the investigation of Matson Navigation Company reduced rates on pineapple instituted under the original order, and as amended by First Supplemental Order in Docket No. 1140 be, and it is hereby discontinued:

It is further ordered, That a copy of this order shall be forthwith served upon all respondents herein; and that this order be published in the FEDERAL REGISTER.

By the Commission.

[SEAL] THOMAS LISI,
Secretary.

DECEMBER 19, 1963.

[F.R. Doc. 64–228; Filed, Jan. 9, 1964; 8:47 a.m.]

NEW YORK CENTRAL RAILROAD CO. AND CONTINENTAL GRAIN CO.

Notice 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 No. T–44, between the New York Central Railroad Company and Continental Grain Company (Continental) provides for an 11-year lease of a grain terminal facility at East Boston, Massachusetts. Continental agrees to operate the facility as a public terminal and receive grain for the account of others when space is available. Continental further agrees that charges assessed at the facility will not be lower than those assessed at other grain elevators in the Port of Boston.

Interested parties may inspect the agreement and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C., 10573, 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, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should a hearing be desired.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

JANUARY 7, 1964.

[F.R. Doc. 64–229; Filed, Jan. 9, 1964; 8:48 a.m.]

PACIFIC COAST EUROPEAN CONFERENCE

Notice of Filing of Agreement

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

Agreement 5200–21, between the member lines of the Pacific Coast European Conference, modifies the basic agreement of that conference, numbered 5200, as amended) by adding ports in Iceland to those ports already served by transhipment at destination ports in the United Kingdom of Great Britain and Northern Ireland, Ireland, the Scandinavian Peninsula, Continental Europe, including ports on and in the Baltic and Mediterranean Seas, as well as the seas bordering thereon, and French Morocco and the Atlantic Islands of the Azores, Madeira, Canary, and Cape Verdes.

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, D.C., 20573, 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: January 6, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64–230; Filed, Jan. 9, 1964; 8:48 a.m.]

UNITED STATES GREAT LAKES-BORDEAUX/HAMBURG RANGE EASTBOUND CONFERENCE

Notice of Filing of Agreement

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

Agreement 7820–8 between the member lines of the United States Great Lakes-Bordeaux/Hamburg Range Eastbound Conference (Agreement No. 7820, as amended) restates and amplifies the self-policing provisions of the conference agreement.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington 25, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: January 7, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64–231; Filed, Jan. 9, 1964; 8:48 a.m.]

UNITED STATES GREAT LAKES-BORDEAUX/HAMBURG RANGE WESTBOUND CONFERENCE

Notice of Filing of Agreement

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

Agreement 7830–8, between the member lines of the United States Great Lakes-Bordeaux/Hamburg Range Westbound Conference (Agreement 7830 as modified) restates and amplifies the self-policing provisions of the basic conference agreement.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington 25, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: January 6, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64–232; Filed, Jan. 9, 1964; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JANUARY 7, 1964.

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. 38742: *Joint motor-rail rates—Southern Motor Carriers.* Filed by Southern Motor Carriers Rate Conference, agent (No. 85), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in southern territory, on the one hand, and points in middle Atlantic and New England territories, on the other.

Grounds for relief: Motortruck competition.

Tariff: Supplement 8 to Southern Motor Carriers Rate Conference, agent, tariff MF-I.C.C. 1272.

FSA No. 38743: *Joint motor-rail rates—Eastern Central.* Filed by the Eastern Central Motor Carriers Association, Inc., agent (No. 229), for interested carriers. Rates on various comodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in central, middlewest and southwestern territories, on the one hand, and points in middle Atlantic and New England territories, on the other.

Grounds for relief: Motortruck competition.

Tariff: 8th revised page 69 to Eastern Central Motor Carriers Association, Inc., agent, tariff MF-I.C.C. A-230.

FSA No. 38744: *Joint motor-rail rates—Eastern Central.* Filed by the Eastern Central Motor Carriers Association, Inc., agent (No. 230), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in southwestern territory, on the one hand, and points in middle Atlantic and New England territories, on the other.

Grounds for relief: Motortruck competition.

Tariff: 6th revised page 268 to Eastern Central Motor Carriers Association, Inc., agent, tariff MF-I.C.C. A-230.

FSA No. 38745: *Iron and steel articles from Morton Grove, Ill.* Filed by Southwestern Freight Bureau, agent (No. B-8493), for interested rail carriers. Rates on iron and steel articles, in carloads, from Morton Grove, Ill., to points in Louisiana and Texas.

Grounds for relief: Market competition.

Tariff: Supplement 50 to Southwestern Freight Bureau, agent, tariff I.C.C. 4503.

FSA No. 38746: *Frozen meats to points in Central Territory.* Filed by Southern Ports Foreign Freight Committee, agent (No. 62), for interested rail carriers. Rates on frozen meats, in carloads, from gulf ports, except Texas ports, south Atlantic and south Florida ports, to points in Indiana, Michigan, Ohio, Pennsylvania, and West Virginia.

Grounds for relief: Competition with north Atlantic ports.

Tariff: Supplement 8 to Southern Ports Foreign Freight Committee, agent, tariff I.C.C. 181.

By the Commission.

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

[F.R. Doc. 64-236; Filed, Jan. 9, 1964; 8:48 a.m.]

[Notice No. 923]

MOTOR CARRIER TRANSFER PROCEEDINGS

JANUARY 7, 1964.

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 66368. By order of January 6, 1964, the Transfer Board approved the transfer to Fred L. Schumacher, doing business as Excello Transportation Co., St. Louis, Mo., of the operating rights issued by the Commission November 18, 1955, under certificate in No. MC 13261, to Wilfred Mueller and Alvin Engemann, a partnership, doing business as Marthasville Feed & Supply Company, Marthasville, Mo., authorizing the transportation of general commodities, excluding household goods, commodities in bulk, and other specified commodities, between Treloar, Mo., and East St. Louis, Ill., serving all intermediate points; and livestock, from New Melle, Mo., and points within 12 miles of New Melle, to East St. Louis, Ill. Austin C. Knetzger, 722 Chestnut Street, St. Louis 1, Mo., attorney for applicants.

No. MC-FC 66430. By order of January 6, 1964, the Transfer Board approved the transfer to Dennis B. Whitmore, doing business as Moapa Valley Freight and Passenger Service, Overton, Nev., of certificate of registration in No. MC 97515 Sub-1, issued November 18, 1963, to Leland O. Whitmore (Leland O. Whitmore, Jr., executor), doing business as Moapa Valley Freight and Passenger Service, Overton, Nev.; authorizing the transportation of commodities generally, between specified points in Nevada. Sidney R. Whitmore, 400 Stewart Street, Las Vegas, Nev.; attorney for applicants.

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

[F.R. Doc. 64-237; Filed, Jan. 9, 1964; 8:48 a.m.]

Title 2—THE CONGRESS

ACTS APPROVED BY THE PRESIDENT

EDITORIAL NOTE: After the adjournment of the Congress *sine die,* and until all public acts have received final Presidential consideration, a listing of public laws approved by the President will appear in the daily FEDERAL REGISTER under *Title 2, The Congress.* A consolidated listing of the new acts approved by the President will appear in the Daily Digest in the final issue of the Congressional Record covering the 88th Congress, First Session.

Approved January 6, 1964

H.R. 9499 ..... Public Law 88-258
Foreign Aid and Related Agencies Appropriation Act, 1964.

CUMULATIVE CODIFICATION GUIDE—JANUARY

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during January.