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Codification Guide

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

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Rules and Regulations

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER C—EMPLOYMENT TAXES

[T.D. 6654]

PART 31—EMPLOYMENT TAXES; APPLICABLE ON AND AFTER JANUARY 1, 1955

Employment Taxes

On March 23, 1963, notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 2921), with respect to conforming the Employment Tax Regulations (26 CFR Part 31) to the amendments made to the Internal Revenue Code of 1954 by section 51 of the Foreign Service Act Amendments of 1960 (74 Stat. 847), by section 110(g) of the Mutual Educational and Cultural Exchange Act of 1961 (75 Stat. 537), by section 201(c) of the Peace Corps Act (75 Stat. 625), and by section 7(e) of the Self-Employed Individuals Tax Retirement Act of 1962 (76 Stat. 830). No objection to the rules proposed having been received during the 30-day period prescribed in the notice, the regulations as proposed are hereby adopted.

This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

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

Approved: May 22, 1963.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

In order to conform the Employment Tax Regulations (26 CFR Part 31) to the amendments made to the Internal Revenue Code of 1954 by section 51 of the Foreign Service Act Amendments of 1960 (74 Stat. 847), by section 110(g) of the Mutual Educational and Cultural Exchange Act of 1961 (75 Stat. 537), by section 201(c) of the Peace Corps Act (75 Stat. 625), and by section 7(l) of the Self-Employed Individuals Tax Retirement Act of 1962 (76 Stat. 830), such regulations are amended as follows:

PARAGRAPH 1. Section 31.3401(a)–1 is amended by revising paragraph (a)(1) and paragraph (b)(1)(ii) to read as follows:

§ 31.3401(a)–1 Wages.

(a) *In general.* (1) The term "wages" means all remuneration for services performed by an employee for his employer unless specifically excepted under section 3401(a) or excepted under section 3402(e).

* * * * *

(b) *Certain specific items*—(1) *Pensions and retirement pay.* * * *

(ii) Amounts received as retirement pay for service in the Armed Forces of the United States, the Coast and Geodetic Survey, or the Public Health Service or as a disability annuity paid under the provisions of section 831 of the Foreign Service Act of 1946, as amended (22 U.S.C. 1081; 60 Stat. 1021), are subject to withholding unless such pay or disability annuity is excluded from gross income under section 104(a)(4), or is taxable as an annuity under the provisions of section 72. Where such retirement pay or disability annuity (not excluded from gross income under section 104(a)(4) and not taxable as an annuity under the provisions of section 72) is paid to a nonresident alien individual, withholding is required only in the case of such amounts paid to a nonresident alien individual who is a resident of Puerto Rico.

PAR. 2. Paragraph (a)(1) of § 31.3401(a)–2 is amended to read as follows:

§ 31.3401(a)–2 Exclusions from wages.

(a) *In general.* (1) The term "wages" does not include any remuneration for services performed by an employee for his employer which is specifically excepted from wages under section 3401(a).

PAR. 3. Section 31.3401(a)(6) is amended to read as follows:

§ 31.3401(a)(6) Statutory provisions; definitions; wages; remuneration for services of certain nonresident alien individuals.

SEC. 3401. *Definitions*—(a) *Wages.* For purposes of this chapter, the term "wages" means all remuneration * * * for services performed by an employee for his employer * * *; except that such term shall not include remuneration paid—

* * * * *

(6) For services performed by a nonresident alien individual, other than—

(A) A resident of a contiguous country who enters and leaves the United States at frequent intervals; or

(B) A resident of Puerto Rico if such services are performed as an employee of the United States or any agency thereof; or

(C) An individual who is temporarily present in the United States as a nonimmigrant under subparagraph (F) or (J) of section 101(a)(15) of the Immigration and Nationality Act, as amended, if such remuneration is exempt, under section 1441(c)(4)(B), from deduction and withholding under section 1441(a), and is not exempt from taxation under section 872(b)(3), or

[Sec. 3401(a)(6) as amended by sec. 110(g)(1), Mutual Educational and Cultural Exchange Act 1961 (75 Stat. 537)]

PAR. 4. Section 31.3401(a)(6)–1 is amended by revising paragraphs (a) and (c), and by adding paragraph (d) to read as follows:

§ 31.3401(a)(6)–1 Remuneration for services of certain nonresident alien individuals.

(a) Except in the case of certain nonresident alien individuals who are residents of Canada, Mexico, or Puerto Rico or individuals who are temporarily present in the United States as nonimmigrants under subparagraph (F) or (J) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101), as amended, remuneration for services performed by nonresident alien individuals does not constitute wages subject to withholding under section 3402. For withholding of income tax on remuneration paid for services performed within the United States in the case of nonresident alien individuals generally, see § 1.1441–1 and following of this chapter (Income Tax Regulations).

* * * * *

(c) Remuneration paid to a nonresident alien individual for services performed in Puerto Rico for an employer (other than the United States or any agency thereof) is excepted from wages and hence is not subject to withholding, even though such alien individual is a resident of Puerto Rico at the time when such services are performed. Wages paid for services performed by a nonresident alien individual who is a resident of Puerto Rico are subject to withholding if such services are performed as an employee of the United States or any agency thereof. The place of performance of such services is immaterial, provided such alien individual is a resident of Puerto Rico at the time of performance of the services. Wages representing retirement pay for services in the Armed Forces of the United States, the Coast and Geodetic Survey, or the Public Health Service, or a disability annuity paid under the provisions of section 831 of the Foreign Service Act of 1946, as amended (22 U.S.C. 1081; 60 Stat. 1021), are subject to withholding, under the limitations specified in paragraph (b)(1)(ii) of § 31.3401(a)–1, in the case of an alien resident of Puerto Rico.

(d)(1) Remuneration paid after 1961 to a nonresident alien individual who is temporarily present in the United States as a nonimmigrant under subparagraph (F) or (J) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C 1101), as amended, is not excepted from wages under section 3401(a)(6) if the remuneration is exempt from withholding under section 1441(a) by reason of section 1441(c)(4)(B) and is not exempt from taxation under section 872(b)(3). See §§ 1.872–2 and 1.1441–4 of this chapter (Income Tax Regulations). A nonresident alien individual who is temporarily present in the United States as a nonimmigrant under subparagraph (J) includes an alien individual admitted to the United States as an "exchange visitor" under section 201 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1446).

(2) Section 101 of the Immigration and Nationality Act (8 U.S.C. 1101), as amended, provides in part, as follows:

SEC. 101. *Definitions.* [Immigration and Nationality Act (66 Stat. 166)]

(a) As used in this chapter—* * *

(15) The term "immigrant" means every alien who is within one of the following classes of nonimmigrant aliens—

* * * * *

(F) (i) An alien having a residence in a foreign country which he has no intention of abandoning, who is a bona fide student qualified to pursue a full course of study and who seeks to enter the United States temporarily and solely for the purpose of pursuing such a course of study at an established institution of learning or other recognized place of study in the United States, particularly designated by him and approved by the Attorney General after consultation with the Office of Education of the United States, which institution or place of study shall have agreed to report to the Attorney General the termination of attendance of each nonimmigrant student, and if any such institution of learning or place of study fails to make reports promptly the approval shall be withdrawn, and (ii) the alien spouse and minor children of any such alien if accompanying him or following to join him;

* * * * *

(J) An alien having a residence in a foreign country which he has no intention of abandoning who is a bona fide student, scholar, trainee, teacher, professor, research assistant, specialist, or leader in a field of specialized knowledge or skill, or other person of similar description, who is coming temporarily to the United States as a participant in a program designated by the Secretary of State, for the purpose of teaching, instructing or lecturing, studying, observing, conducting research, consulting, demonstrating special skills, or receiving training, and the alien spouse and minor children of any such alien if accompanying him or following to join him.

[Sec. 101, Immigration and Nationality Act, as amended by sec. 101, Act of June 27, 1952, 66 Stat. 166; sec. 109, Act of Sept. 21, 1961, 75 Stat. 534]

PAR. 5. Section 31.3401(a)(12) is amended to read as follows:

§ 31.3401(a)(12) Statutory provisions; definitions; wages; payments from or to certain tax-exempt trusts, or under or to certain annuity plans or bond purchase plans.

SEC. 3401. *Definitions*—(a) *Wages.* For purposes of this chapter, the term "wages" means all remuneration * * * for services performed by an employee for his employer * * *; except that such term shall not include remuneration paid—

* * * * *

(12) To, or on behalf of, an employee or his beneficiary—

(A) From or to a trust described in section 401(a) which is exempt from tax under section 501(a) at the time of such payment unless such payment is made to an employee of the trust as remuneration for services rendered as such employee and not as a beneficiary of the trust; or

(B) Under or to an annuity plan which, at the time of such payment, is a plan described in section 403(a); or

(C) Under or to a bond purchase plan which, at the time of such payment, is a qualified bond purchase plan described in section 405(a).

[Sec. 3401(a)(12) as amended by sec. 201(c), Peace Corps Act (75 Stat. 625); sec. 7(1), Self-Employed Individuals Tax Retirement Act 1962 (76 Stat. 830)]

PAR. 6. Section 31.3401(a)(12)–1 is amended to read as follows:

§ 31.3401(a)(12)–1 Payments from or to certain tax-exempt trusts, or under or to certain annuity plans or bond purchase plans.

(a) *Payments from or to certain tax-exempt trusts.* The term "wages" does not include any payment made—

(1) By an employer, on behalf of an employee or his beneficiary, into a trust, or

(2) To, or on behalf of, an employee or his beneficiary from a trust,

if at the time of such payment the trust is exempt from tax under section 501(a) as an organization described in section 401(a). A payment made to an employee of such a trust for services rendered as an employee of the trust and not as a beneficiary thereof is not within this exclusion from wages.

(b) *Payments under or to certain annuity plans.* (1) The term "wages" does not include any payment made after December 31, 1962—

(i) By an employer, on behalf of an employee or his beneficiary, into an annuity plan, or

(ii) To, or on behalf of, an employee or his beneficiary under an annuity plan,

if at the time of such payment the annuity plan is a plan described in section 403(a).

(2) The term "wages" does not include any payment made before January 1, 1963—

(i) By an employer, on behalf of an employee or his beneficiary, into an annuity plan, or

(ii) To, or on behalf of, an employee or his beneficiary under an annuity plan,

if at the time of such payment the annuity plan meets the requirements of section 401(a) (3), (4), (5), and (6).

(c) *Payments under or to certain bond purchase plans.* The term "wages" does not include any payment made after December 31, 1962—

(1) By an employer, on behalf of an employee or his beneficiary, into a bond purchase plan, or

(2) To, or on behalf of, an employee or his beneficiary under a bond purchase plan,

if at the time of such payment the plan is a qualified bond purchase plan described in section 405(a).

PAR. 7. Immediately after § 31.3401(a)(12)–1 the following is inserted:

§ 31.3401(a)(13) Statutory provisions; definitions; wages; remuneration for services performed by Peace Corps volunteers.

SEC. 3401. *Definitions*—(a) *Wages.* For purposes of this chapter, the term "wages" means all remuneration * * * for services performed by an employee for his employer * * *; except that such term shall not include remuneration paid—

* * * * *

(13) Pursuant to any provision of law other than section 5(c) or 6(1) of the Peace Corps Act, for service performed as a volunteer or volunteer leader within the meaning of such Act.

[Sec. 3401(a)(13) as added by sec. 201(c), Peace Corps Act (75 Stat. 625)]

§ 31.3401(a)(13)–1 Remuneration for services performed by Peace Corps volunteers.

(a) Remuneration paid after September 22, 1961, for services performed as a volunteer or volunteer leader within the meaning of the Peace Corps Act (22 U.S.C. 2501) is excepted from wages, and hence is not subject to withholding, unless the remuneration is paid pursuant to section 5(c) or section 6(1) of the Peace Corps Act.

(b) Sections 5 and 6 of the Peace Corps Act (22 U.S.C. 2501) provide, in part, as follows:

SEC. 5. *Peace Corps Volunteers* [Peace Corps Act (75 Stat. 613)]

* * * * *

(c) Volunteers shall be entitled to receive termination payments at a rate not to exceed $75 for each month of satisfactory service as determined by the President. The termination payment of each volunteer shall be payable at the termination of his service, or may be paid during the course of his service to the volunteer, to members of his family or to others, under such circumstances as the President may determine. In the event of the volunteer's death during the period of his service, the amount of any unpaid termination payment shall be paid in accordance with the provisions of section 61f of title 5 of the United States Code.

* * * * *

SEC. 6. *Peace Corps Volunteer Leaders* [Peace Corps Act (75 Stat. 615)] The President may enroll in the Peace Corps qualified citizens or nationals of the United States whose services are required for supervisory or other special duties or responsibilities in connection with programs under this Act (referred to in this Act as "volunteer leaders"). The ratio of the total number of volunteer leaders to the total number of volunteers in service at any one time shall not exceed one to twenty-five. Except as otherwise provided in this Act, all of the provisions of this Act applicable to volunteers shall be applicable to volunteer leaders, and the term "volunteers" shall include "volunteer leaders": *Provided, however,* That—

(1) Volunteer leaders shall be entitled to receive termination payments at a rate not to exceed $125 for each month of satisfactory service as determined by the President;

* * * * *

PAR. 8. Section 31.3402(f)(1)–1 is amended by revising subparagraph (1) of paragraph (a) to read as follows:

§ 31.3402(f)(1)–1 Withholding exemptions.

(a) *In general.* (1) Except as otherwise provided in section 3402(f)(6) (see § 31.3402(f)(6)–1), an employee receiving wages shall on any day be entitled to withholding exemptions as provided in section 3402(f)(1). In order to receive the benefit of such exemptions, the employee must file with his employer a withholding exemption certificate as provided in section 3402(f)(2). See § 31.3402(f)(2)–1.

PAR. 9. Paragraph (d) of § 31.3402(f)(2)–1 is amended to read as follows:

§ 31.3402(f)(2)–1 Withholding exemption certificates.

* * * * *

(d) *Inclusion of account number on withholding exemption certificate.*

Every individual to whom an account number has been assigned shall include such number on any withholding exemption certificate filed with an employer. For provisions relating to the obtaining of an account number, see § 31.6011 (b)–2.

PAR. 10. Immediately after § 31.3402 (f)(5)–1 the following is inserted:

§ 31.3402(f)(6) Statutory provisions; income tax collected at source; withholding exemptions; certain nonresident aliens.

SEC. 3402. *Income tax collected at source.* * * *

(f) *Withholding exemptions.* * * *

(6) *Exemption of certain nonresident aliens.* Notwithstanding the provisions of paragraph (1), a nonresident alien individual (other than an individual described in section 3401(a)(6)(A) or (B)) shall be entitled to only one withholding exemption.

[Sec. 3402(f)(6) as added by sec. 110(g)(2), Mutual Educational and Cultural Exchange Act 1961 (75 Stat. 537)]

§ 31.3402(f)(6)–1 Withholding exemption for certain nonresident aliens.

Section 3402(f)(6) applies to each nonresident alien individual who is temporarily present in the United States as a nonimmigrant under subparagraph (F) or (J) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101), as amended, including each nonresident alien individual who is an "exchange visitor" under section 201 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1446). Any such nonresident alien individual is entitled to only one withholding exemption with respect to wages paid after December 31, 1961. Section 3402(f)(6) is not applicable to the residents of Canada, Mexico, or Puerto Rico described in subparagraph (A) or (B) of section 3401(a)(6). For provisions relating to nonresident alien individuals, see § 31.3401(a)(6)–1.

[F.R. Doc. 63–5609; Filed, May 27, 1963; 8:46 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 24—FORMAL EDUCATION REQUIREMENTS FOR APPOINTMENT TO CERTAIN SCIENTIFIC, TECHNICAL, AND PROFESSIONAL POSITIONS

Medical Technologist

Paragraph (a) of § 24.140 is amended as set out below.

§ 24.140 Medical Technologist, GS–644–0 (all grades).

(a) *Educational requirement.* Applicants must meet the requirements specified under one of the following:

(1) The successful completion of a full course of study which meets all academic requirements for a bachelor's degree in medical technology from an accredited college or university.

(2) The successful completion of three academic years of study (a minimum of 90 semester hours or equivalent) in an accredited college or university which met the specific requirements for entrance into, and the successful completion of a course of training of at least 12 months in, a school of medical technology approved by the Council on Medical Education and Hospitals of the American Medical Association.

(3) The successful completion in an accredited college or university of a course of study which meets all academic requirements for a bachelor's degree in chemistry or in one of the biological sciences, and additional experience and/or training covering several fields of medical laboratory work, provided the combination has given the applicant the equivalent of the education and training in medical technology described in subparagraph (1) or (2) of this paragraph.

(4) The successful completion of three years (90 semester hours or equivalent) in an accredited college or university with a distribution of courses as shown below, and, in addition, successful experience and/or training covering several fields of medical laboratory work of such length (not less than one year), and of such quality that this experience or training, when combined with the education, has provided the applicant with education and training in medical technology equivalent to that described in subparagraph (1) or (2) of this paragraph.

Distribution of course work. The specified courses must have included lecture and laboratory work. Survey courses are not acceptable:

(i) For those whose training was completed prior to September 15, 1963: 24 semester hours in chemistry and biology courses, of which not less than 9 semester hours must have been in chemistry and must have included at least 6 semester hours in inorganic chemistry, and not less than 12 semester hours must have been in biology courses pertinent to the medical sciences.

(ii) For those whose training was completed after September 15, 1963: 16 semester hours in chemistry courses which included at least 6 semester hours in inorganic chemistry, and are acceptable toward a major in chemistry; 16 semester hours in biology courses which are pertinent to the medical sciences and are acceptable toward a major in the biological sciences; and 3 semester hours in mathematics.

(Sec. 11, 58 Stat. 390; 5 U.S.C. 860)

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

[F.R. Doc. 63–5648; Filed, May 27, 1963; 8:49 a.m.]

Title 7—AGRICULTURE

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

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

Subpart—U.S. Standards for Grades of Sweetpotatoes [1]

On December 29, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 12956) regarding a proposed revision of United States Standards for Sweetpotatoes.

Statement of considerations leading to the revision of the grade standards. The interest generated by publication of the proposed revised standards was such that it was deemed advisable to extend until April 1, 1963, the time for submitting comments on the proposal. The most controversial of the proposed changes were the increase in the minimum diameter requirement in the U.S. Extra No. 1 and U.S. No. 1 grades, and the optional size classification which could have been used with the U.S. No. 1 and U.S. Commercial grades. The majority of comments from growers and shippers opposed the proposed 2 inch minimum diameter requirement because they feared it would materially reduce marketable tonnage under these grades. Although there was sentiment favoring an optional size classification, the majority of the comments received opposed incorporating the size classification in the standards at this time. Opponents contended that there should be further study of consumer preferences before establishing size classifications.

Following are the principal changes from the published proposal:

(1) In §§ 51.1600 and 51.1601 the minimum diameter requirement is decreased from 2 inches to 1¾ inches which is the present requirement;

(2) Section 51.1605 *Size classifications* is eliminated;

(3) In line with consumer demands for more uniformly sized sweetpotatoes the maximum diameter requirement for the U.S. No. 1 grade in § 51.1601 is decreased from 3¾ inches to 3½ inches; the maximum length requirement in both the U.S. Extra No. 1 and U.S. No. 1 grades, §§ 51.1600 and 51.1601, is decreased from 10 inches to 9 inches; and,

(4) To make practical the packing of small packages which normally contain a relatively small number of sweetpotatoes, § 51.1606 *Application of tolerances* is changed to permit individual packages of 10 pounds or less to have four times the tolerance specified or two defective

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

or off-size sweetpotatoes, whichever is the larger amount, provided the averages for the entire lot are within the tolerances specified for the grade.

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

GRADES

UNCLASSIFIED

TOLERANCES

APPLICATION OF TOLERANCES

DEFINITIONS

AUTHORITY: §§ 51.1600 to 51.1617 issued under secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended; 7 U.S.C. 1622, 1624.

GRADES

§ 51.1600 U.S. Extra No. 1.

"U.S. Extra No. 1" consists of sweetpotatoes of similar varietal characteristics which are firm, smooth, fairly clean, fairly well shaped, which are free from freezing injury, internal breakdown, Black Rot, other decay or wet breakdown, and free from damage caused by secondary rootlets, sprouts, cuts, bruises, scars, growth cracks, scurf, Pox (Soil Rot), or other diseases, wireworms, weevils or other insects, or other means. (See § 51.1605.)

(a) *Size*—(1) Length shall be not less than 3 inches or more than 9 inches.

(2) Maximum weight shall be not more than 18 ounces.

(3) Maximum diameter shall be not more than 3¼ inches.

(4) Minimum diameter, unless otherwise specified, shall be not less than 1¾ inches. (See § 51.1605.)

§ 51.1601 U.S. No. 1.

"U.S. No. 1" consists of sweetpotatoes of one type which are firm, fairly smooth, fairly clean, fairly well shaped, which are free from freezing injury, internal breakdown, Black Rot, other decay or wet breakdown, and free from damage caused by secondary rootlets, sprouts, cuts, bruises, scars, growth cracks, scurf, Pox (Soil Rot), or other diseases, wireworms, weevils or other insects, or other means. (See § 51.1605.)

(a) *Size*—(1) Maximum diameter shall be not more than 3½ inches.

(2) Maximum weight shall not be more than 20 ounces.

(3) Length, unless otherwise specified, shall be not less than 3 inches or more than 9 inches.

(4) Minimum diameter, unless otherwise specified, shall be not less than 1¾ inches. (See § 51.1605.)

§ 51.1602 U.S. Commercial.

"U.S. Commercial" consists of sweetpotatoes which meet all the requirements of the U.S. No. 1 grade except that an increased tolerance for defects is allowed. (See § 51.1605.)

§ 51.1603 U.S. No. 2.

"U.S. No. 2" consists of sweetpotatoes of one type which are firm and which are free from freezing injury, internal breakdown, Black Rot, other decay or wet breakdown, and free from serious damage caused by dirt or other foreign material, cuts, bruises, scars, growth cracks, Pox (Soil Rot), or other diseases, wireworms, weevils or other insects, or other means. (See § 51.1605.)

(a) *Size.* Unless otherwise specified the minimum diameter shall be not less than 1½ inches and the maximum weight not more than 36 ounces. (See § 51.1605.)

UNCLASSIFIED

§ 51.1604 Unclassified.

"Unclassified" consists of sweetpotatoes which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no grade has been applied to the lot.

TOLERANCES

§ 51.1605 Tolerances.

In order to allow for variations incident to proper grading and handling in each of the foregoing grades the following tolerances, by weight, are provided as specified:

(a) *Defects*—(1) *U.S. Extra No. 1 and U.S. No. 1 grades.* 10 percent of the sweetpotatoes in any lot may fail to meet the requirements of these grades, but not more than one-half of this amount, or 5 percent, shall be allowed for sweetpotatoes which are seriously damaged, including therein not more than 2 percent for sweetpotatoes affected by soft rot or wet breakdown (see § 51.1606);

(2) *U.S. Commercial.* 25 percent of the sweetpotatoes in any lot may fail to meet the requirements of this grade, but not more than one-fifth of this amount, or 5 percent, shall be allowed for sweetpotatoes which are seriously damaged, including therein not more than 2 percent for sweetpotatoes affected by soft rot or wet breakdown (see § 51.1606); and,

(3) *U.S. No. 2.* 10 percent of the sweetpotatoes in any lot may fail to meet the requirements of this grade, including therein not more than 2 percent for sweetpotatoes affected by soft rot or wet breakdown. (See § 51.1606.)

(b) *Off-size.* 10 percent of the sweetpotatoes in any lot may fail to meet any specified size, but not more than one-half of this amount, or 5 percent, shall be allowed for sweetpotatoes which are below the minimum diameter and minimum length specified. (See § 51.1606.)

APPLICATION OF TOLERANCES

§ 51.1606 Application of tolerances.

The contents of individual packages in the lot are subject to the following limitations: *Provided,* That the averages for the entire lot are within the tolerances specified for the grade.

(a) Packages which contain more than 10 pounds shall have not more than one and one-half times a specified tolerance of 10 percent or more, or not more than double a specified tolerance of less than 10 percent, except that at least one defective and one off-size specimen may be permitted in any package; and,

(b) Packages which contain 10 pounds or less shall have not more than four times the tolerance specified or not more than two defective or off-size specimens in any package, whichever is the larger percentage.

DEFINITIONS

§ 51.1607 Similar varietal characteristics.

"Similar varietal characteristics" means that the sweetpotatoes have the same character of flesh and practically the same skin color. For example, dry type shall not be mixed with semimoist or moist type.

§ 51.1608 Firm.

"Firm" means not more than slightly flabby or shriveled.

§ 51.1609 Smooth.

"Smooth" means that the sweetpotato is free from veining or other defects causing roughness which more than slightly detract from the appearance of the individual sweetpotato or the general appearance of the lot.

§ 51.1610 Fairly clean.

"Fairly clean" means that the individual sweetpotato is not caked with dirt and that dirt or other foreign matter does not materially detract from the general appearance of the lot.

§ 51.1611 Fairly well shaped.

"Fairly well shaped" means that the sweetpotatoes are not so curved, crooked, constricted or otherwise misshapen as to materially detract from the appearance of the individual sweetpotato or the general appearance of the lot.

§ 51.1612 Damage.

"Damage" means any specific defect defined in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which materially detracts from the appearance, or the edible or shipping quality of the individual sweetpotato or the lot as a whole; or which cannot be removed without a loss of more than 5 percent of the total weight of the sweetpotato including peel covering the defective area. The following specific defects shall be considered as damage:

(a) Sprouts when more than 10 percent of the sweetpotatoes in the lot have sprouts over three-fourths inch in length;

(b) Growth cracks when unhealed or which detract materially from the appearance of the individual sweetpotato or general appearance of the lot;

(c) Scurf when more than 15 percent of the surface in the aggregate is affected by solid light brown discoloration. Speckled types of scurf, or lighter or darker shades of discoloration may be permitted over a greater or lesser area provided no discoloration detracts from the appearance more than the amount of solid light brown discoloration permitted;

(d) Pox (Soil Rot) when materially detracting from the appearance of the individual sweetpotato; and,

(e) Wireworm, grass root or similar injury when any hole in a sweetpotato ranging in size from 6 to 8 ounces, is more than three-fourths inch long, or when the aggregate length of all holes is more than 1¼ inches, or correspondingly shorter or longer holes in smaller or larger sweetpotatoes.

§ 51.1613 Length.

"Length" means the dimension of the sweetpotato, measured in a straight line between points at or near each end of the sweetpotato where it is at least three-eighths inch in diameter.

§ 51.1614 Diameter.

"Diameter" means the greatest dimension of the sweetpotato, measured at right angles to the longitudinal axis.

§ 51.1615 One type.

"One type" means that the sweetpotatoes have the same character of flesh, and do not show an extreme range in skin color. For example, dry type shall not be mixed with semi-moist or moist type, and deep red or purple skin color shall not be mixed with yellow or reddish copper skin color.

§ 51.1616 Fairly smooth.

"Fairly smooth" means that the sweetpotato is free from veining or other defects causing roughness which materially detract from the appearance of the individual sweetpotato or the general appearance of the lot.

§ 51.1617 Serious damage.

"Serious damage" means any specific defect defined in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which seriously detracts from the appearance or edible or shipping quality of the individual sweetpotato or the lot as a whole; or which cannot be removed without a loss of more than 10 percent of the total weight of the sweetpotato including peel covering the defective area. The following specific defects shall be considered as serious damage:

(a) Dirt or other foreign matter when the individual sweetpotato is badly caked with dirt, or when seriously detracting from the appearance of the lot;

(b) Growth cracks when unhealed or when seriously detracting from the appearance of the individual sweetpotato or general appearance of the lot;

(c) Pox (Soil Rot) when seriously detracting from the appearance of the individual sweetpotato; and,

(d) Wireworm, grass root or similar injury when any hole in a sweetpotato ranging in size from 6 to 8 ounces, is more than 1¼ inches long, or when the aggregate length of all holes is more than 2 inches, or correspondingly shorter or longer holes in smaller or larger sweetpotato.

The United States Standards for Grades of Sweetpotatoes contained in this subpart shall become effective July 1, 1963, and will thereupon supersede the United States Standards for Sweetpotatoes which have been in effect since August 2, 1948 (7 CFR, §§ 51.1600 to 51.1617).

Dated: May 21, 1963.

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

[F. R. Doc. 63-5620; Filed, May 27, 1963; 8:47 a.m.]

Chapter III—Agricultural Research Service, Department of Agriculture

PART 319—FOREIGN QUARANTINE NOTICES

Subpart—Fruits and Vegetables

ADMINISTRATIVE INSTRUCTIONS PRESCRIBING METHOD OF FUMIGATION OF MANGOES AND PLUMS FROM MEXICO AND PLUMS FROM GUATEMALA

Pursuant to the authority conferred by § 319.56-2 of the regulations (7 CFR 319.56-2) supplemental to the Fruit and Vegetable Quarantine (Notice of Quarantine No. 56), under sections 5 and 9 of the Plant Quarantine Act of 1912 (7 U.S.C. 159, 162), administrative instructions appearing as 7 CFR 319.56-2j are hereby revised to read as follows:

§ 319.56-2j Administrative instructions prescribing method of fumigation of mangoes and plums from Mexico and plums from Guatemala.

(a) *Authorized procedure.* Approved fumigation with ethylene dibromide at normal atmospheric pressure, in accordance with the following procedure, is hereby prescribed as a condition of entry under permit, through ports specified in the permit, for all shipments of mangoes and plums from Mexico, and for all shipments of plums from Guatemala. This treatment is specific for fruit flies of the genus Anastrepha known to occur in these countries, and will not qualify for entry shipments of fruits therefrom should other dangerous pests of mangoes and plums be found in these countries for which the treatment is not effective.

(1) *Ports of entry.* Except as provided in § 319.56-2j(b), mangoes and plums will be limited to entry at New York or such other North Atlantic ports as may be named in the permit. Shipments moving by air should be so routed as to avoid landing at ports south of Baltimore.

(2) *Approved fumigation.* (i) The approved fumigation shall consist of fumigation with ethylene dibromide at normal atmospheric pressure, in a fumigation chamber which has been approved for that purpose by the Plant Quarantine Division. The chamber must be equipped with a gas-tight glass window to permit viewing the electrically heated vaporizing pan inside the chamber while fumigation is in progress, or be provided with an outside signal light to indicate when the vaporizing current is on or off. The Plant Quarantine Division will approve only those chambers which are properly constructed, satisfactorily maintained, adequately equipped, and at locations where required supervision can be furnished.

(ii) The ethylene dibromide, a liquid at ordinary temperatures, must be volatilized within the sealed fumigation chamber in an electrically heated vaporizing pan. The gas within the chamber shall be circulated by an electric fan or blower during the period of volatilization and continuously thereafter during the 2-hour exposure period. The 2-hour exposure period shall begin when volatilization is complete.

(iii) Mangoes to be fumigated may be packed in export flats with wood excelsior before treatment. Plums to be fumigated may be prepacked in slatted containers and wood excelsior used if desired. Paper wrappings for individual fruits may not be used for mangoes and plums unless authorized in advance by the Plant Quarantine Division. When loaded in the fumigation chamber the boxes or containers shall be separated by at least one inch on all sides by wooden strips or other means.

(iv) For mangoes the exposure period shall be 2 hours and the ethylene dibromide dosage per 1,000 cubic feet of chamber space shall be adjusted to the fruit load (which load shall not exceed 80 percent of the chamber volume) and the temperatures as follows:

Load in percent of chamber volume	Dosage in ounces per 1,000 cu. ft.[1]	
	50°-70° F.	Above 70° F.
Below 25	10	8
25 to 49	12	10
50 to 80	14	12

(v) For plums the exposure period shall be 2 hours and dosage applied at the rate of 1 pound of ethylene dibromide per 1,000 cubic feet of space at a minimum of 60° F., the chamber load not to exceed 50 percent of the volume.[1]

(3) *Supervision of fumigation.* The unloading of fruit from the means of conveyance, its delivery to an approved fumigation plant, and the fumigation procedure will be under the supervision of an inspector of the Plant Quarantine Division. The unloading and de-

[1] Chamber volume includes that space occupied by the load.

livery and any other handling prior to fumigation shall be conducted in accordance with such safeguards as the inspector may require to prevent the dissemination of injurious insects. Final release of the fruit for entry into the United States will be conditioned upon compliance with such safeguard requirements and the prescribed regulations.

(4) *Costs.* All costs of treatment and required safeguards and supervision, other than the services of the supervising inspector during regularly assigned hours of duty and at the usual place of duty, shall be borne by the owner of the fruit, or his representative.

(5) *Department not responsible for damage.* While the prescribed treatment is judged from experimental tests to be safe for use with mangoes and plums, the Department assumes no responsibility for any damage sustained through or in the course of such treatment, or because of any safeguards prescribed.

(b) *Alternate procedure.* Mangoes and plums produced in Mexico if satisfactorily treated in Mexico and otherwise handled as provided in this paragraph, and so certified by an inspector, will be eligible for entry under permit under § 319.56–2 at such ports as shall be authorized in the permit.

(1) *Approved fumigation.* The mangoes and plums shall be fumigated at approved plants in Mexico in accordance with subparagraph (a)(2) of this section, with the alternate provision that fruit to be fumigated may be placed in open field boxes.

(2) *Supervision of fumigation.* (i) Inspectors of the Plant Quarantine Division will supervise the fumigation of mangoes and plums and will prescribe such safeguards as may be necessary for the handling, packing, and transportation of the fruit from the time it leaves the treating plant until it reaches the United States port of entry. The final release of the fruit for entry into the United States will be conditioned upon compliance with the prescribed safeguards.

(ii) Supervision of fumigation at places in Mexico contiguous to ports of entry where inspectors are regularly stationed will, if practicable, be carried out as a part of normal inspection activities and when so available will be furnished without cost to the owner of the fruit or his representative.

(3) *Costs.* All costs of constructing, equipping, maintaining and operating fumigation plants and facilities, and carrying out precautions prescribed for posttreatment safeguards shall be borne by the owner of the fruit or his representative. Where normal inspection activities preclude the furnishing of supervision during regularly assigned hours of duty, supervision will be furnished on a reimbursable overtime basis and the owner of the fruit or his representative will be charged in accordance with §§ 354.1 and 354.2 of this chapter.

(4) *Approval of fumigation plants.* Approval of fumigation plants in the interior of Mexico or at places removed from ports of entry where inspectors are regularly stationed will be contingent upon compliance with the provisions of paragraph (a)(2)(i) of this section and upon the availability of qualified personnel for assignment to supervise the treatment and posttreatment handling of mangoes and plums. Those in interest must make advance arrangements for approval of the fumigation plant and for supervision, and furnish the Director of the Plant Quarantine Division with acceptable assurances that they will provide, without cost to the United States Department of Agriculture, all salaries, transportation, per diem, and other administrative and incidental expenses for the supervising inspectors, including the payment to the inspectors of additional compensation for their services in excess of 40 hours weekly, according to the rates established for the payment of inspectors of the Plant Quarantine Division.

(5) *Department not responsible for damage.* While the prescribed treatment is judged from experimental tests to be safe for use with mangoes and plums, the Department assumes no responsibility for any damage sustained through or in the course of treatment, or because of posttreatment safeguards.

(Sec. 9, 37 Stat. 318; 7 U.S.C. 162. Interprets or applies sec. 5, 37 Stat. 316; 7 U.S.C. 159; 19 F.R. 74, as amended; 7 CFR 319.56–2, as amended)

These administrative instructions shall become effective May 28, 1963, when they shall supersede 7 CFR 319.56–2j, effective February 3, 1960.

This amendment relieves restrictions in that it authorizes the importation into the United States, under permit, of plums from Guatemala, subject to fumigation upon arrival and entry at New York or other North Atlantic ports. Heretofore there has been no provision for importation into the United States of unfrozen fresh plums from Guatemala. This relieving of restrictions will not present any hazard of plant pest dissemination.

In order to be of maximum benefit to importers of plums from Guatemala, the newly authorized procedure should be made available as soon as possible. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure on this amendment are impracticable and unnecessary. Since the amendment relieves restrictions, it is within the exception in section 4(c) of the Administrative Procedure Act (5 U.S.C. 1003(c)) and may properly be made effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 23d day of May 1963.

[SEAL] F. A. JOHNSTON,
Acting Director,
Plant Quarantine Division.

[F.R. Doc. 63–5644; Filed, May 27, 1963; 8:48 a.m.]

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

SUBCHAPTER A—AGRICULTURAL CONSERVATION PROGRAM

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

In order to conform Subchapter A of Chapter VII of Title 7 of the Code of Federal Regulations to the present organizational structure of the Department of Agriculture in accordance with the notice of the organization, functions, and delegations of authority with regard to the Agricultural Stabilization and Conservation Service, published in the FEDERAL REGISTER on May 2, 1963 (28 F.R. 4368), the designations "Deputy Administrator, Conservation, ACPS" and "Deputy Administrator, Conservation, ASCS", wherever they appear in the programs in this subchapter, are deleted and the designation "Deputy Administrator, State and County Operations, ASCS" is substituted therefor.

Signed at Washington, D.C., on May 23, 1963.

JOHN P. DUNCAN, Jr.,
Acting Secretary.

[F.R. Doc. 63–5645; Filed, May 27, 1963; 8:48 a.m.]

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 10]

PART 728—WHEAT

Subpart—Wheat Marketing Quota Regulations for 1961 and Subsequent Crop Years

RATE OF PENALTY

Basis and purpose. The purpose of this amendment is to establish the monetary rate of penalty for any farm marketing excess determined in connection with the 1963 wheat marketing quota program at 45 percent of the May 1, 1963, parity price of wheat as required by section 3 of Public Law 117, 83rd Congress.

Since the only purpose of this amendment is to announce the penalty in dollars and cents calculated in accordance with a mathematical formula prescribed by statute, it is hereby found and determined that compliance with the provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 1003) with respect to public notice, procedures, and effective date is unnecessary, and the amendment herein shall become effective upon the date of its publication in the FEDERAL REGISTER.

Section 728.1162 is hereby amended by adding at the end thereof the following: "The rate of penalty applicable to 1963 crop wheat shall be $1.12 per bushel, which is 45 per centum of the parity price per bushel of wheat as of May 1, 1963, which is determined to be $2.49."

(Sec. 375, 52 Stat. 66, as amended, sec. 1, 55 Stat. 203, as amended by 67 Stat. 151; 7 U.S.C. 1375, 1340)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on May 23, 1963.

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

[F.R. Doc. 63-5646; Filed, May 27, 1963; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 62-CE-81]

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

Designation of Transition Area; Correction

On May 9, 1963, there was published in the FEDERAL REGISTER (28 F.R. 4661) an amendment to § 71.181 of the Federal Aviation Regulations, designating a transition area at Garrison, Mont. During publication, the radial from the Drummond, Mont., VOR used in describing the east and west extent of the transition area was transposed from 091° to 191°. Accordingly, action is taken herein to reflect the correct radial extending from the Drummond VOR.

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

In consideration of the foregoing, effective immediately, Airspace Docket No. 62-CE-81 (28 F.R. 4661) is hereby modified as follows:

Section 71.181 (27 F.R. 220-139, November 10, 1962) is amended as follows:

In the Garrison, Mont., transition area "INT of the Drummond VOR 191°" is deleted and "INT of the Drummond VOR 091°" is substituted therefor.

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

Issued in Washington, D.C., on May 21, 1963.

W. THOMAS DEASON,
Assistant Chief, Airspace Utilization Division.

[F.R. Doc. 63-5586; Filed, May 27, 1963; 8:45 a.m.]

Chapter II—Civil Aeronautics Board

PART 207—CHARTER TRIPS AND SPECIAL SERVICES

PART 295—TRANSATLANTIC CHARTER TRIPS

CROSS REFERENCE: For order denying requests for further amendment of Parts 207 and 295, see Civil Aeronautics Board, F.R. Doc. 63-5637, in Notices section, *infra*.

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 14—ADMINISTRATIVE INTERPRETATIONS

Guides for Advertising Radiation Monitoring Instruments

These Guides have been adopted by the Federal Trade Commission in the interest of protecting the public from the harm that might result from the deceptive advertising of devices offered to the public for detecting and measuring fallout radiation. In addition, the Guides are intended to assist manufacturers and other sellers of such products in complying with the requirements of the Federal Trade Commission Act in their advertising and labeling of these products.

Mandatory proceedings to prevent deceptive advertising of radiation monitoring equipment may be brought under the Federal Trade Commission Act (15 U.S.C. secs. 41-58) against those whose practices are subject to the jurisdiction of the Commission. Briefly stated, that Act makes it illegal for one to engage in "unfair methods of competition" or "unfair or deceptive acts or practices" in interstate commerce.

These Guides were prepared on the basis of technical information furnished by the Office of Civil Defense, Department of Defense, and in cooperation with that Office.

Effective date. These Guides become effective immediately.

Inquiries and requests for copies of the Guides should be directed to the Bureau of Industry Guidance, Federal Trade Commission, Washington 25, D.C.

§ 14.9 Guides for advertising radiation monitoring instruments.

(a) *Application.* These Guides are applicable to the advertising of instruments, devices or other products which are represented in any manner to be of use to the general public for detecting or measuring fallout radiation. All forms of advertising, labeling and other promotional material, however disseminated, are within the scope of these Guides.

(b) *Explanation of terms.* As used in these Guides: (1) "Gamma radiation" refers to the high energy radiation which would be given off by radioactive fallout particles and would present the major radiation hazard for the first few weeks after a nuclear attack;

(2) "Roentgen" refers to the standard unit of measure for the amount (dose) of gamma radiation exposure;

(3) "Dosimeter" refers to an instrument or device designed to measure the accumulated amount (total dose) of gamma radiation to which an individual or area has been exposed during the period of measurement;

(4) "Rate meter" refers to an instrument or device designed to measure the intensity (dose rate) of gamma radiation existing at the time and place of measurement;

(5) "Official OCD Criteria" refers to the "Criteria for Radiation Instruments for Use by the General Public" as published by the Office of Civil Defense, Department of Defense, Washington 25, D.C. A copy is attached hereto.[1]

(c) *Products adequate for home civil defense use.* (1) A product should not be represented, directly or by implication, as providing an adequate means whereby families or individual users may detect or measure radiation resulting from a nuclear attack, unless the product meets the Official OCD Criteria in all material respects.

(2) The following are some examples of products which would fail, in material respects, to meet the Official OCD Criteria:

Example 1. A rate meter which will not measure (indicate quantitatively) gamma radiation dose rates from 1 to at least 100 roentgens per hour and give positive indication when the dose rate is between 100 roentgens per hour and 1000 roentgens per hour;

Example 2. A dosimeter which will not measure (indicate quantitatively) accumulated doses of gamma radiation:

a. From zero to at least 600 roentgens, or

b. From zero to at least 200 roentgens (when provision is made for resetting the instrument's indicator back to zero to permit further use);

Example 3. A rate meter which will not provide a measure of gamma radiation within an over-all accuracy of plus or minus 35 percent of the true gamma radiation intensity (dose rate);

Example 4. A dosimeter which will not measure gamma radiation within an over-all accuracy of plus or minus 25 percent of the true accumulated amount (total dose) of gamma radiation;

Example 5. An instrument, the operation of which would be materially affected by temperature changes, habitable altitudes, high humidity and other climatic and weather conditions, or by prolonged periods of storage;

Example 6. An instrument or device which would require the user to evaluate the radiation dose or dose rate by nothing more than his interpretation of variations in tone, brightness, loudness, color or photographic densities.

[Guide I]

(d) *Products of limited home civil defense use—affirmative disclosures of limitations.* A product which does not meet the official OCD criteria in all material respects, but which would be of some significant use in detecting and measuring fallout radiation, should not be represented, directly or by implication, as providing any means whereby members of the general public could detect or measure radiation resulting from a nuclear attack, unless all advertising, labeling and promotional material used therefor clearly and conspicuously dis-

[1] Copies of the "Criteria for Radiation Instruments for Use by the General Public" are available upon request from the Office of Civil Defense, Department of Defense, Washington 25, D.C.

close all material respects in which the product fails to meet the official OCD criteria. [Guide II]

(e) *Representations for toys, novelties, etc.* Products which cannot be relied on to serve a significant purpose in detecting and measuring radiation after a nuclear attack, should not be advertised or labeled in any manner which would convey the impression that the product would fulfill any such home civil defense need. [Guide III]

(f) *Representations for professional monitoring instruments.* Professional, industrial, laboratory and other types of products designed for specialized radiation monitoring, but which would not be of practical use for some significant home civil defense need, should not be represented in any manner that would convey the impression that the product would be useful for home civil defense purposes. [Guide IV]

(g) *Representations requiring qualifications.* (1) Representations which are susceptible of more than one interpretation, one or more of which would be misleading, should be qualified to remove the deceptive implications.

Example 1. Claims implying that radiation monitoring instruments provide "protection" from fallout radiation are misleading because such instruments only detect and measure radiation. Shelter is required for protection against radiation hazards. Therefore, any statement implying that monitoring instruments afford protection, such as, "Help Protect the Family," should be properly qualified.

Example 2. Such representations as "Detect and Measure Radiation" should be qualified so as to make it clear that the advertised product would be adequate for measuring only dose rates or only total doses of gamma radiation, as the case may be, unless the product adequately provides for making both types of measurements.

(2) Representations which cannot be qualified without the qualification amounting to a contradiction should not be used.

Example 1. Representations such as "100 percent Accurate" and "Fully Accurate," or any other expressions implying that an instrument would be completely accurate under all possible conditions of use, should not be used unless true in fact, because any qualification would amount to a contradiction.

Example 2. If a product does not include an adequate dosimeter and an adequate rate meter it should not be represented as a "Complete Family Kit," because any qualification of that claim, or one of similar meaning, would necessarily contradict the implication that a family would need nothing more than the kit to satisfy its basic radiation monitoring needs.

(3) Qualifications or disclosures should be made clearly and conspicuously in close conjunction with any representation which makes the qualification or disclosure necessary, and should have sufficient prominence to be observed by casual readers. Qualifications and disclosures should not be deceptively deemphasized through use of small print, asterisks, footnotes or by any other means. [Guide V]

(h) *Government approval or endorsement.* If a product meets the official OCD criteria, the advertiser may reveal this fact in advertising. However, even though the product meets such criteria, an advertiser should not represent in any manner that the product is being offered by, or has been approved, accepted, recommended or otherwise endorsed by the Government or any agency thereof. Thus, representations, pictures, seals, insignia, trade or brand names, or any other term or symbol which would imply any Government connection, approval or any other form of governmental endorsement, should not be used. [Guide VI]

(i) *Performance claims and other representations.* No representation should be made, in any manner, which would mislead prospective purchasers concerning:

(1) A product's manner of performance, capabilities, reliability, utility, durability, or shock-resistant or moisture-resistant properties; or

(2) The ease or simplicity with which a product may be operated, interpreted, calibrated, tested, repaired or maintained. [Guide VII]

NOTE: The Federal Trade Commission's Guides Against Deceptive Pricing and Guides Against Deceptive Advertising of Guarantees furnish guidance respecting price and guarantee representations.

(Secs. 5, 6, 38 Stat. 719, as amended, 721; 15 U.S.C. 45, 46)

Adopted: May 9, 1963.

By direction of the Commission.

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

[F.R. Doc. 63-5575; Filed, May 27, 1963; 8:45 a.m.]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.494]

PART 41—VISAS: DOCUMENTATION OF NONIMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

Miscellaneous Amendments

Part 41, Chapter I, Title 22 of the Code of Federal Regulations is hereby amended in the following respects:

1. Section 41.7(e) is amended to read as follows:

§ 41.7 Waiver of visa and/or passport requirements by joint action of consular and immigration officers.

* * * * *

(e) *Visa and passport waiver; members of armed forces of foreign countries making friendly visits to the United States.* An alien who is on active duty as a member of the armed forces of a foreign country and who is a member of a group of such force which is making a friendly call in the United States, whether courtesy or operational and whether in behalf of his own government or in behalf of the United Nations, under advance arrangements made with the military, naval, or air force authorities of the United States, other than an alien who is a citizen or resident of Albania, Bulgaria, Communist-controlled China ("Chinese People's Republic"), Cuba, Czechoslovakia, Estonia, Hungary, Latvia, Lithuania, North Korea ("Democratic People's Republic of Korea"), North Viet-Nam ("Democratic Republic of Viet-Nam"), Outer Mongolia ("Mongolian People's Republic"), Poland, Rumania, the Soviet Zone of Germany ("German Democratic Republic"), or the Union of Soviet Socialist Republics.

2. Paragraphs (b) and (c) of section 41.120 are amended to read as follows:

§ 41.120 Authority to issue visas.

* * * * *

(b) *Issuance or revalidation in the United States for certain other nonimmigrants.* (1) The Director of the Visa Office of the Department and such other officers of the Department as he may designate are authorized, in their discretion, to issue nonimmigrant visas, including diplomatic visas, or to revalidate nonimmigrant visas previously issued, to qualified aliens in the United States who are within one of the following classes and who intend, after a temporary absence, to reenter the United States in the nonimmigrant status specified in their visas: (i) Nonimmigrants classifiable under the visa symbol I who are bearers of passports containing an I, A, or G visa, and who have been duly accredited by a foreign information medium; or (ii) Nonimmigrants classifiable under the visa symbol E. (2) The Director of the Visa Office of the Department and such other officers of the Department as he may designate are authorized, in their discretion, to revalidate F and J visas, including diplomatic visas, for qualified aliens in the United States who intend, after a temporary absence, to reenter the United States in the nonimmigrant status specified in their visas.

(c) *Issuance outside the United States.* Any consular officer is authorized to issue regular and official visas. Diplomatic visas may be issued only by (1) A consular officer attached to a United States Diplomatic Mission if he is authorized to do so by the Chief of the Mission, or (2) A consular officer assigned to a consular office, if so authorized by the Department or by the Chief of a United States Diplomatic Mission, the Deputy Chief of Mission, the Counselor for Consular Affairs in the country in which such consular office is located, or, at a consular post not under the jurisdiction of a diplomatic mission, by the principal officer.

Effective date. The amendments to the regulations contained in this order shall become effective upon publication in the FEDERAL REGISTER.

The provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) relative to notice of proposed rule making are inapplicable to this order because the regulations contained herein involve foreign affairs functions of the United States.

Dated: May 18, 1963.

ABBA P. SCHWARTZ, *Administrator, Bureau of Security and Consular Affairs.*

[F.R. Doc. 63-5607; Filed, May 27, 1963; 8:46 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Animal Feed or Animal-Feed Supplements

RONNEL

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by Moorman Manufacturing Company, Quincy, Illinois, and other relevant material, has concluded that the food additive regulations should be amended with respect to ronnel in feed and mineral concentrates for beef cattle and dairy heifers, to reduce the withdrawal period and to permit use for the control of horn flies. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), § 121.209 *Ronnel* is amended by changing the table in paragraph (a) to read as follows:

	Quantity	Limitations	Indications for use
1. In feed concentrate:	*Percent in feed concentrate*		
a.	0.26	Feed concentrate 0.3 lb. per 100 lb. of animal weight per day for 14 days; withdraw from dairy heifers 28 days before calving; withdraw 28 days prior to slaughter; not to be fed to dairy cows.	Control of grubs in beef cattle and in heifers.
b.	0.600	Feed concentrate 0.8 lb. per 100 lb. of animal weight per day for 7 days; withdraw from dairy heifers 60 days before calving; withdraw 60 days prior to slaughter; not to be fed to dairy cows.	Do.
2. In mineral concentrate	*Percent in block or granular concentrate* 5.50	Feed block or granular concentrate 0.25 lb. per 100 lb. of animal weight per mouth for not less than 75 days; withdraw from dairy heifers 21 days before calving; withdraw 21 days prior to slaughter; not to be fed to dairy cows.	Control of grubs and horn flies in beef cattle and in heifers.

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

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

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

Dated: May 22, 1963.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 63-5624; Filed, May 27, 1963; 8:47 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

Calumet River, Ill. and Ind.

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), § 203.670 is hereby revised in its entirety to govern the operation of drawbridges across the Calumet River, Illinois and Indiana, effective April 15, 1964, since a period of time will be required by bridge owners to install the necessary signalling devices, as follows:

§ 203.670 Calumet River, Ill. and Ind.; bridges.

(a) The owners of or agencies controlling drawbridges across the Calumet River between Lake Michigan and the north side of 130th Street, Chicago, Illinois, shall provide the appliances and the personnel necessary for the prompt, safe and efficient operation of the draws for the passage of vessels.

(b) The drawbridges shall be opened promptly when the signal hereinafter prescribed is received from an approaching vessel or other watercraft which cannot pass under the closed draws excepting in the case of a railroad bridge, when an approaching train is so close that it cannot be stopped safely before reaching the bridge.

(c) Trains shall not, except in emergencies or under compelling circumstances, be stopped on, nor shall switching be permitted on, a drawbridge or within a bridge block home signal limits, nor shall any vehicle, person or persons assemble, walk, stand, or otherwise interfere with the operation of the draw or be authorized to do so, so as to prevent or delay a required opening, nor shall water craft be navigated so as to hinder or delay the operation of or passage of other vessels through the draw, but all passage over or through a drawbridge shall be prompt in order to prevent delay to either land or water traffic.

(d) Signals:

(1) *Call signals for opening of drawbridge or passing through an open draw*—(i) *Sound signals.* Three short blasts of a whistle, horn or siren, sounded within reasonable hearing distance of the bridge, repeated if necessary, and in time to give due notice to the draw tender.

NOTE: The term "short blast" means a distinct blast of a whistle, horn, or siren of approximately two seconds duration.

or

(ii) *Visual signals.* A white flag by day or a white light by night, swung in vertical circles at arm's length in full sight of the bridge and facing the draw. This signal shall be used in conjunction with sound signals when conditions are such that sound signals may not be heard and at other times if considered desirable.

(2) *Acknowledging signals to be given by operator of the drawbridge*—(i) *Sound signals.* None required.

(ii) *Visual signals*—(a) *When draw cannot be opened promptly or when draw is opened and is to be closed for any reason.* (1) Two red lights (see Note 1 at the end of this section) flashed alternately; or

(2) A red flag by day or a red light by night, swung in vertical circles at arm's length in full sight of the vessel.

(b) *When draw can be opened promptly.* (1) Two amber lights (see Note 1 at the end of this section) flashed alternately; or

(2) A white flag by day or a white light by night, swung in vertical circles at arm's length in full sight of the vessel.

(c) *When draw is open for passage.* (1) Two green lights (see Note 1 at the end of this section) flashed alternately; or

(2) A green flag by day or a green light by night, swung in vertical circles at arm's length in full sight of the vessel.

(e) No vessel shall attempt to navigate the draw of a bridge until the green light or green flag signals prescribed in paragraph (d)(2)(ii)(c) of this section are displayed.

(f) When vessels are approaching a bridge from the same direction, each vessel shall give the call signal for opening of the draw.

(g) Special provisions for opening the five railroad bridges located at Mile 1.31 to 1.36 from the east end of the North Pier: Upon receipt of a call signal for opening of the draws, all bridges which do not have a train in the bridge block home signal limits shall be raised immediately. However, this provision will not apply if it is known that one of the bridges is inoperable because of equipment breakdown.

NOTE 1: The two red, amber and green light units will be arranged in horizontal planes approximately 48" apart; flashed for about 2 seconds duration; provided with candlepower sufficient to be readily visible at least ½ mile; placed on the upstream and downstream sides of each bridge, except at the five railroad bridges, where one unit will be placed on the upstream (lakeward) side of the B. & O. Railroad Bridge and the other on the downstream side of the southernmost Pennsylvania Railroad Bridge; and located so as to be readily visible to approaching navigation as will be determined by the District Engineer.

NOTE 2: The above signals are in addition to the bridge lights required by law to be displayed on all bridges across navigable waters of the United States.

[Regs., May 10, 1963, 1507–32 (Calumet River, Ill. and Ind.)—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. 63–5579; Filed, May 27, 1963; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3089]

[New Mexico 0309436]

OKLAHOMA

Reserving Lands in Old Fort Reno Military Reservation for Use of the Department of Justice, in Connection With Operation of the El Reno Federal Reformatory. Partly Revoking Executive Order of July 17, 1883

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to valid existing rights, the following described public lands are hereby withdrawn from all forms of appropriation under the public land laws, and reserved under the jurisdiction of the Department of Justice for use by the Bureau of Prisons in connection with operation of the El Reno Federal Reformatory:

INDIAN MERIDIAN

TRACT NO. 1

T. 12 N., R. 8 W.,
Secs. 9, 10, and the west 2,168.02 feet of sec. 11. (Those portions of the above sections lying south of the south right-of-way line of U.S. Highway 66.)

TRACT NO. 2

T. 12 N., R. 8 W.,
Sec. 1, lot 1, SE¼NE¼, and N½NE¼SE¼. (Exclusive of that portion of county road right-of-way along the north and east boundaries of the tract.)

TRACT NO. 3

T. 12 N., R. 8 W.,
Sec. 1, beginning at a point 825 feet west and 25 feet south of the southeast corner of T. 13 N., R. 8 W.; thence west, 450 feet; south, 125 feet; southeast, 142 feet; east, 382 feet; north, 140 feet, approximately, to the point of beginning.

The areas described aggregate 1,669.51 acres.

2. The Executive order of July 17, 1883, establishing the Fort Reno Military Reservation is hereby revoked so far as it affects the lands described in paragraph 1 of this order.

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

MAY 22, 1963.

[F.R. Doc. 63–5591; Filed, May 27, 1963; 8:45 a.m.]

[Public Land Order 3090]

COLORADO, IDAHO, AND NEW MEXICO

Withdrawals for Forest Service Recreation Areas, and Public Service Site; Correcting Public Land Order No. 1074 of February 18, 1955

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to existing valid rights, the minerals in the following-described national forest lands in Colorado and Idaho, in the national forests hereafter named, are hereby withdrawn from prospecting location, entry, and purchase under the mining laws of the United States, in aid of programs of the Forest Service, Department of Agriculture, for utilization of the surface as recreation areas and a public service site, as indicated:

COLORADO

(Colorado 090726)

SIXTH PRINCIPAL MERIDIAN

ROOSEVELT NATIONAL FOREST

Eldora-Bryan Mountain Ski Area

T. 1 S., R. 73 W.,
Sec. 19, Lots 3 and 4, SE¼, E½SW¼;
Sec. 30, NE¼, E½NW¼.

Indian Peaks Recreation Area Extension

T. 1 N., R. 73 W.,
Sec. 3, Lot 5, NE¼SE¼SE¼, W½SE¼SE¼, NE¼SW¼SE¼, S½SW¼SE¼;
Sec. 7, Lot 2, N½SE¼NW¼;
Sec. 9, W½NE¼, N½N½SE¼, E½E½NW¼;
Sec. 10, N½NW¼NE¼, N½NE¼NW¼.
T. 1 N., R. 74 W.,
Sec. 12, SE¼NE½, W½NE¼.

Middle St. Vrain Recreation Area Extension

T. 2 N., R. 73 W.,
Sec. 7, Lots 1 and 2, SW¼NE¼, SE¼, NE¼SW¼, E½NW¼;
Sec. 8, SW¼SW¼;
Sec. 18, NE¼NE¼, E½NW¼NE¼.
T. 2 N., R. 74 W.,
Sec. 1, S½S½, NW¼SW¼;
Sec. 2, S½, S½NW¼;
Sec. 3, S½NE¼, SE¼, NE¼SW¼, SE¼NW¼;
Sec. 11, N½N½;
Sec. 12, N½N½.

Dowdy Lake Recreation Area Extension #3

T. 9 N., R. 73 W.,
Sec. 2, Lots 2, 3, and 4.
T. 10 N., R. 73 W.,
Sec. 26, N½NW¼;
Sec. 27, S½NE¼NE¼, NW¼NE¼NE¼;
Sec. 35, Lot 2, S½S½SE¼, NE¼SW¼, S½SW¼, NE¼NW¼.

The areas described aggregate 3,242.03 acres.

IDAHO

(Idaho 010061)

PAYETTE NATIONAL FOREST

Big Flat Creek Public Service Site

T. 22 N., R. 7 E., unsurveyed,
Sec. 24, located in approximate S½ as follows:

Beginning at Corner No. 1, said corner being north 21°07' east, 11,718.11 feet from the ¼ section corner on the south boundary of Section 35, T. 22 N., R. 7 E., on the Fifth Standard Parallel north, and south 35°34' west, 734.46 feet from USLM No. 3473; thence S. 85°02' W., 577.40 feet to corner No. 2; N. 46°33' E., 1431.28 feet to corner No. 3; S. 82°55' E., 580.70 feet; S. 50°18' W., 1351.89 feet to corner No. 1; the place of beginning.

The tract thus described contains 12.48 acres more or less, and conforms partly to the exterior boundaries of Mineral Survey 3473.

NEW MEXICO

(New Mexico 016634)

2. In Public Land Order No. 1074, appearing as F.R. Doc. 55–1629, in the issue of February 25, 1955, at page 1176, the range description "R. 12 E.," of land designated as the Alamo Peak Lookout Site is hereby corrected to read "R. 11 E.,".

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

MAY 22, 1963.

[F.R. Doc. 63–5592; Filed, May 27, 1963; 8:45 a.m.]

[Public Land Order 3091]

[Colorado 083368]

COLORADO

Withdrawal for Forest Service Recreation Area

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the minerals in the following-described lands in the Rio Grande National Forest in Colorado are hereby withdrawn from prospecting, location, entry and purchase under the mining laws of the United States in aid of programs of the Forest Service, Department of Agriculture, for utilization of the surface as campgrounds, picnic grounds, a geological site, roadside rest and recreation areas, as indicated:

NEW MEXICO PRINCIPAL MERIDIAN

RIO GRANDE NATIONAL FOREST

Lake Fork Roadside Rest

T. 38 N., R. 2 E.,
Sec. 4, SW¼SE¼, W½SE¼SE¼;
Sec. 9, N½NW¼NE¼.

Big Meadows Recreation Area

T. 38 N., R. 2 E.,
Sec. 17, W½NE¼, NW¼, N½SW¼, SW¼SW¼;
Sec. 18, NE¼NE¼, S½NE¼, S½SE¼SW¼, SE¼;
Sec. 19, NW¼NE¼, NE¼NW¼.

Park Creek Campground

T. 39 N., R. 2 E.,
Sec. 26, S½NE¼SE¼, SE¼SE¼.

Blue Creek Picnic Ground

T. 41 N., R. 2 E.,
Sec. 30, SW¼NE¼NE¼, SE¼NW¼NE¼, E½SW¼NE¼, W½SE¼NE¼, W½NE¼SE¼, NW¼SE¼.

Crystal Beds Geological Site

T. 43 N., R. 2 E.,
Sec. 10, S½NE¼SW¼, SE¼NW¼SW¼, NE¼SW¼SW¼, SE¼SW¼, W½SW¼SE¼.

Crystal Beds Campground

T. 43 N., R. 2 E.,
Sec. 15, E½SW¼, W½SE¼.

Highway Springs Campground

T. 39 N., R. 3 E.,
Sec. 17, Tract 51, Lots 4, 5 and 7.

Beaver Creek Picnic Ground

T. 39 N., R. 3 E.,
Sec. 20, E½NE¼SE¼, E½SE¼SE¼;
Sec. 21, NW¼SW¼, W½SW¼SW¼;
Sec. 28, NW¼NW¼NW¼;
Sec. 29, NE¼NE¼NE¼.

Cross Creek Picnic Ground

T. 39 N., R. 3 E.,
Sec. 34, Lot 3, E½NE¼SW¼, NW¼SE¼.

Cathedral Campground

T. 41 N., R. 3 E.,
Sec. 1, W½SW¼SW¼;
Sec. 2, S½NE¼SE¼, SE¼SE¼.

Stunner Recreation Area

T. 36 N., R. 4 E.,
Sec. 8, E½NE¼SW¼, S½SW¼, W½NW¼SE¼, S½SE¼;
Sec. 17, W½NE¼NW¼, E½NW¼NW¼.

Elk Creek Campground

T. 33 N., R. 5 E.,
Sec. 1, NE¼SW¼, N½SW¼SW¼, N½SE¼SW¼, NW¼SE¼.

Comstock Campground

T. 37 N., R. 6 E.,
Sec. 18, Lot 8;
Sec. 19, Lot 5.

North Clear Creek Campground

T. 41 N., R. 3 W.,
Sec. 1, S½SE¼SE¼;
Sec. 12, NE¼NE¼.

Spring Creek Reservoir Roadside Picnic Site

T. 41 N., R. 3 W.,
Sec. 24, SW¼NE¼.

The areas described aggregate approximately 2,151 acres.

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

MAY 22, 1963.

[F.R. Doc. 63-6593; Filed, May 27, 1963; 8:45 a.m.]

[Public Land Order 3092]

COLORADO

Withdrawals for Forest Service Recreation Areas

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

The minerals in the following-described national forest lands in the national forests hereafter named are hereby withdrawn from prospecting, location, entry and purchase under the mining laws of the United States, in aid of programs of the Forest Service for utilization of the surface as recreation areas as indicated:

(Colorado 066554)

SIXTH PRINCIPAL MERIDIAN

ROOSEVELT NATIONAL FOREST

Indian Peaks Recreation Area, including Long, Mitchell, Isabelle and other lake areas

T. 1 N., R. 73 W.,
Sec. 4, Lots 3 and 4, N½S½NW¼;
Sec. 5, Lots 1, 2, and 3, NE¼SE¼NE¼, W½SE¼NE¼, S½SW¼SW¼, SE¼SW¼, S½NE¼SW¼, W½NE¼SE¼, W½SE¼, N½SE¼SE¼;
Sec. 7, Lot 1, S½N½NE¼, NE¼NW¼;
Sec. 8, N½NW¼, NW¼NW¼NE¼.
T. 1 N., R. 74 W.,
Sec. 12, NE¼NE¼.
T. 2 N., R. 73 W.,
Sec. 32, S½SW¼, S½SW¼SE¼.

Ironclad Mountain Campground

T. 2 N., R. 72 W.,
Sec. 5, NW¼SE¼, S½SW¼NE¼, E½NE¼SW¼.

Mt. Meeker Campground Extension #2

T. 3 N., R. 73 W.,
Sec. 11, N½SW¼SW¼.

Fish Creek Campground

T. 7 N., R. 73 W.,
Sec. 1, W½SW¼NW¼, W½NW¼SW¼.

Limber Pines Campground

T. 7 N., R. 73 W.,
Sec. 18, NE¼NE¼.

Aspen Vail Campground

T. 8 N., R. 75 W.,
Sec. 33, NW¼SW¼.

Extension of Buckhorn Road Number 1631, Roadside Zone

A strip of land 200 feet wide on each side of the center line of the Buckhorn Road through National Forest land in the following legal subdivisions:

T. 7 N., R. 71 W.,
Sec. 17, W½NE¼, SE¼NE¼, NW¼;
Sec. 18, N½NE¼, SE¼NW¼.
T. 7 N., R. 72 W.,
Sec. 7, SE¼SE¼;
Sec. 13, NW¼NE¼, NE¼NW¼, NW¼SW¼;
Sec. 14, SE¼NE¼, S½NW¼, NE¼SW¼, N½SE¼;
Sec. 15, SW¼NE¼, SE¼NW¼;
Sec. 17, N½N½;
Sec. 18, N½N½.
T. 7 N., R. 73 W.,
Sec. 1, NE¼NW¼, SW¼NW¼, W½SW¼;
Sec. 11, SE¼SE¼;
Sec. 12, NE¼SW¼, S½S½, NW¼SE¼;
Sec. 13, N½NE¼, NW¼NW¼;
Sec. 14, NE¼NE¼.
T. 8 N., R. 73 W.,
Sec. 24, NW¼NE¼, E½W½, SE¼;
Sec. 25, N½NE¼, SW¼NE¼, NW¼SE¼.

Waconda Meadows Campground

T. 10 N., R. 73 W.,
Sec. 35, N½S½SE¼.

The areas described aggregate 1,375.17 acres.

SAN ISABEL NATIONAL FOREST

Four Mile Campground

T. 13 S., R. 78 W.,
Sec. 8, W½NE¼NW¼, E½NW¼NW¼.

Trout Creek Pass Campground

T. 13 S., R. 77 W.,
Sec. 23, E½NE¼NW¼.

Cottonwood Pass Roadside Rest Area

T. 14 S., R. 81 W.,
Sec. 14, W½SW¼SE¼, E½SE¼SW¼.

Hortenstein Lake Back Area Camp

T. 14 S., R. 80 W.,
Sec. 17, W½NW¼SW¼, NW¼SW¼SW¼;
Sec. 18, E½NE¼SE¼, NE¼SE¼SE¼.

Ptarmigan Lake Campground

T. 15 S., R. 80 W.,
Sec. 6, Lots 4 and 5.
T. 15 S., R. 81 W.,
Sec. 1, Lot 1.

Kroenke Lake Back Area Camp

T. 14 S., R. 80 W.,
Sec. 4, Lots 1 and 2, NE¼SW¼NE¼, N½SE¼NE¼.

Apishipa Creek Picnic Ground

T. 31 S., R. 68 W.,
Sec. 15, W½SW¼SW¼.

Apishipa Pass Picnic Ground

T. 31 S., R. 68 W.,
Sec. 17, SW¼SE¼NW¼, SE¼SW¼NW¼, NE¼NW¼SW¼.

Medano Creek Campground

T. 25 S., R. 72 W.,
Sec. 27, W½W½, W½SE¼NW¼.

Indian Creek Campground

T. 30 S., R. 69 W.,
Sec. 5, S½SW¼SE¼, SE¼SW¼, NE¼SW¼SW¼;
Sec. 8, N½NW¼NE¼, NW¼NE¼NE¼, NE¼NE¼NW¼.

Bear Lake Campground

T. 31 S., R. 69 W.,
Sec. 30, N½SE¼NE¼, N½NE¼.

Dodgeton Campground

T. 31 S., R. 69 W.,
Sec. 5, Lots 11 and 12, N½NE¼SW¼, N½NW¼SW¼.

Spring Creek Organization Camp

T. 31 S., R. 69 W.,
Sec. 5, S½SE¼;
Sec. 8, N½NE¼.

Blue Lake Campground

T. 31 S., R. 69 W.,
Sec. 30, S½NE¼SE¼.

Lazy Acres Organization Camp

T. 24 S., R. 68 W.,
Sec. 16, S½SE¼.

NEW MEXICO PRINCIPAL MERIDIAN

SAN ISABEL NATIONAL FOREST

Hayden Creek Campground

T. 47 N., R. 10 E.,
Sec. 12, SE¼SE¼SW¼;
Sec. 13, NW¼NW¼NE¼;
Sec. 14, S½NE¼NE¼, NW¼NE¼.

Shavano Campground

T. 50 N., R. 6 E.,
Sec. 12, S½SE¼SW¼;
Sec. 13, N½NE¼NW¼.

Lower Pomroy Lake Back Area Camp

T. 51 N., R. 6 E.,
Sec. 30, N½, Lots 9, 10, 13, 15.

Hancock Lake Back Area Camp

T. 50 N., R. 5 E.,
Sec. 1, S½SE¼NE¼, NE¼SE¼.

Hunt's Lake Back Area Camp

T. 50 N., R. 6 E.,
Sec. 30, S½NE¼SE¼, N½SE¼SE¼.

Monarch Winter Sports Area

T. 49 N., R. 6 E.,
Sec. 7, NE¼SW¼, N½SE¼;
Sec. 8, N½SW¼;
Sec. 18, NE¼SW¼.

Monarch Park Campground

T. 49 S., R. 6 E.,
Sec. 8, S½NW¼SE¼, N½SW¼SE¼.

Garfield Campground

T. 50 N., R. 6 E.,
Sec. 33, NW¼SE¼NE¼.

Grizzly Lake Back Area Camp

T. 51 N., R. 6 E.,
Sec. 17, Lot 14;
Sec. 20, NW¼NW¼, W½NE¼NW¼, E½SW¼NW¼, W½SE¼NW¼.

Fooses Creek Campground

T. 49 N., R. 6 E.,
Sec. 2, S½NW¼SE¼, N½SW¼SE¼.

Boss Lake Back Area Camp

T. 50 N., R. 6 E.,
Sec. 29, Lots 7, 8, 9, 10.

Lower North Fork Campground

T. 50 N., R. 7 E.,
Sec. 17, S½NE¼SW¼, SE¼SW¼.

Marshall Pass Campground

T. 48 N., R. 6 E.,
Sec. 24, SW¼NE¼SE¼, SE¼NW¼SE¼, NE¼SW¼SE¼, NW¼SE¼SE¼.
The areas described aggregate 3,331.51 acres.

(Colorado 069941)

SIXTH PRINCIPAL MERIDIAN

ROOSEVELT NATIONAL FOREST

Dowdy Lake Recreation Area Extension

T. 9 N., R. 73 W.,
Sec. 2, Lot 1, S½N½, NE¼SW¼, W½SE¼, NE¼SE¼;
Sec. 3, Lots 1, 2, and 3, SE¼NE¼.
T. 10 N., R. 73 W.,
Sec. 34, S½S½SE¼ (that part south of Redfeather Road only);
Sec. 35, S½NE¼, SE¼NW¼, NW¼SW¼ (less 1050' x 500' tract in northwest corner containing 12.05 acres), and N½SE¼.
The areas described aggregate approximately 772.66 acres.

The total area withdrawn by this order is approximately 5,479 acres.

This order shall be subject to existing valid rights.

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

MAY 22, 1963.

[F.R. Doc. 63-5594; Filed, May 27, 1963; 8:45 a.m.]

[Public Land Order 3093]

ALASKA, IDAHO, AND UTAH

Withdrawals for Forest Service Administrative Sites and Recreation Areas, and for Reclamation Purposes (Colorado River Storage Project) Correcting Public Land Order No. 2582 of January 2, 1962

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, and by virtue of the authority contained in section 3 of the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

1. Subject to valid existing rights:

a. The minerals in the following described national forest lands in the national forests hereafter named are hereby withdrawn from prospecting, location, entry, and purchase under the mining laws of the United States in aid of programs of the Forest Service, Department of Agriculture, for utilization of the surface as administrative sites and recreation areas, as indicated:

IDAHO

(Idaho 010796)

BOISE MERIDIAN

NEZ PERCE NATIONAL FOREST

Fish Creek Organization Site

T. 29 N., R. 3 E.,
Sec. 21, E½E½NW¼NE¼ and W½NE¼NE¼.

Dixie Ranger Station Administrative Site and Pasture

T. 25 N., R. 8 E.,
Unsurveyed but when surveyed will probably be:
Sec. 7, NW¼SE¼NE¼, S½SE¼NE¼, E½SE¼, E½E½NE¼SW¼SE¼, and E½SE¼SW¼SE¼;
Sec. 8, NW¼NW¼SW¼;
Sec. 18, E½NE¼NW¼NE¼, E½W½NE¼NW¼NE¼, and SE¼NW¼NE¼.

Red River Campground

T. 28 N., R. 10 E.,
Sec. 19, a parcel in the NW¼ described as: Beginning at corner No. 1, which is N. 59°00' W., 14.36 chains from corner No. 6 of H.E.S. 736; thence S. 64°30' W., 9.09 chains; N. 0°40' W., 3.92 chains; S. 87°30' W., 2.45 chains; S. 0°50' W., 5.12 chains; S. 82°50' W., 5.01 chains; S. 51°0' W., 13.47 chains; S. 11°55' E., 5.21 chains; S. 80°50' E., 7.39 chains; N. 71°45' E., 17.29 chains; N. 47°50' E., 7.14 chains; N. 27°30' W., 6.98 chains; S. 73°10' W., 4.17 chains; N. 25°10' W., 3.97 chains; N. 32°0' W., 2.33 chains; to corner No. 1, the point of beginning.
Containing 37.1 acres.

Poet Creek Campground

T. 28 N., R. 11 E.,
Unsurveyed but when surveyed will probably be:
Sec. 36, E½SW¼SE¼NE¼, NW¼SE¼NE¼, and W½NE¼SE¼NE¼.

Red River Ranger Station Administrative Site and Pasture

T. 27 N., R. 9 E.,
Unsurveyed but when surveyed will probably be:
Sec. 3, W½NE¼NW¼, E½NW¼NW¼, SW¼NW¼NW¼, and W½SW¼NW¼;
Sec. 4, S½NE¼NE¼, NW¼NE¼, E½SW¼NE¼, SE¼NE¼, and NE¼SE¼.
T. 28 N., R. 9 E.,
Unsurveyed but when surveyed will probably be:
Sec. 34, NE¼NE¼SW¼, W½NE¼SW¼, and W½SE¼SW¼.

Wildhorse Lake Campground and Recreation Area

T. 27 N., R. 6 E.,
Unsurveyed but when surveyed will probably be:
Sec. 25, NE¼NE¼NE¼.
T. 27 N., R. 7 E.,
Unsurveyed but when surveyed will probably be:
Sec. 19, S½SW¼SW¼;
Sec. 30, NW¼NW¼, W½NE¼NW¼, NW¼SE¼NW¼, and NE¼SW¼NW¼.

Little Mallard Creek Camp and Picnic Area

A strip of land four and one-half chains wide on the northerly side of the Salmon River contiguous to and beginning at the mean high water mark, thence extending northeasterly from a point 15 chains downriver from the confluence of Little Mallard Creek and Salmon River and continuing for 40 chains upriver and located wholly within the following described subdivision of unsurveyed land which when surveyed will probably be:

T. 25 N., R. 9 E.,
Sec. 1, SW¼SW¼;
Sec. 2, SE¼SE¼;
Sec. 11, NE¼NE¼;
Sec. 12, NW¼NW¼.

Mallard Creek Camp and Picnic Area

T. 26 N., R. 9 E.,
Unsurveyed but when surveyed will probably be:
Sec. 23, E½E½NE¼NW¼, W½W½NW¼NE¼, NE¼NE¼SE¼NW¼, and W½W½SW¼NE¼.

ST. JOE NATIONAL FOREST

Fernwood Experimental Plot

T. 43 N., R. 1 W.,
Sec. 1, NE¼NE¼NW¼ and N½N½SE¼NE¼NW¼.
The areas described total in the aggregate approximately 685 acres.

b. The following described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, and reserved for use of the Bureau of Reclamation, Department of the Interior, for reclamation purposes in connection with the Colorado River Storage Project, Flaming Gorge Unit:

UTAH

(Utah 049422)

SALT LAKE MERIDIAN

T. 2 N., R. 20 E.,
Sec. 3, lot 1.
Containing 1.37 acres.

2. In F.R. Doc. 62-164, appearing as Public Land Order No. 2582, in the issue of January 6, 1962, at Page 179, the description for "Parcel A" is hereby corrected to read as follows:

(1030461; Anchorage 047359)

EAST ADDITION, KODIAK TOWNSITE

PARCEL A

Beginning at a point designated as M.R. 7 of U.S. Survey 2538–A, thence; S. 34°43' E., 132.99 feet to Corner 2; S. 55°17' W., 460.02 feet to Corner 3; S. 34°43' W., 350.00 feet to Corner 4; S. 55°17' W., 21.00 feet to Corner 5; N. 34°43' W., 455.51 feet to Corner 6; N. 63°19' E., 141.33 feet to Corner 7; N. 47°24' E., 344.32 feet to the point of beginning.

Containing 1.33 acres.

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

MAY 22, 1963.

[F.R. Doc. 63–5595; Filed, May 27, 1963; 8:45 a.m.]

[Public Land Order 3094]

[Oregon 03644]

OREGON

Partly Revoking Reclamation Withdrawal (Rogue River Project)

By virtue of the authority vested in the Secretary of the Interior by section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

1. The order of the Bureau of Reclamation of October 25, 1954, concurred in by the Bureau of Land Management on January 24, 1956, which withdrew lands in Oregon for reclamation purposes in connection with the Rogue River Project, is hereby revoked so far as it affects the following described lands:

WILLAMETTE MERIDIAN

T. 39 S., R. 3 W.,
Sec. 28, N½NW¼NE¼, E½NW¼, SW¼NE¼, and S½SE¼.
T. 38 S., R. 7 W.,
Sec. 7, lot 2.
T. 40 S., R. 7 W.,
Sec. 10, lot 4.
T. 40 S., R. 8 W.,
Sec. 20, SW¼SE¼;
Sec. 28, lots 3, 4, SW¼NE¼, and W½SE¼.
T. 41 S., R. 8 W.,
Sec. 2, lots 5, 7, 12, and 14;
Sec. 10, E½SE¼;
Sec. 15, lot 1.
T. 40 S., R. 9 W.,
Sec. 13, S½SW¼ and SW¼SE¼;
Sec. 14, SE¼SE¼;
Sec. 24, E½NE¼.

The areas described aggregate 949.63 acres, of which approximately 597 acres are national forest lands in the Rogue River and Siskiyou National Forests.

2. The lands are located in Josephine and Jackson Counties, and are accessible by County and unimproved roads. Elevation varies from 1500 to 2000 feet.

3. At 10:00 a.m. on June 27, 1963, the national forest lands shall be open to such forms of disposition as may by law be made of such lands.

4. Subject to any valid existing rights and equitable claims, the requirements of applicable law, and the provisions of any existing withdrawals, the public lands released from withdrawal by this order are hereby opened to filing of applications, and selections. All valid applications, and selections under the nonmineral public land laws presented prior to 10:00 a.m. on June 27, 1963, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing. The lands have been open to applications and offers under the mineral leasing laws. They will be open to location under the United States mining laws at 10:00 a.m. on June 27, 1963.

5. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims, must endorse properly corroborated statements in support of their applications, setting forth all facts relevant to their claims.

6. The State of Oregon has waived the preference right of application granted by subsection (c) of section 2 of the act of August 27, 1958 (70 Stat. 928; 43 U.S.C. 852).

Inquiries should be addressed to the Manager, Land Office, Bureau of Land Management, Portland, Oregon.

JOHN A. CARVER, Jr.,
Secretary of the Interior.

MAY 22, 1963.

[F.R. Doc. 63–5596; Filed, May 27, 1963; 8:45 a.m.]

[Public Land Order 3095]

MONTANA AND NEW MEXICO

Partly Revoking Withdrawals for Forest Service Administrative Sites, Recreation Areas and Experimental Forest

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. The departmental orders of November 14, 1906; November 25, 1907; November 11, 1908, and Public Land Order No. 1843 of May 4, 1959, so far as they withdrew the following described national forest lands in Montana for use of the Forest Service, Department of Agriculture, as national forest ranger stations and as an experimental forest, are hereby revoked:

(Montana 012788)

MONTANA PRINCIPAL MERIDIAN

BITTERROOT NATIONAL FOREST

T. 1 N., R. 21 W.,
Sec. 1, lots 3, 4, 5, 6, 11, 12, 13, 14, and W½SW¼;
Sec. 2;
Sec. 3, unsurveyed E½;
Sec. 5, unsurveyed SE¼SE¼;
Sec. 9, W½NE¼;
Sec. 10, lots 1 and 2, S½NE¼, and SE¼;
Sec. 11;
Sec. 12, NW¼;
Sec. 13, NW¼NW¼ and SW¼;
Sec. 14;
Sec. 15, E½, lots 2, 3, and 4, SE¼NW¼, and E½SW¼;
Sec. 16, S½NE¼ and SE¼SE¼;
Sec. 22, NW¼NW¼;
Sec. 23, NE¼ and NE¼NW¼;
Sec. 24, NW¼ and NW¼NE¼.

The areas described aggregate 4,970.59 acres.

2. Public Land Order No. 2830 of December 3, 1962, which withdrew national forest lands in New Mexico for Forest Service administrative sites and recreation areas, is hereby revoked so far as it affects the following described lands:

(New Mexico 094303)

NEW MEXICO PRINCIPAL MERIDIAN

SANTA FE NATIONAL FOREST

Holy Ghost Recreation Area

T. 18 N., R. 12 E.,
Sec. 20, SW¼NE¼SW¼SE¼.
The area described contains 2.5 acres.

3. At 10:00 a.m. on June 27, 1963, the lands described in this order shall be open to such forms of disposition as may by law be made of national forest lands.

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

MAY 22, 1963.

[F.R. Doc. 63–5597; Filed, May 27, 1963; 8:45 a.m.]

[Public Land Order 3096]

[Los Angeles 0165044]

CALIFORNIA

Revoking Air Navigation Site Withdrawal No. 174 in Its Entirety

By virtue of the authority contained in section 4 of the act of May 24, 1928 (45 Stat. 729; 49 U.S.C. 214), it is ordered as follows:

1. The departmental order of January 7, 1942, creating Air Navigation Site Withdrawal No. 174, as enlarged by the departmental order of April 17, 1942, is hereby revoked. The lands affected are described as follows:

SAN BERNARDINO MERIDIAN

T. 1 N., R. 7 E.,
Sec. 10, NE¼ and N½S½;
Sec. 14, N½ and SE¼.
T. 2 N., R. 8 E.,
Sec. 2, N½, W½SW¼, and SE¼.
T. 3 N., R. 8 E.,
Secs. 21, 22, 26, 27, 28, 34, and 35.
T. 1 N., R. 9 E.,
Sec. 4, NW¼.
T. 2 N., R. 9 E.,
Sec. 20;
Sec. 32, NE¼;
Sec. 33, E½NE¼, SW¼NE¼, and S½.
T. 1 N., R. 10 E.,
Sec. 32, NE¼;
Sec. 33, N½.

The areas described aggregate 7,705.60 acres. With the exception of those described in T. 1 N., R. 7 E., totaling approximately 800 acres, they are included in withdrawals for other purposes, or are nonpublic lands.

2. The lands are located in San Bernardino County, about 5½ miles from the Community of Twentynine Palms.

3. Until 10:00 a.m. on November 20, 1963, the State of California shall have a preferred right of application to select the public lands, described in this order, as provided by subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852). On and after that date and hour the lands shall become subject to application, petition, and selection generally, subject to valid existing rights, the requirements of applicable law, and the provisions of existing withdrawals. All valid applications except preference right applications from the State, received at or prior to

10:00 a.m. on June 27, 1963, shall be considered as simultaneously filed at that time.

4. The lands have been open to applications and offers under the mineral leasing laws. They will be open to location under the United States mining laws beginning at 10:00 a.m. on November 20, 1963.

Inquiries should be addressed to the Manager, Land Office, Bureau of Land Management, Riverside, California.

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

MAY 22, 1963.

[F.R. Doc. 63-5598; Filed, May 27, 1963; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Notice of Proposed Rule Making

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D.C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

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

The Income Tax Regulations (26 CFR Part 1) are amended to conform to the provisions of section 615(c) of the Internal Revenue Code of 1954, as amended by the Act of July 6, 1960 (Public Law 86–594, 74 Stat. 333).

PARAGRAPH 1. Paragraph (c) of § 1.615 is amended and a historical note is added. These amended provisions read as follows:

§ 1.615 Statutory provisions; exploration expenditures.

SEC. 615. *Exploration expenditures.*

* * * * *

(c) *Limitation*—(1) *In general.* This section shall not apply to any amount paid or incurred to the extent that it would, when added to the amounts which have been deducted under subsection (a) and the amounts which have been treated as deferred expenses under subsection (b), or the corresponding provisions of prior law, exceed $400,000.

(2) *Amounts taken into account.* For purposes of paragraph (1), there shall be taken into account amounts deducted and amounts treated as deferred expenses by—

(A) The taxpayer, and

(B) Any individual or corporation who has transferred to the taxpayer any mineral property.

(3) *Application of paragraph (2)(B).* Paragraph (2)(B) shall apply with respect to all amounts deducted and all amounts treated as deferred expenses which were paid or incurred before the latest such transfer from the individual or corporation to the taxpayer. Paragraph (2)(B) shall apply only if—

(A) The taxpayer acquired any mineral property from the individual or corporation under circumstances which make paragraph (7), (8), (11), (15), (17), (20), or (22) of section 113(a) of the Internal Revenue Code of 1939 apply to such transfer;

(B) The taxpayer would be entitled under section 381(c)(10) to deduct expenses deferred under this section had the distributor or transferor corporation elected to defer such expenses; or

(C) The taxpayer acquired any mineral property from the individual or corporation under circumstances which make section 334(b), 362 (a) and (b), 372(a), 373(b)(1), 1051, or 1082 apply to such transfer.

[Sec. 615 as amended by sec. 1, Act of July 6, 1960 (Pub. Law 86–594, 74 Stat. 333)]

PAR. 2. Paragraph (a) of § 1.615–1 is amended to read as follows:

§ 1.615–1 Exploration expenditures.

(a) *General rule.* Section 615 prescribes rules for the treatment of expenditures for ascertaining the existence, location, extent, or quality of any deposit of ore or other mineral (other than oil or gas) paid or incurred by the taxpayer before the beginning of the development stage of the mine or other natural deposit. The development stage of the mine or other natural deposit will be deemed to begin at the time when, in consideration of all the facts and circumstances (including the actions of the taxpayer), deposits of ore or other mineral are shown to exist in sufficient quantity and quality to reasonably justify commercial exploitation by the taxpayer. Such expenditures hereinafter in the regulations under section 615 will be referred to as exploration expenditures. Under section 615(a), a taxpayer may, at his option, deduct exploration expenditures paid or incurred in an amount not to exceed $100,000 for any taxable year. Under section 615(b) and § 1.615–2 he may elect to defer any part of such amount and deduct such part on a ratable basis as the units of produced minerals benefited by such expenditures are sold. In any taxable year in which the taxpayer does not treat exploration expenditures under either of these methods, they will be charged to depletable capital account. The option to deduct under section 615(a), and the election to defer under section 615(b), however, are subject to the limitations provided in section 615(c) and § 1.615–4.

PAR. 3. Paragraph (a) of § 1.615–3 is amended to read as follows:

§ 1.615–3 Election to defer exploration expenditures.

(a) *General rule.* A taxpayer may defer any portion of the exploration expenditures made with respect to each mine or other natural deposit, subject to the limitations described in section 615(c) and § 1.615–4. The amounts so deferred shall be deducted ratably as the units of produced ores or minerals discovered or explored by reason of such expenditures are sold.

PAR. 4. Section 1.615–4 is amended to read as follows:

§ 1.615–4 Limitation of amount deductible.

(a) *Taxable years beginning before July 7, 1960.* For any taxable year beginning before July 7, 1960 (including taxable years of less than 12 months), a taxpayer may deduct or defer exploration expenditures paid or incurred in the taxable year in an amount not in excess of $100,000. However, for such taxable years, the taxpayer may not avail himself of the provisions of section 615 for more than four taxable years (including taxable years of less than 12 months and taxable years subject to the Internal Revenue Code of 1939). Such four taxable years need not be consecutive. In determining the number of years in which a taxpayer has availed himself of section 615, a year for which he makes an election to defer exploration expenditures shall count as one year. Any subsequent taxable year in which such deferred expenditures are deducted shall not be taken into account as one of the four years. For purposes of the 4-year limitation, a year in which both a deduction and an election to defer are availed of by the taxpayer shall be taken into account as only one year.

(b) *Taxable years beginning after July 6, 1960.* For any taxable year beginning after July 6, 1960 (including taxable years of less than 12 months), a taxpayer may deduct or defer exploration expenditures, to which section 615 is applicable, in the lesser of the following amounts:

(1) The amount paid or incurred in the taxable year,

(2) $100,000, or

(3) $400,000 minus all amounts deducted or deferred for taxable years ending after December 31, 1950.

For purposes of this paragraph, the number of taxable years for which the taxpayer availed himself of the provisions of section 615 or the corresponding provisions of prior law is immaterial.

(c) *Special rules for previously deferred expenditures.* In determining whether an election to defer was availed of in applying the limitations of paragraphs (a) and (b) of this section, there shall be taken into account any year with respect to which amounts were deferred but not fully deducted because of

a sale or other disposition of the mineral property, even though the balance of the deferred amounts was treated as part of the basis of the mineral property in determining gain or loss from the sale.

(d) *Example of application of provisions.* The application of the provisions of subparagraphs (a) and (b) of this section may be illustrated by the following example:

Example. A taxpayer on the calendar year basis, who has never claimed the benefits of section 615, or section 23(ff) of the 1939 Code, expended $200,000 for exploration expenditures during the year 1956. For each of the years 1957, 1958, 1959, and 1960 the taxpayer had exploration costs of $80,000. The taxpayer deducted or deferred the maximum amounts allowed for each of the years 1956, 1957, 1958, and 1959. None of the $80,000 expenditures for 1960 could be deducted or deferred by the taxpayer because he had already deducted or deferred exploration expenditures for 4 prior years. In 1961 the taxpayer expended $200,000 for exploration expenditures. The maximum amount the taxpayer may deduct or defer for the taxable year 1961 is $60,000 computed as follows:

(1) Add all yearly amounts deducted or deferred for exploration expenditures by the taxpayer for prior years.

Year:	*Expenditures*	*Deducted or deferred*
1956	$200,000	$100,000
1957	80,000	80,000
1958	80,000	80,000
1959	80,000	80,000
1960	80,000	0
Total		340,000

(2) Subtract the sum of the amounts obtained in (1), $340,000, from $400,000, the maximum amount allowable to the taxpayer for deductions or deferrals of exploration expenditures.

Maximum amount allowable to taxpayer	$400,000
Sum of amounts obtained in (1)	340,000
	60,000

(e) *Transferee of mineral property.* (1) Where an individual or corporation transfers any property to the taxpayer and the transfer is one to which any of the subdivisions of this subparagraph apply, the taxpayer shall take into account for purposes of the 4-year limitation described in paragraph (a) of this section, all years that the transferor deducted or deferred exploration expenditures, and for purposes of the $400,000 limitation described in paragraph (b) of this section, all amounts that the transferor deducted or deferred.

(i) The taxpayer acquired any mineral property in a transaction described in section 23 (ff) (3) of the Internal Revenue Code of 1939, excluding the reference therein to section 113(a)(13).

(ii) The taxpayer would be entitled under section 381(c)(10) to deduct exploration expenditures if the transferor (or distributor) corporation had elected to defer such expenditures. For example, if the taxpayer acquired any mineral property in a transaction described in section 381(a) (relating to the acquisition of assets through certain corporate liquidations and reorganizations), there shall be taken into account in applying the limitations of paragraph (a) of this section the years in which the transferor exercised the election to defer or deduct exploration expenditures, and there shall be taken into account in applying the limitations of paragraph (b) of this section any amount so deducted or deferred. See also section 381(c)(10) and the regulations thereunder.

(iii) The taxpayer acquired any mineral property under circumstances which make applicable the following sections of the Internal Revenue Code:

(*a*) Section 334(b)(1), relating to the liquidation of a subsidiary where the basis of the property in the hands of the distributee is the same as it would be in the hands of the transferor.

(*b*) Section 362 (a) and (b), relating to property acquired by a corporation as paid-in surplus or as a contribution to capital, or in connection with a transaction to which section 351 applies.

(*c*) Section 372(a), relating to reorganization in certain receiverships and bankruptcy proceedings.

(*d*) Section 373(b)(1), relating to property of a railroad corporation acquired in certain bankruptcy or receivership proceedings.

(*e*) Section 1051, relating to property acquired by a corporation that is a member of an affiliated group.

(*f*) Section 1082, relating to property acquired pursuant to a Securities Exchange Commission order.

(2) For purposes of subparagraph (1) of this paragraph, it is immaterial whether a deduction has been allowed or an election has been made by the transferor with respect to the specific mineral property transferred.

(3) Where a mineral property is acquired under any circumstance except those described in subparagraph (1) of this paragraph, the taxpayer is not required to take into account the election exercised by or deduction allowed to his transferor.

(4) For purposes of applying the limitations imposed by section 615(c): (i) the partner, and not the partnership, shall be considered as the taxpayer (see paragraph (a)(8)(iii) of § 1.702–1), and (ii) an electing small business corporation, as defined in section 1371(b), and not its shareholders, shall be considered as the taxpayer.

(5) For purposes of subparagraph (1)(iii)(*b*) of this paragraph: (i) if mineral property is acquired from a partnership, the transfer shall be considered as having been made by the individual partners, so that the number of years for which section 615 has been availed of by each partner and the amounts which each partner has deducted or deferred under section 615 shall be taken into account, or (ii) if an interest in a partnership having mineral property is transferred, the transfer shall be considered as a transfer of mineral property by the partner or partners relinquishing an interest, so that the number of years for which section 615 has been availed of by each such partner and the amounts which each such partner has deducted or deferred under section 615 shall be taken into account.

(f) *Examples.* The application of the provisions of this section may be illustrated by the following examples:

Example (*1*). A calendar year taxpayer who has never claimed the benefits of section 615 received in 1956 a mineral deposit from X Corporation upon a distribution in complete liquidation of the latter under conditions which would make the provisions of section 334(b)(1) applicable in determining the basis of the property in the hands of the taxpayer. During the year 1955 X Corporation expended $60,000 for exploration expenditures which it elected to treat as deferred expenses. Assume further that the taxpayer made similar expenditures of $150,000, $125,000, $100,000, $60,000, and $180,000 for the years 1956, 1957, 1958, 1959, and 1961, respectively, which the taxpayer elected to deduct for each of those years to the extent allowable. No such expenditures were made for 1960. On the basis of these facts, the taxpayer may deduct or defer $100,000 for each of the years 1956, 1957, and 1958. No deduction or deferral is allowable for 1959 since the 4-year limitation of paragraph (a) of this section applies. The taxpayer may deduct or defer a maximum of $40,000 for 1961 since the $400,000 limitation of paragraph (b) of this section applies, but the 4-year limitation of paragraph (a) does not apply.

Example (*2*). Assume the same facts stated in example (1) except that, prior to acquisition by the taxpayer of the deposit from X Corporation in 1956, X Corporation had acquired the deposit in 1954 in a similar distribution from Y Corporation which, in the years 1952 and 1953, deducted exploration costs paid in respect of an entirely different deposit in the amounts of $30,000 and $50,000, respectively. Under these circumstances, the taxpayer may deduct or defer exploration expenditures paid or incurred in the amount of $100,000 for 1956. No deduction or deferral is allowable to the taxpayer for expenditures made in 1957, 1958, and 1959 since the 4-year limitation of paragraph (a) applies. The taxpayer may deduct or defer a maximum of $100,000 for 1961 since the 4-year limitation of paragraph (a) of this section no longer applies. If the taxpayer deducted or deferred $100,000 for each of the years 1956 and 1961 and also made exploration expenditures in 1962, the taxpayer may deduct or defer a maximum of $60,000 for that year under the $400,000 limitation of paragraph (b) of this section.

Example (*3*). In 1957, A and B transfer assets to a corporation under circumstances making section 351 applicable to such a transfer. Among the assets transferred by A is a mineral lease with respect to certain coal lands. A has deducted exploration expenditures under section 615 for the years 1954 and 1956 in the amounts of $50,000 and $100,000 respectively, made with respect to other deposits not included in the transfer to the corporation. The corporation shall be required to take into account the deductions previously made by A for purposes of applying the limitations of paragraphs (a) and (b) of this section.

Example (*4*). In 1956, A, B, and C form a partnership for the purpose of exploring for, developing, and producing uranium. A contributes a uranium lease to the partnership. A had individually made exploration expenses in the amount of $50,000 and $100,000 with respect to other mineral properties not contributed to the partnership and which he has deducted under section 615(a) for the years 1954 and 1955, respectively. B contributes a uranium lease to the partnership on which he made exploration expenditures in the amount of $100,000 in 1955 which he elected to defer under section 615(b). This is the only year in which B has used section 615. C contributes only cash to the partnership and has not previously used section 615. Subject to the limitations of section 615, for taxable years beginning before July 7, 1960, A may deduct or defer exploration expenses for two more taxable years (either as to expenditures incurred by him individually or

with respect to his distributive share of partnership exploration expenses). B may deduct or defer exploration expenditures for three more years, and C may deduct or defer exploration expenditures for four years. For taxable years beginning after July 6, 1960, subject in each case to the $100,000 limitation per year, A may deduct or defer exploration expenditures in an amount not in excess of $250,000 ($400,000—$150,000), either as to expenditures incurred by him individually or with respect to his distributive share of partnership exploration expenditures. B may similarly deduct or defer exploration expenditures in an amount not in excess of $300,000 ($400,000—$100,000), and C may deduct or defer exploration expenditures in an amount not in excess of $400,000.

PAR. 5. Section 1.381(c)(10)–1 is amended by revising paragraph (d) and deleting paragraph (e). The revised provisions read as follows:

§ 1.381(c)(10)–1 Deferred exploration and development expenditures.

* * * * *

(d) *Carryover of limitation requirements.* (1) If a distributor or transferor corporation transfers any mineral property to the acquiring corporation in a transaction described in section 381(a) and the acquiring corporation pays or incurs exploration expenditures in a taxable year ending after the date of the distribution or transfer, then in applying the 4-year or $400,000 limitations described in section 615(c) and paragraphs (a) and (b) of § 1,615–4, whichever is applicable, the acquiring corporation shall be deemed to have been allowed any deduction which, for any taxable year ending on or before the date of distribution or transfer, was allowed to the distributor or transferor corporation under section 615(a), or under section 23(ff)(1) of the Internal Revenue Code of 1939, or to have made any election which, for any such preceding year, was made by the distributor or transferor corporation under section 615(b), or under section 23(ff)(2) of the Internal Revenue Code of 1939. Thus, in such instance, the acquiring corporation shall taken into account the years in which the distributor or transferor corporation exercised the election to deduct or defer exploration expenditures and any amounts so deducted or deferred. For this purpose, it is immaterial whether the deduction has been allowed to, or the election has been made by, the distributor or transferor corporation with respect to the specific mineral property transferred by that corporation to the acquiring corporation.

(2) Generally, for purposes of applying the 4-year limitation described in paragraph (a) of § 1.615–4, if there are two or more distributor or transferor corporations that transfer any mineral property to the acquiring corporation, each taxable year of any such corporation ending on or before the date of distribution or transfer in which exploration expenditures were deducted or deferred shall be treated as a separate taxable year regardless of the fact that the taxable years of two or more such corporations normally end on the same date. However, if the date of distribution or transfer is the same with respect to more than one distributor or transferor corporation, then the taxable years of such corporations ending on the same date of distribution or transfer shall be considered as one taxable year for purposes of applying the 4-year limitation even though more than one such corporation deducted or deferred exploration expenditures for such taxable years.

(3) For purposes of applying the $400,000 limitation described in paragraph (b) of § 1.615–4, if there are two or more distributor or transferor corporations that transfer any mineral property to the acquiring corporation, any exploration expenditures which were deducted or treated as deferred expenses by such corporations for taxable years ending after December 31, 1950, shall be taken into account by the acquiring corporation.

(4) If a distributor or transferor corporation that transfers any mineral property to the acquiring corporation was required to take into account any taxable years or amounts of its transferor, as provided by paragraph (e) of § 1.615–4, for purposes of either the 4-year limitation described in paragraph (a) of § 1.615–4 or the $400,000 limitation described in paragraph (b) of § 1.615–4, then the acquiring corporation shall also take these taxable years and amounts into account in applying the same limitations.

(5) The provisions of this paragraph may be illustrated by the following examples:

Example (1). M and N Corporations were organized on January 1, 1956, and each corporation computes its taxable income on the basis of the calendar year. For each of its taxable years 1956 and 1957, M Corporation expended $60,000 for exploration expenditures and exercised the option to deduct such amounts under section 615(a). N Corporation made no exploration expenditures during its taxable years 1956 and 1957. On December 31, 1957, M Corporation transferred all of its assets to N Corporation in a transaction to which section 381(a) applies, no gain being recognized to the transferor corporation on the transfer. N Corporation made exploration expenditures of $100,000, $120,000, $110,000, and $100,000 for the years 1958, 1959, 1960, and 1961, respectively, which expenditures it desired to deduct under section 615(a) to the extent allowable. On the basis of these facts, N Corporation may deduct up to $100,000 for each of the years 1958 and 1959. No deduction or deferral is allowable for 1960 since the benefits of section 615(c) were previously availed of for 4 taxable years. However, N Corporation may deduct $80,000 for 1961 (the 4-year limitation not applying to such year) but, if such deduction is made, N Corporation will not be allowed any further deductions or deferrals since the $400,000 limitation of paragraph (b) of § 1.615–4 will have been reached.

Example (2). R and S Corporations were organized on January 1, 1955, and each corporation computes its income on the basis of the calendar year. For the 1955 taxable year neither corporation made any exploration expenditures under section 615(a). On June 30, 1956, R Corporation transferred all its assets to S Corporation in a transaction to which section 381(a) applies, no gain being recognized to the transferor corporation on the transfer. During its short taxable year ending June 30, 1956, R Corporation made exploration expenditures of $60,000 which it elected to deduct under section 615. For its taxable year ending December 31, 1956, S Corporation may deduct or defer exploration expenditures up to $100,000 since this is a separate election for purposes of utilizing section 615 and is not affected by the $60,000 previously deducted by R Corporation. Assuming S Corporation exercises an election under section 615 for its taxable year ending December 31, 1956, S Corporation may elect to apply the benefits of section 615 to exploration expenditures for two more taxable years. However, for taxable years beginning after July 6, 1960 (the 4-year limitation not applying), S Corporation is entitled under section 615 to deduct or defer exploration expenditures made in such years to the extent that the combined deductions and deferrals by R and S Corporations in prior years did not exceed $400,000.

Example (3). O and P Corporations were organized on January 1, 1955, and each corporation computes its taxable income on the basis of the calendar year. For their taxable years 1955, 1956, and 1957, each corporation deducted exploration expenditures made in such years under section 615(a). On June 30, 1958, O Corporation transferred all its assets to P Corporation in a transaction to which section 381(a) applies, no gain being recognized to the transferor corporation on the transfer. If, during its short taxable year ending June 30, 1958, O Corporation made additional exploration expenditures, it may deduct or defer such expenditures (up to $100,000) under section 615 since O Corporation has utilized section 615 in only three previous taxable years. For its taxable years ending after June 30, 1958, and beginning before July 7, 1960, P Corporation may not deduct or defer exploration expenditures under section 615, since the benefits of that section were utilized by O and P Corporations for 4 taxable years. However, for taxable years beginning after July 6, 1960 (the 4-year limitation not applying), P is entitled under section 615 to deduct or defer exploration expenditures made in such years to the extent that the combined deductions and deferrals by O and P Corporations in prior years do not exceed $400,000. See paragraph (b) of § 1.615–4.

Example (4). X, Y, and Z Corporations were organized on January 1, 1955, and each corporation computes its taxable income on the basis of the calendar year. For their taxable years ending December 31, 1955, X and Y Corporations each deferred $100,000 for exploration expenditures made in such taxable years under section 615(b). Z Corporation made no exploration expenditures during its taxable year ending December 31, 1955. On March 31, 1956, X and Y Corporations transferred all their assets to Z Corporation in a transaction to which section 381(a) applies, no gain being recognized to the transferor corporations on the transfer. X and Y Corporations each made exploration expenditures of $75,000 during their short taxable years ending March 31, 1956, which they deducted under section 615(a). For purposes of taxable years beginning before July 7, 1960, Z Corporation must take into account the taxable years in which X and Y Corporations deducted or deferred exploration expenditures. In so doing, each taxable year in which exploration expenditures were deducted or deferred must be taken into account except that the taxable years of X and Y Corporations ending on March 31, 1956, shall be considered as one taxable year. Therefore, Z Corporation may deduct or defer exploration expenditures in accordance with section 615 for any one taxable year ending after March 31, 1956, and beginning before July 7, 1960. However, for taxable years beginning after July 6, 1960 (the 4-year limitation not applying), Z Corporation must take into account for purposes of the $400,000 limitation all of the $350,000 of exploration expenditures deducted or deferred by X, Y,

and Z Corporations during taxable years ending after December 31, 1950. Therefore, Z Corporation, assuming it has not deducted or deferred any exploration expenditures, is entitled under section 615 to deduct or defer in taxable years beginning after July 6, 1960, up to $50,000 for exploration expenditures made in such years.

Example (5). For purposes of this example, assume that each taxpayer computes taxable income on the basis of the calendar year. Taxpayer A, an individual who has deducted exploration expenditures of $75,000 under section 23(ff) of the Internal Revenue Code of 1939 for each of his taxable years 1952 and 1953, transferred a mineral property to K Corporation on January 1, 1954, in a transaction in which the basis of the mineral property in the hands of K Corporation is determined under section 362(a). For its taxable year 1954 and pursuant to section 615(a), K Corporation deducted exploration expenditures of $100,000 which it made in such year. K Corporation had made no exploration expenditures in any preceding taxable year. On December 31, 1954, K Corporation transferred all its assets to L Corporation in a reorganization to which section 381(a) applies, no gain being recognized to the transferor corporation on the transfer. Assuming that L Corporation has not deducted or deferred exploration expenditures in any preceding taxable year, L Corporation may deduct or defer exploration expenditures (up to $100,000) in accordance with section 615 for any one taxable year ending after December 31, 1954, and beginning before July 7, 1960, in view of the 4-year limitation. However, if L Corporation does not deduct or defer exploration expenditures in that period, then for taxable years beginning after July 6, 1960 (the 4-year limitation not applying), L Corporation is entitled to deduct or defer up to $150,000 (but not to exceed $100,000 per year) for exploration expenditures made in such years. See paragraph (b) of § 1.615–4.

[F.R. Doc. 63–5625; Filed, May 27, 1963; 8:48 a.m.]

[26 CFR Part 1]

CHARITABLE, ETC., CONTRIBUTIONS AND GIFTS; ALLOWANCE OF DEDUCTIONS

Notice of Hearing on Proposed Regulations

Proposed amendments to the regulations under section 170 of the Code, to require the furnishing of additional information to establish the deductibility of contributions of property, other than money, to charitable organizations, were published in the FEDERAL REGISTER for April 12, 1963.

A public hearing on these proposed amendments to the regulations will be held on Tuesday, June 18, 1963, at 10:00 a.m., e.d.s.t., in Room 3313, Internal Revenue Building, Twelfth and Constitution Avenue NW., Washington, D.C.

Persons who plan to attend the hearing are requested to notify the Commissioner of Internal Revenue, Attention: Technical Planning Division, Washington 25, D.C., by June 14, 1963.

[SEAL] MAURICE LEWIS,
Director, Technical Planning Division, Internal Revenue Service.

[F.R. Doc. 63–5649; Filed, May 27, 1963; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 53]

GRADES OF FEEDER CATTLE

Proposed Official United States Standards

Notice is hereby given in accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that the Agricultural Marketing Service of the Department of Agriculture, under the provisions of sections 203 and 205 of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1622 and 1624), is considering amending the provisions of the official United States standards for live cattle in 7 CFR 53.201 and 53.202 and promulgating official United States standards for grades of feeder cattle to appear in 7 CFR 53.207 and 53.208, as specified below.

Statement of considerations. The standards for grades of feeder cattle now in use were originally issued in 1938 and were slightly revised in 1942. They have not been promulgated as official standards and are contained in Circular 505, "Market Classes and Grades of Feeder and Stocker Cattle." Although the standards for grades of feeder cattle and slaughter cattle are presumed to be closely related, there have been two revisions of the slaughter cattle standards since 1942 with no corresponding revisions in the standards for grades of feeder cattle.

While the Department has no official grading program for feeder cattle, the standards are used as the basis for Federal and Federal-State livestock market news reports on feeder cattle. The importance attached to these reports by the trade makes it imperative that the standards be formulated on as sound a basis as possible.

Also, rather widespread use is made of these standards by several State Departments of Agriculture and State Extension personnel in feeder cattle grading and educational programs. Since this type of activity is becoming increasingly important, this again highlights the need for official standards which can be used to unify these programs in the various States. In addition, extensive private negotiations are based on these standards. This being the case, the Department feels that the tentative standards for grades of feeder cattle are no longer adequate.

It is therefore proposed to:

1. Amend § 53.201 of the official United States standards for live cattle to read as follows:

§ 53.201 Cattle.

The official standards for live cattle developed by the United States Department of Agriculture provide for segregation first according to use—slaughter and feeder—then as to class, which is determined by sex condition, and then as to grade, which is determined by the apparent relative excellence and desirability of the animal for its particular use. Differentiation between slaughter and feeder cattle is based solely on their intended use rather than on specific identifiable characteristics of the cattle. Slaughter cattle are those which are intended for slaughter immediately or in the very near future. Feeder cattle are those which are intended for slaughter after a period of feeding. However, under some economic conditions specific kinds of cattle may be considered as feeders whereas under other economic conditions they might be considered as slaughter cattle.

2. Amend § 53.202 of the official United States standards for live cattle to read as follows:

§ 53.202 Slaughter and feeder cattle classes.

The classes of slaughter and feeder cattle are steers, heifers, cows, bulls, and stags. Definitions of the respective classes ars as follows:

(a) *Bull.* A bull is an uncastrated male bovine.

(b) *Steer.* A steer is a male bovine castrated when young and prior to developing the secondary physical characteristics of a bull.

(c) *Stag.* A stag is a male bovine castrated after it has developed or begun to develop the secondary physical characteristics of a bull.

(d) *Cow.* A cow is a female bovine that has developed through reproduction or with age, relatively prominent hips, a large middle, and other physical characteristics typical of mature females.

(e) *Heifer.* A heifer is an immature female bovine that has not developed the physical characteristics typical of cows.

3. Promulgate new §§ 53.207 and 53.208 to read, respectively:

§ 53.207 Feeder cattle grades.

(a) *Grade factors.* (1) The term "cattle" as used in these standards includes bovines of all ages.

(2) The grade of a feeder animal is determined from a composite evaluation of two general value-determining characteristics—its logical slaughter potential and its thriftiness.

(3) The logical slaughter potential of an animal is its slaughter grade at that stage of its development when its carcass quality grade and its conformation grade are equal.

(4) Animals expected to produce superior slaughter conformation—and therefore have a superior logical slaughter potential—have very plump, thick muscling in relation to their height and length. They also have wide, deep, rugged frames; short, wide heads; moderately large bones and smooth, refined joints; and practically always have a very high proportion of beef breeding. Animals expected to produce inferior slaughter conformation—and an inferior logical slaughter potential—have very thin muscling in relation to their height and length. They also are lacking in ruggedness; have long, narrow heads; have either very small or large, coarse

bones; and practically always have little or no beef breeding.

(5) Thriftiness refers to the ability of a feeder animal to gain weight and fatten rapidly and efficiently. Extremely thrifty cattle are healthy, have wide, roomy middles with well-sprung ribs, are large for their age, and have an alert manner.

(b) *General principles.* (1) While the grade of a feeder animal is determined from a composite evaluation of its logical slaughter potential and its thriftiness, the logical slaughter potential is given primary consideration. Thus conformation is the most important single factor affecting the grade of a feeder animal.

(2) In these feeder cattle standards conformation is determined by appraising the development of the muscular system in relation to the development of the skeletal system. Degree of fatness is not a factor. However, since the grade standards include detailed descriptions of the various parts of the animal and since this appearance may be influenced to a considerable extent by variations in fatness, the standards for all of the grades describe animals that have a slightly thin covering of fat. When grading animals which have either a greater or lesser degree of fatness than that on which the standards are based, proper allowances must be made for the effect of these differences on the appearance of the various parts.

(3) Cattle deposit fat at a relatively faster rate over the loin and back, and in the flank, cod, twist, and brisket than they do on other parts of their bodies. Therefore as cattle increase in fatness, these parts appear progressively fuller, thicker, and more distended in relation to the thickness through the rear quarter and to the fullness of the forearm and gaskin. Since relatively little fat is deposited over these latter parts, their appearance is affected relatively little by variations in fatness. In evaluating the conformation of feeder cattle. it is important to properly evaluate the muscling in all parts of the animal. However, since variations in fatness and variation in the spring of the ribs make it especially difficult to precisely evaluate the muscling in the loin and back, major emphasis should be placed on the development of muscling in the rear quarter as an indicator of overall muscling. Unless proper allowance is made for variations in fatness, animals carrying considerable finish may be assumed to have greater thickness of muscling throughout their loins and back than actually is the case whereas those which are very thin may be more muscular in these parts than their appearance might indicate.

(4) Thriftiness is a factor affecting the grade of a feeder animal only when the animal is relatively less thrifty than normally associated with a particular development as described for the various grades. In such a case, the final grade of the feeder animal may be lowered from that indicated by other grade factors. The amount of this reduction in grade will vary from practically none to one full grade, dependent upon the degree of unthriftiness and the grade involved. For example, a feeder animal otherwise eligible for the Common grade would have its final grade lowered little, if any, due to a lack of thriftiness as compared with that specified for that grade. However, since Fancy grade feeders are expected to have a high degree of thriftiness, the final grade of a feeder animal otherwise eligible for that grade might be lowered one full grade if its thriftiness were considerably less than that indicated for Fancy. On the other hand, superior thriftiness as compared with that described for each of the grades cannot compensate for a relatively lower slaughter potential, i.e., the final grade of a feeder may be no higher than its logical slaughter potential.

(5) Maturity is not normally a factor in determining the grade of a feeder animal. However, the animal's likely maturity at the time it reaches its logical slaughter potential must be considered in relation to certain approximate maximum and minimum maturity limits for various grades of slaughter cattle. These are as follows: Prime, 36 months maximum; Choice, 42 months maximum; Good and Standard, 48 months maximum; Commercial, 48 months minimum. There are no maturity limits for the Utility, Cutter, and Canner grades.

(6) The standards for grades of feeder cattle—like those for slaughter cattle—are designed to cover the full range of variability in cattle. This being the case, at any stage in their development, cattle may be graded either as feeder or slaughter animals. The slaughter grade of most feeder cattle generally would be lower than their grade as feeders. For example, many Fancy or Choice grade feeder cattle would grade only Standard as slaughter cattle. However, this situation does not always prevail. Some feeder cattle, particularly in the lower grades, may have characteristics which indicate that their carcass quality would have a relatively higher degree of development than their conformation. Since the carcass quality of such an animal would be relatively higher than its logical slaughter potential, its grade as a slaughter animal could be higher than its feeder grade. For example, an animal might have had a logical slaughter potential of the upper part of the Utility grade and, therefore, its feeder grade would be Common. However, if such an animal had a carcass quality equal to the upper part of the Standard grade, its slaughter grade would be Standard.

(7) Because it is impractical to describe the nearly limitless number of recognizable combinations of characteristics which feeder animals might have and qualify for a particular grade, the standards for each grade describe only animals which have a similar development of the various grade factors which are generally representative of the lower limits of each grade. The following standards for grades of feeder cattle apply only to steers, heifers, and cows. Stags and bulls are used as feeders only infrequently; therefore, standards for grades of those classes are not included herein.

§ 53.208 Specifications for official United States standards for grades of feeder cattle (steers, heifers, and cows).

(a) *Fancy.* Feeder cattle which possess typical minimum qualifications for the Fancy grade are extremely thrifty and are very large for their age, breed considered. They are very thickly muscled throughout. They are wide through the chest with well sprung ribs and are moderately wide and thick through the crops, back, and loin. The rounds tend to be thick and plump and the twist is moderately deep. They usually have straight top and bottom lines and usually are moderately deep in the fore and rear flanks. The legs tend to be short, are set wide apart, and usually are straight. The head is usually short and wide and the neck usually is short and thick. They have large, rugged frames with moderately large but refined bone. They have a high degree of symmetry and smoothness throughout, and usually show no evidence of non-beef breeding. They have a logical slaughter potential of Prime. Only steers and heifers are eligible for the Fancy grade.

(b) *Choice.* Feeder cattle which possess typical minimum qualifications for the Choice grade are very thrifty and are large for their age, breed considered. They are thickly muscled throughout. They are moderately wide through the chest with a moderate spring of ribs and are slightly wide and thick through the crops, back, and loin. The rounds are slightly thick and plump and the twist is slightly deep. They usually have straight top lines and usually are moderately deep in the fore and rear flanks. The legs are slightly short, and are set moderately wide apart and usually are straight. The head usually is moderately short and wide and the neck usually is slightly short and thick. They have moderately large, rugged frames, and the bone usually is moderately large, but may be slightly fine or slightly large and coarse. They have a moderate degree of symmetry and smoothness throughout and usually show a very high proportion of beef breeding. They have a logical slaughter potential of Choice.

(c) *Good.* Feeder cattle which possess typical minimum qualifications for the Good grade are thrifty but may be slightly small for their age, breed considered. They are slightly thick muscled throughout. They are slightly narrow through the chest and may be slightly deficient in spring of rib. They are slightly narrow through the crops, back, and loin. The muscles of the rump are slightly sunken and the hips and shoulder joints are slightly prominent. The rounds are slightly thin, and have little evidence of plumpness, and the twist is slightly shallow. They usually have moderately straight top lines but may lack depth in the rear flank. The legs tend to be slightly long, are set slightly wide apart, and frequently are crooked. The head is usually slightly short and wide and the neck usually is slightly long and thin. They have a slightly large frame and the bone usually is slightly

fine, although it may also be slightly large and coarse. They are slightly irregular and rough in appearance and usually are predominantly of beef breeding. They have a logical slaughter potential of Good.

(d) *Medium.* Feeder cattle which possess typical minimum qualifications for the Medium grade are only moderately thrifty and are moderately small for their age, breed considered. They are slightly thin muscled and are angular, rough, and irregular in appearance throughout. They tend to be narrow through the chest and through the crops, and the muscles of the back, loin, and rump tend to be slightly sunken. Hips and shoulder joints are prominent. The rounds are thin and slightly concave and the twist is shallow. They usually have an uneven top line and may lack depth in the rear flank. The legs are long, set close together, and are usually crooked. The head usually is long and narrow and the neck usually long and thin. They have a slightly small frame and the bone is usually moderately fine, although it also may be moderately large and coarse. They are usually predominantly of non-beef breeding and have a logical slaughter potential of Standard or Commercial, depending upon their maturity.

(e) *Common.* Feeder cattle which possess typical minimum qualifications for the Common grade are slightly unthrifty and are small for their age, breed considered. They are thinly muscled throughout and are very angular, rough, and irregular in appearance. They are very narrow though the chest and the crops and the muscles of the back, loin, and rump are sunken. Hips and shoulder joints are very prominent. The rounds are very thin and concave and the twist is very shallow. They usually have an irregular top line and are cut up in the rear flank. The legs are very long, are set very close together, and are usually crooked. The head usually is very long and narrow and the neck usually is decidedly long and thin. They have a very small frame and the bone usually is very fine although it also may be large and coarse. They usually have little or no evidence of beef breeding and have a logical slaughter potential of Utility.

(f) *Inferior.* Feeder cattle inferior to those described for Common are graded Inferior.

Any person who wishes to submit written data, views, or arguments concerning the proposed standards may do so by filing them with the Director of the Livestock Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington 25, D.C., within 90 days after publication of this notice in the FEDERAL REGISTER.

Done at Washington, D.C., this 22d day of May 1963.

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

[F.R. Doc. 63-5621; Filed, May 27, 1963; 8:47 a.m.]

[7 CFR Part 1097]

[Docket No. AO 219-A13]

MILK IN THE MEMPHIS, TENNESSEE, MARKETING AREA

Proposed Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the King Cotton Hotel, 69 Jefferson Avenue, Memphis, Tennessee, beginning at 10:00 a.m., on June 25, 1963, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Memphis, Tennessee, marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposals relative to a redefinition of the marketing area raises the issue whether the provisions of the present order would tend to effectuate the declared policy of the Act, if they are applied to the marketing area as proposed to be redefined and, if not, what modifications of the provisions of the order would be appropriate.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the Cedar Grove Dairy, Memphis, Tennessee; Forest Hill Dairies, Inc., Memphis, Tennessee; Meadowbrook Dairy, Memphis, Tennessee; Sealtest Foods Division, National Dairy Products Corporation, Memphis, Tennessee; and Turner's Dairy Company, Covington, Tennessee:

Proposal No. 1. Revise § 1097.6 to read as follows:

"Memphis, Tennessee, marketing area" means all the territory, including incorporated municipalities and military reservations, within Shelby County, Madison County (except civil districts 4 and 9), Fayette, Tipton, Haywood, Crockett, Lauderdale, Gibson, Dyer, McNairy, and Hardeman, all in Tennessee; the city of West Memphis, Arkansas; and the counties of DeSoto, Tate, Panola, Tunica, Lafayette, and Marshall (exclusive of Beat 5) in the State of Mississippi.

Proposed by the Milk Marketing Orders Division, Agricultural Marketing Service:

Proposal No. 2. Amend § 1097.6 to include the portions of Mississippi and Proctor townships, in Crittenden County, Arkansas, which are not included in the city of West Memphis, Arkansas, and exclude that portion of the village of Crowder, Mississippi, which is located in Panola County, Mississippi.

Proposal No. 3. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, Charles S. McDonald, 35 South Cooper Street, P.O. Box 9926, Memphis 12, Tennessee, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Signed at Washington, D.C., on May 23, 1963.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 63-5642; Filed, May 27, 1963; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-CE-4]

CONTROLLED AIRSPACE

Proposed Alteration

In a notice of proposed rule making published in the FEDERAL REGISTER on March 23, 1963 (28 F.R. 2924), it was stated, in part, that the Federal Aviation Agency proposed to designate a transition area at Jackson, Mich.

Subsequent to the publication of the notice it was determined by the FAA that the designation of a 700-foot floor transition area surrounding the Reynolds Airport, Jackson, Mich., would be required, in addition to the 1,200-foot floor area proposed in the notice, if existing Reynolds Airport instrument approach landing minimums were to be retained. The recommendation for only a 1,200-foot floor area was predicated on raising the procedure turn altitudes of prescribed Jackson Airport VOR and RBN instrument approach procedures to more than 1,500 feet above the surface. However, it was later determined that in raising these procedure turn altitudes the established straight-in landing minimums would no longer be applicable. Accordingly, the notice is hereby amended to describe, as a portion of the proposed Jackson transition area, that airspace extending upward from 700 feet above the surface within a 13-mile radius of the Jackson VOR.

In order to provide interested persons time to adequately evaluate this proposal, as modified herein, and an opportunity to submit additional written data, views or arguments, the date for filing such material is extended to June 7, 1963.

Communications should be submitted to the Assistant Administrator, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo.

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

Issued in Washington, D.C., on May 21, 1963.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 63-5587; Filed, May 27, 1963; 8:45 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-WA-14]

POSITIVE CONTROL AREAS

Proposed Designation

The Federal Aviation Agency is considering an amendment to Part 71 [New] of the Federal Aviation Regulations to designate a positive control area in portions of the areas of jurisdiction of the Washington and New York air route traffic control centers.

Positive control areas are designated within the continental control area for the provision of positive separation to en route and local aircraft operations under Special Civil Air Regulation No. SR-424C. This action would designate as positive control area, from flight level 240 to and including flight level 600, the area described as follows:

Beginning at latitude 42°12'00" N., longitude 77°21'00" W.; thence to latitude 42°21'-00" N., longitude 75°37'00" W.; thence to latitude 42°05'00" N., longitude 73°26'30" W.; thence to latitude 41°47'00" N., longitude 73°28'00" W.; thence to latitude 41°20'-00" N., longitude 72°24'00" W.; thence to latitude 41°07'00" N., longitude 71°58'00" W.; thence to latitude 41°01'20" N., longitude 71°50'45" W.; thence south via a line three nautical miles from the mainland to latitude 33°58'30" N., longitude 77°50'00" W.; thence to latitude 34°00'00" N., longitude 78°07'00" W.; thence to latitude 34°29'00" N., longitude 78°45'00" W.; thence to latitude 34°29'00" N., longitude 79°15'00" W.; thence to latitude 34°51'00" N., longitude 79°55'00" W.; thence to latitude 34°52'00" N., longitude 80°10'20" W.; thence to latitude 35°01'45" N., longitude 80°02'00" W.; thence to latitude 35°47'20" N., longitude 79°31'00" W.; thence to latitude 36°19'00" N., longitude 79°16'00" W.; thence to latitude 36°29'30" N., longitude 79°26'30" W.; thence to latitude 37°21'45" N., longitude 80°31'30" W.; thence to latitude 37°11'30" N., longitude 81°09'00" W.; thence to latitude 38°33'00" N., longitude 80°55'00" W.; thence to latitude 39°17'30" N., longitude 79°51'00" W.; thence to latitude 39°34'00" N., longitude 78°58'00" W.; thence to latitude 39°49'00" N., longitude 78°03'30" W.; thence to latitude 39°51'00" N., longitude 77°56'00" W.; thence to latitude 39°54'00" N., longitude 77°31'30" W.; thence to latitude 40°12'00" N., longitude 77°35'00" W.; thence to latitude 40°20'00" N., longitude 77°35'00" W.; thence to latitude 40°51'00" N., longitude 78°02'30" W.; thence to latitude 40°55'30" N., longitude 78°27'00" W.; thence to the point of beginning.

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

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington 25, D.C.

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

Issued in Washington, D.C., on May 21, 1963.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 63-5588; Filed, May 27, 1963; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 2]

[Docket No. 15086; FCC 63-475]

FREQUENCY ALLOCATIONS

Notice of Proposed Rule Making

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Commission has under consideration means for providing suitable frequencies, on a regular basis, to meet a requirement for wideband telemetry for balloon-borne optical astronomy experimental programs. A program of this type, being conducted by the Princeton University Observatory, known as Stratoscope II, is now under way and initial planning is for a total of five flights. These flights will be made at night and, according to present plans, will probably originate near Palestine, Texas instead of Hope, Arkansas as originally planned. The duration of each flight is not expected to exceed twenty-four hours. It is understood that observations of major scientific importance may result, and that the Stratoscope II program is of special interest to a number of organizations concerned with U.S. scientific and research advancement.

3. A previous but technically less ambitious program, known as Stratoscope I, was conducted successfully by the Princeton University Observatory for the purpose of obtaining high-definition solar observations, using a twelve-inch telescope carried to around 80,000 feet by a balloon. A narrow-band video telemetry circuit, using a frame rate of one per second, was employed to monitor on the ground performance of the telescope. This circuit provided the basis for commanding the telescope from the ground, including focusing and orientation, using narrow-band telecommand frequencies not involved with the wide-band video telemetry requirement discussed herein.

4. The success of the Stratoscope I program led to the more sophisticated program known as Stratoscope II, which employs a highly stabilized thirty-six inch telescope for night observations of planets, stars and nebulosities. Such targets require a more refined air-to-ground video telemetry circuit to permit the telescope to be accurately and quickly aimed, focused and monitored from the ground. A frame rate of 20 frames per second was considered necessary to meet this objective. Initially those in charge of the program hoped that such video telemetry could be accomplished through the intermittent use of UHF TV channels subject to the condition that no interference would be caused to UHF TV broadcasting and developed some telemetry equipment with 6 Mc/s bandwidth for use in the UHF TV band. However, during the early test phase of the program it became apparent that because the growing number of UHF TV stations, it was rapidly becoming more difficult to find an unused UHF TV channel in many areas of the country and that no assurance could be placed on the future availability of any UHF TV channel in the rather large area of operation contemplated, especially on any longterm basis. For example, after the use of UHF TV channel 29 was planned for the Stratoscope II program at Palestine, Texas, the Commission granted a construction permit for such a UHF TV station on channel 29 at Dallas, Texas, approximately 100 miles away.

5. An attempt was then made to re-evaluate the video telemetry requirements for balloon-borne optical observatory operations on both a current and long-range basis and to find the best means for meeting those requirements. It was learned that the present series of balloon-borne astronomy observations was expected to continue until around 1966 and that the technique itself will probably prove to be a valuable one for about a decade. After that time it probably will be superseded by satellite-borne optical observatories as a result of expected advances in space technology. The presently planned Stratoscope II flights are considered the second of a series. A typical flight would be conducted in the following manner. First, the "half-night" location of the balloon is estimated from the latest weather data, and a receiving and control van then is driven to that location, which may be at any point within a 150 mile radius of Palestine, Texas, depending on winds aloft. The balloon requires about two hours to reach maximum altitude and observations then begin for about a four hour period. Finally, when the film in the telescope's camera has been expended, the payload is released from the balloon and descends by parachute for recovery.

6. The above considerations indicate a need for some means for providing frequencies on a relatively long range basis to meet the frequency requirements of programs such as the one generated by the Stratoscope II program. A thorough study of the frequency bands usable for such purposes indicates that this requirement might best be met by making provision for such operations within the

frequency band 1435–1535 Mc/s since the highly infrequent balloon flights would probably prove compatible with the presently allocated use of the band for aeronautical telemetry. In addition, the two or three flights per year must be planned well ahead, which would permit advance coordination and scheduling with other licensees in the band. Accordingly the Commission is proposing herein to add a footnote to its Table of Frequency Allocations to provide for high altitude balloon telemetry in the upper half of the band 1435–1535 Mc/s, as indicated below.

7. Technical studies indicate that, with the current state of the art, a maximum bandwidth of 25 Mc/s is a reasonable limitation. For example, it would permit a good signal-to-noise ratio to be achieved with reasonably low power in the case of FM systems and would provide for the very high definition which may become necessary. Confining the operations to the 1485–1535 Mc/s portion of the aeronautical telemetry band 1435–1535 Mc/s should minimize coordination with other users of the band and assist in avoiding interference and, at the same time, provide sufficient capacity to provide for this requirement.

8. Authority for these proposed amendments is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

9. Pursuant to applicable procedures set forth in § 1.213 of the Commission's rules, interested persons may file comments on or before July 29, 1963, and reply comments on or before August 12, 1963. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this Notice.

10. In accordance with the provisions of § 1.215 of the Commission's rules, an original and 14 copies of all statements, briefs or comments shall be furnished the Commission.

Adopted: May 22, 1963.

Released: May 23, 1963.

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

Section 2.106 is amended by adding a new footnote designator in Column 7 in the frequency band 1435–1535 Mc/s, and by adding a new footnote as follows:

§ 2.106 Table of frequency allocations.

* * * * *

US — Telemetering mobile stations aboard high altitude balloons, employed for astronomical observations, may be authorized in the band 1485–1535 Mc/s with emission bandwidths not greater than 25 Mc/s, subject to appropriate coordination with other occupants of the band 1435–1535 Mc/s to whom harmful interference might be caused.

[F.R. Doc. 63–5626; Filed, May 27, 1963; 8:48 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Order 1, Amdt. 11]

BILLINGS AREA OFFICE; SUPERINTENDENTS

Redelegation of Authority With Respect to Credit Matters

Order 1, as amended, is further amended as hereinafter indicated.

1. Section 2.120, under the heading "Functions Relating to Credit Matters", is amended to read as follows:

FUNCTIONS RELATING TO CREDIT MATTERS

1. SEC. 2.120. *Loan agreements and modifications.* The approval of applications for and modifications of loans to individuals, except loans for educational purposes, pursuant to declarations of policy and plans of operation approved by the Commissioner or his authorized representative; provided that the amounts and conditions of loans shall be consistent with and shall not exceed the limitations as set forth in sections 120 and 121 of Bureau Order 551, Amendment 82, (28 F.R. 4206).

2. Part 3, Authority of Specifically Designated Employees, is superseded by the amendment in Item 1, above, and is revoked.

GRAHAM HOLMES,
Acting Commissioner.

MAY 22, 1963.

[F.R. Doc. 63-5599; Filed, May 27, 1963; 8:45 a.m.]

[Bureau Order 566]

CONTRACTING OFFICERS

Designation and Delegation of Authority With Respect to Contracting and Related Matters; Correction

MAY 20, 1963.

1. In F.R. Document 63-4293, appearing on page 3991 of the issue for Tuesday, April 23, 1963, item 1 is corrected to change the letter "f" in parentheses to the letter "e" and "Section 2(a)(2)" to "Section 2(a)(1)." The corrected portions of Section 2 reads as follows.

SEC. 2. *Designation of Contracting Officers and Contracting Officers' authorized representatives*—(a) *Contracting Officers.* * * *

(1) *Headquarters Office Officials.* * * *

(e) Administrative Officer, Branch of Plant Design and Construction (located in Albuquerque, New Mexico).

GRAHAM HOLMES,
Acting Commissoner.

MAY 22, 1963.

[F.R. Doc. 63-5600; Filed, May 27, 1963; 8:45 a.m.]

Office of the Secretary

[Order 2860, Amdt. 1]

SNAKE RIVER BASIN

Disposition by Bonneville Power Administration of Power From Certain Projects, and Related Matters

MAY 21, 1963.

Order No. 2860 (27 F.R. 591) is amended by adding a new section 8 to read as follows:

SEC. 8. *Snake River Basin.* (a) In addition to the power marketing responsibilities heretofore assigned to him, the Administrator is hereby designated as the agent to transmit and market surplus electric power and energy generated at Federal reclamation projects in the Snake River Basin. The Commissioner of Reclamation shall operate and maintain the dams, reservoirs, and power plants for irrigation and the other project purposes in accordance with applicable laws and project authorizations which, among other things, require recognition of lawfully established water rights. The Administrator shall, consistent with the other project purposes, schedule power generation and shall dispose of such electric power and energy in accordance with the provisions of this order. The Administrator shall perform the functions delegated by this amendment in accordance with the provisions of existing contracts and of any future amendments or supplements thereto or other contracts entered into by him pursuant to this order, and he shall assume the obligation for repayment of all costs of power, irrigation and related facilities heretofore or hereafter assigned for repayment from power revenues from such projects. As rapidly as conditions permit, the Administrator shall interconnect and coordinate the Federally-owned power generation and transmission facilities in the Snake River Basin with those in the rest of the Columbia River Basin in order to extend the benefits of uniform rate schedules and integrated power services to all parts of his marketing area.

(b) As soon as possible after the date of this amendment, the Administrator and the Commissioner of Reclamation shall enter into agreements with respect to the transfer to the Bonneville Power Administration of personnel, facilities, property, contracts, records, and funds of the Bureau of Reclamation which are associated with the performance of functions delegated to the Administrator by this section; provided, however, that the transfer of facilities and property shall not include any dam, reservoir, power plant, and power plant switchyards. All such agreements shall be subject to the approval of the Secretary. Until such agreements are so approved, properties, equipment, supplies, appropriations, and other funds of the Bureau of Reclamation which the Commissioner of Reclamation determines are presently available for carrying out the functions transferred to the Administrator by this section, shall be available to the Administrator for the same purposes, and the Administrator, to the extent he deems it advisable, may perform such functions through personnel of Region 1 of the Bureau of Reclamation under arrangements acceptable to the Commissioner of Reclamation.

Prepared for publication in the FEDERAL REGISTER.

STEWART L. UDALL,
Secretary of the Interior.

MAY 21, 1963.

[F.R. Doc. 63-5601; Filed, May 27, 1963; 8:45 a.m.]

[Order 2765, Amdt. 7]

COMMISSIONER OF RECLAMATION

Delegation of Authority

MAY 21, 1963.

Paragraph (h) of section 2 of Order No. 2765 as amended (23 F.R. 10570, 26 F.R. 3575) is amended to read as follows:

SEC. 2. *Limitations.* Excepted from section 1 of this Order is authority to: * * *

(h) market available surplus electric power and energy generated at: Grand Coulee Dam, Columbia Basin Project; Hungry Horse Dam, Hungry Horse Project; Chandler Power Plant, Kennewick Division, Yakima Project; Roza Power Plant, Roza Division, Yakima Project; all Federal reclamation projects in the Snake River Basin;

Prepared for publication in the FEDERAL REGISTER.

STEWART L. UDALL,
Secretary of the Interior.

[F.R. Doc. 63-5602; Filed, May 27, 1963; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

CERTAIN HUMANELY SLAUGHTERED LIVESTOCK

Identification of Carcasses

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904) and the statement of policy thereunder in 9 CFR Part 181 the following table lists the establishments operated under Federal inspection under the Meat Inspection Act (21 U.S.C. 71 et seq.) which were officially reported on May 1, 1963, as humanely slaughtering and handling on that date the species of livestock respectively designated for such establishments in the table. Establishments reported after May 1, as using humane methods on May 1 or a later date in May,

will be listed in a supplemental list. Previously published lists represented establishments reported in April or May 1963 as humanely slaughtering and handling the designated species of livestock on April 1 or some later date in April 1963 (28 F.R. 4588 and 4773). The establishment number given with the name of the establishment is branded on each carcass of livestock inspected at that establishment. The table should not be understood to indicate that all species of livestock slaughtered at a listed establishment are slaughtered and handled by humane methods unless all species are listed for that establishment in the table. Nor should the table be understood to indicate that the affiliates of any listed establishment use only humane methods:

Name of establishments	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Armour and Co.	2AD	○	*			○	
Do	2AT	○		○		○	
Do	2C	○		○		○	
Do	2E	○					
Do	2LT	○					
Do	2WN	○	*				
Swift and Co	3AC	○				○	
Do	3AE	○	○			○	
Do	3AF	○	○				
Do	3AN	○	○			○	
Do	3B	○	○	○		○	
Do	3C	○	○	○		○	
Do	3D	○	○	○		○	
Do	3F	○	○	○	*	○	
Do	3H	○	○	○		○	
Do	3K	○	○				
Do	3L	○				○	
Do	3S						
Do	3UU	○	*	*			
Do	3Y	○					
Do	3Z	○	*				
Lykes Bros., Inc	8	○				*	
Do	8B	○	*				
Hygrade Food Products Corp	12A	○				○	
Do	12C	○	○	*		○	
Do	12G	○	○			○	
Do	12P	○					
Mickelberrys Food Products Co	16					○	
John Morrell and Co	17	○				○	
The Cudahy Packing Co	19	○				○	
Do	19E	○	○	○		○	
Wilson and Co., Inc	20N	○	○	○		○	
Do	20Q	○	○			○	
Do	20U			*			
The Sperry and Barnes Co	27C					○	
Patrick Cudahy, Inc	28	○					
Kreinberg and Krasny, Inc	30	○					
Valleydale Packers, Inc	34	○	○	○		*	
Pocomoke Provision Co	39	○	*	*			
Armour and Co	40	○				○	
Sunnyland Packing Co	43	○					
Consolidated Dressed Beef Co., Inc	47	○					
Lackawanna Beef and Provision Co	49	○					
Nevada Meat Packing Co	53	○					
Sunnyland Packing Co. of Alabama	56	○				*	
Glover Packing Co. of Amarillo	60	○					
Malone Packing Co	65					○	
Somerville Packing Co	66						
The Quaker Oats Co	67E						*
Auburn University	71	○					
Minchs Wholesale Meats, Inc	72	○	*	*		*	
Eastern Packing Co	74E						*
Armour and Co	75	○	*	*	*		
The Braun Brothers Packing Co	79	○				○	
City Packing Co	80	○	○			○	
Edgar Packing Co	84		○				
Excel Packing Co., Inc	86	○					
The E. Kahns Sons, Co	89	○	*	*		*	
Hygrade Food Products Corp	90	○					
Sugardale Provision Co	92	○				○	
The Val Decker Packing Co	95	○	*	*		○	
John Engelhorn and Sons	97	○				○	
A. Koch Sons	98	○	*				
Armour and Co	100	○		*			
I. Kaplan, Inc	102	○					
Swift and Co	104	○	*	*		*	
J. Lynn Cornwell, Inc	107						
Contris Packing Co., Inc	110					○	
Wilson and Co., Inc	111	○	*	*		○	
Hoffman Packing Company, Inc	112	○					
Norris Packing Co	113	○					
West Coast Meat Co., Inc	117	○	*	*		*	
E. J. Archie and Sons, Inc	122	○					
City Dressed Beef	125	○					
Tobin Packing Co., Inc	133					*	
Edward J. Kluener, Inc	142	○	*				
Armour and Company	158	○					
Joel E. Harrell and Son, Inc	162	○					
Swift and Co	166A	○	*	○	*	○	
DeKalb Packing Co	170			○			
K. Shapiro, Inc	173		○	○			
Armour and Co	177	*	*				
Peerless Packing Co	180					*	
Montrose Beef Co	181	○					
The Rath Packing Co	186C	○	*				
Do	186F					○	
Seattle Packing Co	191	○				○	
Krey Packing Co	192	○			*	○	
Hynes Packing Co	197	○	*				
George A. Hormel and Co	199	○				○	
Do	199N	○				○	
Cudahy Packing Co	202	○				○	
Knauss Bros., Inc	204	○	*	*		○	
Penn Packing Co	212					○	
Elburn Packing Co	213	*					
Kneip Packing Co	213C		*				
Fred Dold and Sons Packing Co	214	○					
Lincoln Meat Co	217	○					
York Packing Co., Inc	220						
Gwaltney, Inc	221A					○	
Armour and Co	222	○				○	
De Jong Packing Co	223	○	*				
Hygrade Food Products Corp	224	○				○	
Do	224B	○	*	*		○	
Gold Merit Packing Co., Inc	232	○					
Walti Schilling and Co., Inc	235	○					
Animal Husbandry Dept	236	○		○		*	
Raskin Packing Co	237	○					
Armour and Co	238					*	
P. D. and J. Meats	240	○	○				
Greenwood Packing Plant	242	○		*		○	
I. Klayman & Co	243						
Iowa Beef Packers, Inc	245	○					
Harget Realty Corp	247	○				○	
Frosty Morn Meats	250	○				○	
Seilers, Inc	257					○	
Ryplains Dressed Beef, Inc	262	*					
The Jones Dairy Farm	263					○	
Lubbock Packing Co	266	○				○	
Tog Packing Co., Inc	273	○					
Wilson and Co., Inc	275	○					
Bookey Packing Co	281	○					
Agar Packing Co., Inc	282					○	
Do	282B					○	
Solano Meat Co	285	○	*	*			
Western Packing Co	288	○					
Arbogast and Bastian Co	289	○	*	*		○	
The H. H. Meyer Packing Co	290					○	
San Jose Meat Co	291	*	*	*			
Sioux City Dressed Pork, Inc	292					*	
Gus Juengling and Son, Inc	298	*	*				
Waldock Packing Co	299					*	
Commercial Packing Co., Inc	302	○					
Union Packing Co	305	○					
Do	305A	○					
Star Packing Co	306	○					
Survall Packing Co	307	○					
Ideal Packing Co., Inc	312	○					
Rudys Farm Co	315					*	
Webb Packing Co	316	○					
Frisco Packing Co	327	○					
C. and M. Meat Packing Corp	329	○	*				
Royal Packing Co	331	○					
Sokolik Packing Co	331A	○					
Great Western Packing Co., Inc	334	○					
Nobles Independent Meat Co	335	○	*	*			
Chino Valley Meat Packing Co., Inc	336	○					

Name of establishments	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Midland Empire Packing Co., Inc.	339	(*)					
Des Moines Packing Co.	340	(*)					
Peters Packing Co., Inc.	341	(*)				(*)	
State Packing Co., Inc.	344	(*)					
Anza Packing Co.	345	(*)	(*)	(*)			
Union Packing Co.	351	(*)					
Fresno Meat Packing Co.	354	(*)					
Heil Packing Co.	357					(*)	
Marks Meat Co.	362	(*)					
Meyers Packing Co.	363	(*)					
Montebello Meat Packing Co.	364	(*)		(*)			
James Allan and Sons	365	(*)		(*)	(*)	(*)	
Bowling Provision Co., Inc.	372					(*)	
Fischer Packing Co.	374	(*)	(*)			(*)	
Cross Bros. Meat Packers, Inc.	376	(*)	(*)	(*)			
Smithfield Packing Co., Inc.	382					(*)	
American Stores Co.	384	(*)					
Liebmann Packing Co.	388	(*)	(*)				
Dugdale Packing Co.	390	(*)					
Roth Packing Co.	394	(*)					
Robert L. Runtz, Inc.	395	(*)	(*)				
Dubuque Packing Co.	396	(*)	(*)	(*)		(*)	
Logan Packing Co.	397	(*)					
Watsonville Dressed Beef, Inc.	398	(*)	(*)				
Superior Packing Co.	399	(*)					
Los Banos Abattoir	400	(*)	(*)				
Endlich Packing Co., Inc.	410	(*)					
Alpine Packing Co.	412	(*)	(*)	(*)		(*)	
The Lundy Packing Co.	413	(*)				(*)	
Frosty Morn Meats	414	(*)	(*)	(*)		(*)	
Philadelphia Boneless Beef Co.	418	(*)					
Murray Packing Co., Inc.	421	(*)					
E. W. Kneip, Inc., of Iowa	422	(*)					
The Collins Packing Co.	423	(*)				(*)	
Hebron Packing Co., Inc.	425	(*)					
Monarch Meat Packing Co.	435	(*)					
Queen Packing Corp.	436	(*)					
Schneider Packing Co.	439	(*)	(*)				
Omaha Dressed Beef Co., Inc.	441	(*)					
Prime Packing Co., Inc.	445	(*)	(*)	(*)		(*)	
Peerless Packing Co., Inc.	448	(*)					
Swift and Co.	459					(*)	
Lancaster Packing Co.	462	(*)					
Becwar Packing Co.	467	(*)	(*)			(*)	
Corn Husker Packing Co.	468	(*)					
Eckert Packing Co.	471	(*)				(*)	
Iowa Pork Company, Inc.	473	(*)				(*)	
Middletown Beef Co., Inc.	483	(*)					
East Tennessee Packing Co.	487	(*)	(*)			(*)	
Nebraska Beef Co.	489	(*)					
Goldring Packing Co., Inc.	490	(*)		(*)			
Mid State Meat Packers, Inc.	494	(*)	(*)				
Swift and Co.	505	(*)					
Gruensfelder Packing Co.	508	(*)	(*)				
Armour and Co.	509	(*)				(*)	
The Hull and Dillon Packing Co.	510	(*)	(*)			(*)	
Shen Valley Meat Packers, Inc.	511	(*)				(*)	
Charles Miller and Co.	517	(*)				(*)	
Illinois Packing Co.	521	(*)					
Pearl Packing Co., Inc.	524	(*)	(*)	(*)	(*)	(*)	
Smallwood Packing Co., Inc.	529	(*)					
Omaha Packing Co.	532	(*)					
Rosenthal Packing Co., Inc.	535	(*)		(*)	(*)		
Oscar Mayer and Co., Inc.	537A	(*)	(*)	(*)			
Do.	537C	(*)				(*)	
Midwest Packing Co.	538	(*)					
United Dressed Meats, Inc.	546	(*)	(*)			(*)	
Pride Packing Co., Inc.	549	(*)	(*)				
Piute Packing Co.	550	(*)	(*)				
Salter Packing Co.	551	(*)					
D. and W. Packing Co.	561	(*)	(*)				
Packerland Packing Co., Inc.	562	(*)	(*)				
John Morrell and Co.	564					(*)	
Elmer Binder & Son, Inc.	569		(*)	(*)			
Frosty Morn Meats, Inc.	576	(*)				(*)	
Kingsford Packing Co., Inc.	581	(*)					
Swift and Co.	591	(*)	(*)	(*)		(*)	
Harman Packing Co.	596	(*)	(*)				
Central Packing Co.	606	(*)					
Acme Meat Co., Inc.	618	(*)					
City Packing Co.	625	(*)					
Star Provision Co.	626					(*)	
Big Foot Packing Co., Inc.	627	(*)	(*)				
E. A. Miller and Sons Packing Co., Inc.	628	(*)					
General Meat Co.	632	(*)					
Auburn Packing Co., Inc.	636	(*)					
R. and C. Packing Co.	645	(*)					
Bird Provision Co.	647	(*)				(*)	
Wm. Schluderberg—T. J. Kurdle Co.	649	(*)	(*)	(*)		(*)	
John Morrell and Co.	650						
Nagle Packing Co.	653	(*)	(*)	(*)			
Milwaukee Dressed Beef Co.	654	(*)					
St. Louis Dressed Beef Co.	659	(*)					
Quality Meat Packing Co.	661	(*)	(*)				
Western Meat Packers, Inc.	662	(*)		(*)		(*)	
Globe Packing Co.	663	(*)					
Webber Sausage Co., Inc.	665					(*)	
Crown Packing Co.	666	(*)					
San Joaquin Packing Co.	671	(*)	(*)				
Union Packing Co.	673	(*)					
Caviness Packing Co.	675	(*)					
Jacob Bauers Sons, Inc.	678	(*)					
Colville Meats, Inc.	679	(*)	(*)	(*)		(*)	
Armour and Co.	680	(*)					
The William Fockes Sons Co.	685	(*)					
The Sucher Packing Co.	689	(*)					
Pierce Packing Co.	691	(*)					
Bryan Meat Co.	693	(*)	(*)				
Kramer Beef Co.	695	(*)					
Davenport Packing Co., Inc.	716	(*)					
Farmbest, Inc.	717					(*)	
The Joseph N. Rice Co.	719	(*)	(*)				
Swift and Co.	726	(*)		(*)		(*)	
Roode Packing Co., Inc.	729	(*)					
Frosty Morn Meats	731	(*)	(*)			(*)	
Western Packers	733	(*)					
Ohio Packing Co.	736	(*)	(*)				
The Jacob Schlachter's Son & Co.	739	(*)		(*)			
Mid State Meat Co.	741	(*)					
Howard Pancero and Co.	747	(*)					
Ruchti Bros.	749	(*)					
Luck Brothers Cooperative Packing Co.	753	(*)					
Monroe Packing Co., Inc.	755	(*)					
Seitz Packing Co., Inc.	756A	(*)				(*)	
Philadelphia Dressed Beef Co.	758	(*)					
The American Meat Packing Corp.	760	(*)				(*)	
Schaake Packing Co., Inc.	761	(*)					
Karler Packing Co.	767	(*)	(*)				
Earl C. Gibbs, Inc.	770	(*)					
Cadwell Martin Meat Co.	773	(*)					
Modern Meat Packing Co.	774	(*)		(*)			
Atlas Packing Co.	775	(*)					
The Cudahy Packing Co.	779	(*)	(*)			(*)	
Diamond Meat Co., Inc.	783	(*)		(*)			
Granite State Packing Co.	785	(*)					
Aurora Packing Co., Inc.	788	(*)					
Baums Meat Packing	792	(*)	(*)	(*)			
Max Bauer Meat Packer	800	(*)					
Western Iowa Pork	806	(*)				(*)	
The Gerhardt Sons, Inc.	810	(*)	(*)				
Goldring Packing Co., Inc.	811	(*)		(*)			
William N. H. Peters	813	(*)					
Rochester Independent Packer, Inc.	817	(*)					
J. H. Ruth Packing Co.	818	(*)				(*)	
Clyde Packing Co., Inc.	821	(*)					
Henry Meyers Sons, Inc.	822	(*)	(*)				
Hibbs Packing Co.	825	(*)					
Penford Packing Co.	827	(*)					
Bristol Packing Co.	828	(*)	(*)				
Berchems Meat Co.	830	(*)					
Frederick County Products, Inc.	838	(*)	(*)	(*)		(*)	
Herman Kempers Sons, Inc.	839	(*)					
Reelfoot Packing Co.	840	(*)				(*)	
Arena Dressed Beef Co.	853	(*)					
Sioux City Dressed Beef, Inc.	857	(*)					
Jordan Meat & Livestock Co.	858	(*)	(*)	(*)		(*)	
Sam McDaniel and Sons, Inc.	859	(*)					
Sierra Meat Co.	862	(*)					
Gunsberg Beef Company	867	(*)					
Genesee Packing Co.	868	(*)					
Hardy and Co., Inc.	869	(*)	(*)				
Santa Ana Packing Co.	874	(*)					

Name of establishments	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Alco Packing Co	885	(*)	(*)	(*)			
Walden Packing Co., Inc	886	(*)					
William Davies Co., Inc	888A	(*)	(*)			(*)	
O'Neill Packing Co	889	(*)					
Vernon Calhoun Packing Co	897	(*)					
Meats, Inc	899	(*)	(*)				
Kanes Dressed Beef	907	(*)					
Chiapetti Packing Co	916			(*)			
National Meat Packers, Inc	917	(*)	(*)			(*)	
B. Constantino and Sons Co	918	(*)	(*)				
Valleydale Packers, Inc., of Bristol	922	(*)	(*)			(*)	
South Philadelphia Willowbrook, Inc	923	(*)	(*)				
Wisconsin Packing Co	924	(*)					
Peoples Packing Co	925	(*)	(*)	(*)	(*)	(*)	
Kerber Packing Co	929	(*)	(*)			(*)	
Tarpoff Packing Co	931	(*)					
McKenney Meat Co	932	(*)	(*)				
E. B. Manning and Son	934	(*)					
Volz Packing Co	938	(*)					
Gentner Packing Co., Inc	941	(*)					
Whitehall Packing Co	946	(*)					
M. Brizer & Co	948	(*)					
Joe Doctorman and Son Packing Co., Inc	949	(*)	(*)	(*)			
Armour and Co	956	(*)				(*)	
Reliable Packing Co., Inc	959	(*)				(*)	
Greater Omaha Packing Co., Inc	960	(*)					
Virginia Packing Co., Inc	963	(*)	(*)	(*)			
T. L. Lay Packing Co	967	(*)				(*)	
Hawaii Meat Co., Ltd	970	(*)	(*)	(*)			
Perlin Packing Co., Inc	974	(*)	(*)	(*)			
Hospers Packing Co	985	(*)					
Eagle Packing Co	987	(*)					
Everett C. Horlein and Son, Inc	988	(*)					
Johnson Meat Products Co., Inc	994					(*)	
Klarer of Kentucky, Inc	995	(*)	(*)				
Do	995A					(*)	
Do	995C	(*)				(*)	
Valley Meat Co	1009	(*)	(*)	(*)			
The Home Pride Provisions, Inc	1029	(*)	(*)	(*)	(*)		
Armour and Co	1085	(*)	(*)				
Wayne Packing Co	1303	(*)					
A. F. Moyer and Sons, Inc	1311	(*)	(*)	(*)			
McCabe Packing Plant	1312	(*)	(*)				
Nebraska Iowa Dressed Beef Co	1318	(*)					

353 establishments reported.

Done at Washington, D.C., this 22d day of May 1963.

R. K. SOMERS,
Acting Director, Meat Inspection Division, Agricultural Research Service.

[F.R. Doc. 63-5640; Filed, May 27, 1963; 8:48 a.m.]

DIRECTOR OR ACTING DIRECTOR, ADMINISTRATIVE SERVICES DIVISION

Delegation of Authority To Make and Execute Grants

Pursuant to the authority vested in the Administrator, Agricultural Research Service by Secretary's Order of December 24, 1953 (19 F.R. 74), as amended, authority to make and execute all research grants under P.L. 85-934 (42 U.S.C. 1891-1893) is hereby delegated to the Director or Acting Director, Administrative Services Division, Agricultural Research Service. The authority to execute all research grants pursuant to Public Law 85-934 may be redelegated only with specific approval of the Administrator.

The notice of organization, functions, and authorities of the Agricultural Research Service, dated May 31, 1962 (27 F.R. 5348-5350), is hereby amended by changing the last sentence of the last subparagraph of paragraph III D 7 to read as follows:

The Director, or Acting Director, Administrative Services Division, is responsible for the execution of domestic research contracts (including RMA contracts), and grants.

Done at Washington, D.C., this 23d day of May 1963.

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

[F.R. Doc. 63-5639; Filed, May 27, 1963; 8:48 a.m.]

CERTAIN STOCKYARDS AND SLAUGHTERING ESTABLISHMENTS

Notice of Specific Approval and of Withdrawal of Specific Approval

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

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

SPECIFICALLY APPROVED STOCKYARDS

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

ALABAMA

*Fort Payne Livestock Sales, Fort Payne.
*Hodges-Capital Stockyards, Montgomery.
*Kennamer Livestock Company, Inc., Guntersville.
*Roanoke Stockyards, Inc., Roanoke.

ARKANSAS

*Rector Auction Sale Barn, Rector.

GEORGIA

*Livestock Marketers, Inc., Douglas.

IOWA

Colfax Sales Company, Colfax.
Kimballton Auction Company, Kimballton.
N. E. Iowa Sales Commission, Waukon.

KANSAS

*Colby Livestock Auction, Inc., Colby.

NEBRASKA

*Beatrice 77 Livestock Company, Beatrice.

OKLAHOMA

*Leslie Livestock Commission Company, Hugo.

TEXAS

*George, R. L. (Bob), Cattle Motel and Livestock Auction, Shamrock.
*Shamrock Livestock Auction, Shamrock.

SPECIFICALLY APPROVED SLAUGHTERING ESTABLISHMENTS

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

ALABAMA

Hansen Slaughter House, Prichard.

ARKANSAS

Mann Slaughtering and Processing, Piggott.
Sutton, Claud H., Slaughter Plant, Hope.

ILLINOIS

Harmon Packing Company, Paris.

INDIANA

Ward Brothers Packing Company, Monon.

LOUISIANA

*Bill Suire's Slaughter House, Kaplan.

NEBRASKA

Gude, O. A., Nebraska City.

WYOMING

Pilch Slaughtering and Processing Service, Acme.

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

STOCKYARDS

ALABAMA

Capital Stock Yards, Montgomery.
East Alabama Livestock Company, Opelika.
Roanoke Stockyards, Roanoke.

GEORGIA

Coffee County Livestock Company, Douglas.

NEW YORK

Neverett, H. L., & Sons, Malone.

TEXAS

Farmers & Ranchers Livestock Exchange, Shamrock.

SLAUGHTERING ESTABLISHMENTS

ILLINOIS

Ingalls Frozen Food Center, Milford.
Lyetta Meats, Inc., Coulterville.
Wessell Brothers, Inc., Belleville.

INDIANA

Hill Top Packing Company, Huntingburg.

IOWA

Hawkeye Packing Company, Sioux City.
Meyer Packing Company, Sioux City.

NEW YORK

Legters Brothers Slaughterhouse, Clymer.

NORTH DAKOTA

Bean Slaughtering Establishment, Williston.

WYOMING

Legerski and Sons Slaughtering Establishment, Acme.

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

Certain additional stockyards and slaughtering establishments have been added to the list of those heretofore specifically approved under the regulations in 9 CFR 78. It has been determined that the inspections and handling of livestock or carcasses or products thereof at such stockyards or establishments are adequate to effectuate the purposes of such regulations. Certain stockyards and slaughtering establishments have been removed from the list of those heretofore specifically approved under said regulations, because it has been determined that such stockyards and establishments no longer qualify for specific approval under the regulations. This action, therefore, imposes certain restrictions necessary to prevent the spread of brucellosis and relieves certain restrictions presently imposed. It should become effective promptly in order to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved thereby. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to this action are impracticable and, good cause is found for making this notice effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 23d day of May 1963.

F. J. MULHERN,
Director, Animal Disease Eradication Division, Agricultural Research Service.

[F.R. Doc. 63-5643; Filed, May 27, 1963; 8:48 a.m.]

COLORADO

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of Colorado natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

COLORADO

Adams.	Huerfano.
Arapahoe.	Jefferson.
Baca.	Kiowa.
Bent.	Kit Carson.
Cheyenne.	Las Animas.
Crowley.	Lincoln.
Custer.	Otero.
Douglas.	Prowers.
Elbert.	Pueblo.
El Paso.	Teller.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1964, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 22d day of May 1963.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 63-5619; Filed, May 27, 1963; 8:47 a.m.]

AGENCY HEADS ET AL.

Delegation of Authority and Assignment of Functions

Pursuant to the authority contained in R.S. 161 (5 U.S.C. 22) and Reorganization Plan No. 2 of 1953, the Secretary's Order dated December 24, 1953 (19 F.R. 74), as amended, is further amended as follows:

Section 200 is amended by adding the following subsection r:

r. Authority to make grants under the provisions of P.L. 85-934 (42 U.S.C. 1891-1893) for the support of basic scientific research at nonprofit institutions of higher education or at nonprofit organizations whose primary purpose is the conduct of scientific research, and administration of responsibilities related thereto.

Done at Washington, D.C., this 23d day of May 1963.

JOSEPH M. ROBERTSON,
Administrative Assistant Secretary.

[F.R. Doc. 63-5641; Filed, May 27, 1963; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 14440; Order E-19602]

CHARTER TRIPS, SPECIAL SERVICES AND TRANSATLANTIC CHARTER TRIPS

Order Denying Requests for Further Amendment

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 22d day of May 1963.

ER-375, Amendment No. 2 to Part 207, Charter Trips and Special Services; ER-376, Amendment No. 1 to Part 295, Transatlantic Charter Trips; Docket No. 14440.

The Board, on March 26, 1963, adopted ER-375 and ER-376, effective immediately. In ER-375, the Board (1) interpreted existing Part 207 to the effect that passenger charters of all-cargo carriers are to be considered as "off-route," adding a declarative amendment to Part 207 of the Economic Regulations (§ 207.12), making clear that the limitations imposed on off-route charters in that part are applicable to all such passenger charters and (2) amended Part 207 to provide for the authorization, by special order, of transatlantic civilian passenger charters for the all-cargo carriers, without regard to the off-route restrictions of Part 207, for the period April 1-September 30, 1963, in conformance with the requirements of Part 295 of the Economic Regulations (§ 207.13). In ER-376, the Board amended Part 295 to reflect the existing regulatory bases for the grant of transatlantic charter authority for the forthcoming season by providing for the issuance of special orders (in the case of the all-cargo carriers) and amendments to interim operating certificates (in the case of supplemental carriers) in place of exemptions.

With respect to both amendments, the Board found that notice and public procedure thereon were not required, in view of the imminence of the transatlantic charter season, since they imposed no additional burden on any person, but simply, in the case of § 207.13 of Part 207 and the amendment to Part 295, preserved the status quo pending final determination in the Transatlantic Charter Investigation, Docket 11908 et al., and, in the case of § 207.12 of Part 207, merely interpreted the existing regulation. However, in both cases, the Board stated that comments of interested parties submitted to the Board's Docket Section on or before April 15, 1963, would be considered by the Board, and the regulations might be further amended in light of such comments.

Comments were submitted by Pan American, TWA, Flying Tiger, Seaboard World Airlines and Overseas National Airways. The Board has considered the positions taken and arguments made therein. It finds nothing in such comments that would lead it to further amend Parts 207 and 295 at this time, or to stay the effectiveness of the amendments to those regulations.

PROCEDURAL ISSUES

Comments directed to the amendments to both parties raised objections to the procedure followed by the Board in promulgating them, on the ground that such procedure does not meet the terms of section 4 of the Administrative Procedure Act or afford interested parties due process. That section requires issuance of notice of a proposed rule making, including either the terms or substance of the proposed rule or a description of the subjects and issues involved, opportunity for interested parties to participate in the rule making through submission of written data, views or arguments and publication or service of any substantive rule not less than thirty days prior to the effective date thereof except for, inter alia, interpretative rulings, or in situations in which the agency for good cause finds that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.

It is argued with respect to the amendments relating to transatlantic charters that the justifications for lack of public procedures given by the Board are invalid because (1) the adoption of the amendments imposes a potential burden of severe competition on the combination carriers certificated to operate on transatlantic routes, (2) the amendments do more than merely preserve the status quo, since the carriers which would be authorized to perform such charters lack authority to perform them at the present time and (3) the imminence of the transatlantic charter season is insufficient cause since the season is a repeating circumstance, the charter problems raised by the enactment of P.L. 87–528 in July of 1962 have been present since the date of enactment, the Board has had ample time to follow public procedures, and no findings have been made that the proposed services are necessary.

We find the foregoing objections entirely without merit. Provision for continuation of authority previously given to all-cargo and certain supplemental carriers to perform transatlantic charters in the summer season, pending disposition of the Transatlantic Charter Investigation, under procedures identical to those used in the past, constitutes a preservation of the status quo and, accordingly, the amendment does not impose any additional burden on any interested party. In this connection, it is noted that the amendments in question were purely technical to reflect the new statutory basis for granting charter authority to supplemental and cargo carriers. Moreover, the amendments did not themselves effect any new authorization, but merely provided a vehicle for their grant upon application. The opponents of the amendments are, by the procedures under amended Part 295, given the opportunity to present their contentions respecting the burden imposed upon them and other relevant objections in answer to the individual applications for such special orders or amendments to interim operating authority.

In any case, we think that the requirements of section 4 of the Administrative Procedure Act and of due process have been satisfied by the provision made for the submission of comments from interested parties and our consideration herein. While the amendments to Parts 207 and 295 became effective immediately under the terms of the amended regulations, no special orders or amendments to interim operating authority have been issued to any carrier and thus no rights have been finally determined pending our consideration of the comments submitted. On the other hand, by issuing a final regulation subject to reconsideration, we have enabled the supplemental and all-cargo carriers to file applications sufficiently in advance of the travel season to permit orderly processing thereof pending final determination of any issues raised by the comments on ER–375 and ER–376. In view of all of the foregoing, the Board remains convinced that notice and public procedure would have been impractical, unnecessary and contrary to the public interest.

With respect to the interpretation, declared in § 207.12, of the off-route limitations of Part 207 as applying to all passenger charters performed by all-cargo carriers, it is argued that (1) the amendment is not merely an interpretation declarative of an existing regulation, but affects a major change in present authority, (2) in view thereof, the public procedure set out in section 4 of the Administrative Procedure Act should have been followed, and (3) the imminence of the transatlantic charter season cannot justify the summary procedure used. The reasons for the Board's conclusion that a passenger charter by an all-cargo carrier must be construed as subject to the off-route limitations are set forth in the explanatory statement of ER–375. The fact that the Board deemed it appropriate to add a clarifying amendment detailing the application of the off-route restrictions to such charters does not compel the conclusion that the distinction between passenger charter operations over an all-cargo route and over a route of a carrier certificated to carry passengers as well as cargo was, therefore, not implicit in the regulation. In any event, as in the case of the amendments pertaining to transatlantic charter flights, the opponents of the amendment, even if it were not merely an interpretation of an existing regulation, have been accorded all the procedural safeguards set out in the Administrative Procedure Act. They were, in fact, given the opportunity to submit their views which the Board is hereby considering. It has not been shown in what respect any person has been harmed by the procedure adopted.

TRANSATLANTIC CHARTER AUTHORITY

Certain of the comments contend that the provisions for seasonal transatlantic charter authority violate the purpose of section 7 of P.L. 87–528, in that they would expand the preexisting basic authority under which the supplemental carriers operated. This argument is not well taken. To begin with, section 7 does not restrict the grant of interim authority to any specific preexisting authority. But in any event, the Board has historically followed a policy of granting seasonal authority to supplemental carriers for transatlantic charter operations, and the extension of that policy pending determination of certificate proceedings is clearly consistent with the purpose of section 7 and the intent of Congress.

It is also argued that amendments to interim operating certificates are illegal and unauthorized by P.L. 87–528; that the omission of a specific grant in the legislation authorizing amendment of section 7 interim certificates makes it clear that Congress did not intend to confer any such power; that an interpretation that temporary authority could be granted more than once would permit the Board to delay indefinitely its action on the pending applications under section 401(d)(3) of the Act.

We do not view the omission of specific language for amendment of temporary operating authority in P.L. 87–528 as restricting the Board's power to make such amendments wherever it deems it appropriate. Nor are we using amendments as a device to grant new operating authority on an ad hoc basis. Rather, we are providing for charter authority in an area of operations which we deliberately omitted from the interim authority initially granted in the supplementals, in view of the pendency of the Transatlantic Charter Investigation and the possibility that final decision therein could be issued prior to the 1963 summer travel season. We are aware of no logical reason to support a conclusion that this omission worked an estoppel against a future grant in the event that the Investigation was not completed prior to the start of the travel season.

It is also contended that the special order, to be used in the case of all-cargo carriers, has no statutory basis under the Act, as amended by P.L. 87–528. It is urged that the Act provides only two methods whereby carriers may be authorized to engage in air transportation: a certificate of public convenience and necessity under section 401, or exemption under section 416; that the "special order" concept is one of licensing rather than rule making; and that licensing can be accomplished only through the procedures established by section 401 or 416. As the Board reads the legislative history of P.L. 87–528, however, it appears that this kind of procedure was clearly contemplated by Congress when it passed the Engle Amendment.[1] The language

[1] Thus Senator Engle stated that the amendment gave the Board "necessary flexibility to impose all necessary regulations as to frequency of service and otherwise in the performance of charter operations, and avoids the disadvantages inherent in giving the

of the amendment (section 401(e)(6)) itself expresses this intent in that the all-cargo carriers are thereby authorized to perform charters "under Board regulation." Nowhere is it indicated that the avenues of certificate amendment or exemption were the only ones open for the provision of passenger charter services on any basis. Indeed, the very purpose of section 401(e)(6) is to avoid both the necessity of a certificate amendment and the use of exemptions as vehicles for granting such authorizations.

Finally, certain comments urge that the effect of the amendment to Part 207 is to give the all-cargo carriers greater authority in the transatlantic passenger charter market than the combination carriers for whom the markets are off-route, contrary to Congressional intent that the all-cargo carriers are to have no greater charter authority than that possessed by the combination carriers and are to be subject to the same regulations. This argument misconstrues the purpose of the Engle Amendment which was to place cargo carriers on the same legal basis as the passenger carriers for their charter operations. There is nothing in the language of the amendment that requires the Board to treat all certificated carriers alike with respect to charters. Rather, the amendment merely makes possible the performance of passenger charters by the all-cargo carriers on a statutory basis, rather than by resort to exemption procedures.[2] Moreover, there is nothing in the legislative history to indicate that Congress intended to forbid the Board from making appropriate distinctions between the two classes of certificated carriers in its regulations, based upon differences in their basic authority and the regulatory scheme embodied in Part 207, and indeed, it is apparent that Congress expected the Board to do so. Thus, in the House committee report on the Engle Amendment, it was stated: "* * * the committee of conference wishes to state that it does not intend that this amendment be interpreted as a directive that the Board should necessarily grant the cargo carriers either any greater or lesser authority than the Board has, in practice, given them under section 416. The scope of such authority is a matter for the Board to determine." [3]

It is significant that the only carriers advancing the above argument are the certificated route carriers with basic on-route transatlantic passenger authority, and a supplemental carrier eligible to apply for Part 295 authority. While certain transatlantic markets would be off-route for the certificated route carriers, they have made no claim that any inability to serve the relatively few markets that would be involved would injure them financially, nor have they requested relief from the Part 207 restrictions on such off-route charters. Similarly, Overseas National Airways, the supplemental carrier making this objection, is in no way discriminated against by the amendment since it may apply for similar authority under Part 295.

TWA contends that transatlantic charter authorizations should be carefully circumscribed and issued only on an individual trip basis subject to first refusal rights of on-route carriers. It asserts that it has increased its available seats for the summer peak period by 31.8 percent over the same period last year and that advance bookings at this time indicate that there will be substantial space available on TWA's transatlantic flights for this coming summer. There is nothing in this argument which, based only on available seats in scheduled service, would signify that the regular route carriers will have available sufficient charter capacity, by themselves, to meet the demands of the seasonal charter market. Accordingly, we remain of the opinion that provision for seasonal transatlantic charter authority for supplemental and all-cargo carriers is in the public interest.[4]

INTERPRETATION OF ALL PASSENGER CHARTERS BY CARGO CARRIERS AS OFF-ROUTE

We turn now to the merits of the Board's interpretation of all passenger charters performed by the all-cargo carriers as off-route and subject to the restrictions on off-route charters imposed by Part 207. The all-cargo operators assert that in singling them out for special treatment, the Board has disregarded the Congressional intent in enacting P.L. 87-528, which was for the all-cargo carriers to have the same charter authority enjoyed by the passenger carriers. But, as we have indicated supra, and in the explanatory statement to ER-375, the effect of the Engle Amendment was merely to put the off-route charter authority of the all-cargo carriers on the same statutory basis as the combination carriers.

It is also contended that the Board's interpretation is inconsistent with the literal language of Part 207. We cannot agree that there is any inconsistency. Part 207 does not use the term "off route" as such. Rather, it imposes various restrictions upon the performance of charters between points not "designated to receive service by such carrier in its certificate of public convenience and necessity," [5] or where the carriers is not "authorized, * * * pursuant to the terms of its certificate of public convenience and necessity, to serve such points on a non-stop basis." [6] It seems obvious that a carrier not authorized to operate passenger services over any of its routes could not be considered as "authorized by the terms of its certificate to serve" any points with respect to passenger service, nor could such points be regarded as "designated to receive" such service.

We have considered all other comments submitted by interested parties and find that they should not cause us to further amend Parts 207 and 295 of the Economic Regulations at this time.

Accordingly, it is ordered,

1. That all requests in Docket 14440 for further amendment of Parts 207 and 295 of the Board's Economic Regulations be, and they hereby are, denied.

2. That this order be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 63-5637; Filed, May 27, 1963; 8:48 a.m.]

[Docket No. 13602 etc.]

EASTERN-OZARK TRANSFER CASE

Notice of Change of Date of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled matter is reassigned to be held before the undersigned Examiner on June 10, 1963, at 10:00 a.m., e.d.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., rather than on June 4, 1963, as previously announced.

Dated at Washington, D.C., May 23, 1963.

[SEAL] ROBERT L. PARK, *Hearing Examiner.*

[F.R. Doc. 63-5638; Filed, May 27, 1963; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 15004; FCC 63M-589]

BIG BEAR LAKE BROADCASTING CO.

Order Continuing Prehearing Conference

In re application of William W. Booth, tr/as Big Bear Lake Broadcasting Company, Big Bear Lake, California, Docket No. 15004, File No. BP-13447; for construction permit.

The Hearing Examiner having under consideration the "Motion for Additional

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cargo carriers such authority in their certificates or by means of exemption." (107 Congressional Record, p. 16065.) The House conference committee report stated: "This amendment will permit the Board to authorize cargo carriers to engage in passenger charter operations to the extent that it may find, from time to time, that the public interest so requires." (108 Congressional Record, p. 11243.)

[2] It is of interest that some of the parties making the above argument have asserted in Docket 14148 that the Engle Amendment gives the Board power to restrict the charter authority of the all-cargo carriers vis-a-vis the combination carriers.

[3] 108 Congressional Record, p. 11242-3.

[4] When Part 295 was last amended (April 29, 1961), the Board indicated the basic considerations which led it to the conclusion that seasonal passenger charter authority in the transatlantic market for supplemental and all-cargo carriers would be in the public interest. Those considerations included the substantial growth in the number of passenger charters and the significant participation of the supplementals in this service; and the belief that such services by these carriers will continue to be needed, since the charter season is also the extremely busy regular service season over the North Atlantic for the IATA carriers. We have been given no reason to believe that such conditions do not equally obtain at the present time.

[5] § 207.5.

[6] §§ 207.7 and 207.8.

Time" filed herein on May 20, 1963, by Big Bear Lake Broadcasting Company requesting that the prehearing conference scheduled for May 23, 1963, be continued to June 24, 1963;

It appearing, that all parties having consented to immediate consideration and grant of the said motion and that good cause for a grant thereof is shown in that additional time is required for preparation of an amendment to the application;

It is ordered, This 21st day of May 1963 that the said motion is granted and the prehearing conference presently scheduled for May 23, 1963, is continued to June 24, 1963, commencing at 9:00 a.m. in the offices of the Commission at Washington, D.C.

Released: May 22, 1963.

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

[F.R. Doc. 63-5627; Filed, May 27, 1963; 8:48 a.m.]

[Docket No. 14839; FCC 63M-601]

SOUTHWESTERN BROADCASTING COMPANY OF MISSISSIPPI (WAPF)

Order Continuing Hearing

In re application of Albert Mack Smith, Phillip Dean Brady and Louis Alford, a partnership d/b as the Southwestern Broadcasting Company of Mississippi (WAPF), McComb, Mississippi, Docket No. 14839, File No. BP-14576; for conschedule having arisen:

A conflict in the Hearing Examiner's schedule having arisen:

It is ordered, This 22d day of May 1963, that the hearing now scheduled to commence on May 27, 1963, is continued to May 28, 1963, commencing at 10:00 a.m. in the offices of the Commission at Washington, D.C.

Released: May 23, 1963.

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

[F.R. Doc. 63-5633; Filed, May 27, 1963; 8:48 a.m.]

[Canadian List No. 177]

CANADIAN BROADCAST STATIONS

List of Changes, Proposed Changes, and Corrections in Assignments

MAY 7, 1963.

Notification under the provisions of part III section 2 of the North American Regional Broadcasting Agreement.

List of changes, proposed changes and corrections in Assignments of Canadian Broadcast Stations Modifying Appendix containing assignments of Canadian Broadcast Stations (Mimeograph #47214-3) attached to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting.

Call letters	Location	Power kw	Antenna	Schedule	Class	Expected date of commencement of operation
		590 kilocycles				
CFTK (change from that notified on list 173.; 1 PO: 1140 kc 1 kw ND).	Terrace, British Columbia.	1	DA-1	U	III	EIO 5-1-64.
		610 kilocycles				
CKYL	Peace River, Alberta	1	DA-N	U	III	NIO.
		630 kilocycles				
CKYL	do	1	DA-N	U	III	Delete assignment (vide 610 kc).
		630 kilocycles				
CJET (change in daytime pattern only).	Smith Falls, Ontario	1	DA-2	U	III	EIO 5-1-64.
		680 kilocycles				
New	Toronto, Ontario	10	DA	(1)	II	Do.
		710 kilocycles				
CJSP (PO: 710 kw 1 kw DA-D).	Leamington, Ontario	5	DA-D	(2)	II	Do.
		800 kilocycles				
CJAD (PO: 800 kc 10 kw DA-1).	Montreal, Province of Quebec.	50 D/10 N	DA-2	U	II	Do.
		850 kilocycles				
CJJC	Langley Prairie, British Columbia.	1	DA-2	U	II	NIO.
		850 kilocycles				
New	St. Norbert, Manitoba	5	ND	(2)	II	EIO 5-1-64.
		950 kilocycles				
CKNB	Campbellton, New Brunswick.	10D/1 N	DA-2	U	III	NIO with increased daytime power.
		1050 kilocycles				
CHUM (PO: 1050 kc 5 kwD/2.5 kw N DA-1).	Toronto, Ontario	50	DA-2	U	II	EIO 5-1-64.
		1110 kilocycles				
New	Saint John, New Brunswick.	10	DA-2	U	II	Do.
		1150 kilocycles				
CKSA	Lloydminster, Alberta	10	DA-2	U	III	NIO with increased power.
		1230 kilocycles				
New (location 54°-47'30" N 127°11'30" W).	Smithers, British Columbia.	1 D/0.25 N	ND	U	IV	EIO 5-1-64.
		1280 kilocycles				
CHIQ (PO: 1280 kc 5 kw D/2.5 kw N DA-1).	Hamilton, Ontario	5	DA-1	U	III	Do.
		1280 kilocycles				
CJMS (PO: 1280 kc 10 kw D/5 kw N DA-2).	Montreal, Province of Quebec.	5	DA-2	U	III	Do.
		1310 kilocycles				
CHGB	Ste. Anne de la Pocatiere, Province of Quebec.	5	DA-N	U	III	NIO on new frequency.
		1320 kilocycles				
CJSO (PO: 1320 kc 1 kw DA-N).	Sorel, Province of Quebec.	10 D/5 N	DA-2	U	III	EIO 5-1-64.
		1350 kilocycles				
CHGB	Ste. Anne de la Pocatiere, Province of Quebec.	1 D/0.25 N	ND	U	III	Delete assignment vide 1310 kc.
		1390 kilocycles				
New	Whitby, Ontario	5 D/1 N	DA-1	U	III	EIO 5-1-64.
		1410 kilocycles				
CHLO (PO: 680 kc 1 kw DA-1).	St. Thomas, Ontario	10 D/2.5 N	DA-2	U	III	Do.

[1] Night only.
[2] Day only.

[SEAL]

BEN F. WAPLE,
Acting Secretary,
Federal Communications Commission.

[F.R. Doc. 63-5636; Filed, May 27, 1963; 8:48 a.m.]

[Docket No. 15081; FCC 63M-593]

O. L. WITHERS

Order Scheduling Hearing

In re application of O. L. Withers, Woodburn, Oregon, Docket No. 15081, File No. BP-15411; for construction permit.

It is ordered, This 21st day of May 1963, that Arthur A. Gladstone will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on July 29, 1963, in Washington, D.C.: *And, it is further ordered,* That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., June 24, 1963.

Released: May 22, 1963.

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

[F.R. Doc. 63-5635; Filed, May 27, 1963; 8:48 a.m.]

[Docket No. 14691; FCC 63M-592]

GEOFFREY A. LAPPING

Order Scheduling Hearing

In re application of Geoffrey A. Lapping, Blythe, Califronia, Docket No. 14691, File No. BP-13609; for construction permit.

Pursuant to a hearing conference in this proceeding as of this date: *It is ordered,* This 20th day of May 1963, that there will be a further hearing herein on May 31, 1963, 10:00 a.m., in the Commission's Offices, Washington, D.C.

Released: May 22, 1963.

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

[F.R. Doc. 63-5628; Filed, May 27, 1963; 8:48 a.m.]

[Docket No. 15079; FCC 63M-594]

O.K. BROADCASTING CORP. (WEEL)

Order Scheduling Hearing

In re application of O.K. Broadcasting Corporation (WEEL), Fairfax, Virginia, Docket No. 15079, File No. BP-15343; for construction permit.

It is ordered, This 21st day of May 1963, that Isadore A. Honig will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on July 25, 1963, in Washington, D.C.: *And it is further ordered,* That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., June 27, 1963.

Released: May 22, 1963.

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

[F.R. Doc. 63-5629; Filed, May 27, 1963; 8:48 a.m.]

[Docket Nos. 14994, 14995; FCC 63M-588]

PONCE BROADCASTING CORP. AND ABACOA RADIO CORP.

Order Continuing Hearing

In re applications of Ponce Broadcasting Corporation, Cayey, Puerto Rico, Docket No. 14994, File No. BP-14737; Abacoa Radio Corporation, Arecibo, Puerto Rico, Docket No. 14995, File No. BP-15292; for construction permits.

The Hearing Examiner having under consideration the petition for extension of procedural dates filed herein on May 20, 1963 by Abacoa Radio Corporation;

It appearing, by agreement of all parties reached at a prehearing conference, an informal exchange of signal intensity measurement data is to be made prior to preparation of the applicants' technical engineering exhibits;

It further appearing, that unexpected delay has been encountered in taking of the said signal intensity measurements due to equipment difficulties;

It further appearing, that all parties have consented to immediate consideration and grant of the said petition and the aforestated circumstances constitute good cause for a grant thereof:

It is ordered, This 21st day of May 1963 that the said petition is granted and the date for exchange of preliminary drafts of the applicants' technical engineering exhibits is continued from June 3, 1963, to June 24, 1963; the date for exchange of all exhibits to be offered in evidence in the presentation of the direct affirmative cases and notification of all witnesses to be called in the direct affirmative presentations is continued from June 24, 1963, to July 2, 1963; the date for giving notification of witnesses to be called for cross-examination is extended from June 24, 1963, to July 16, 1963; the date for commencement of hearing is continued from July 16, 1963, to July 23, 1963, commencing at 10:00 a.m. in the offices of the Commission at Washington, D.C.

Released: May 22, 1963.

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

[F.R. Doc. 63-5630; Filed, May 27, 1963; 8:48 a.m.]

[Docket No. 15085]

ROCKET TOWING CO.

Order To Show Cause

In the matter of Donald K. Robbins, d/b as Rocket Towing Company, Portland, Oregon, Docket No. 15085; order to show cause why there should not be revoked the license for Radio Station KOK-545 in the Automobile Emergency Radio Service.

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

It appearing, that, pursuant to § 1.76 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee at his address of record as follows: Letter dated January 9, 1963, alleging violation of §§ 16.6(a), 16.51, 16.160(a), and 16.501 of the Commission's rules.

It further appearing, that said licensee did not reply to such communication or to a follow-up letter dated April 3, 1963, also mailed to the licensee at his address of record; and

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

It is ordered, This 22d day of May 1963, pursuant to section 312 (a) (4) and (c) of the Communications Act of 1934, as amended, and § 0.291(b) (8) of Part 0 of the Commission's rules, that the said licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order:

And it is further ordered, That the Acting Secretary send a copy of this Order by Certified Mail—Return Receipt Requested to the said licensee at his last known address of 8060 Northeast Glisan Street, Portland, Oregon.

Released: May 22, 1963.

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

[F.R. Doc. 63-5632; Filed, May 27, 1963; 8:48 a.m.]

[Docket No. 15080; FCC 63M-595]

JAMES S. RIVERS, INC. (WJAZ)

Order Scheduling Hearing

In re application of James S. Rivers, Inc. (WJAZ), Albany, Georgia, Docket No. 15080, File No. BP-15114; for construction permit.

It is ordered, This 21st day of May 1963, that Thomas H. Donahue will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on July 30, 1963, in Washington, D.C.: *And, it is further ordered,* That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., June 21, 1963.

Released: May 22, 1963.

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

[F.R. Doc. 63-5631; Filed, May 27, 1963; 8:48 a.m.]

[Docket No. 14856; FCC 63M-580]

WESTERN BROADCASTERS, INC.

Order Continuing Hearing

In re application of Western Broadcasters, Inc., Cheyenne, Wyoming, Docket No. 14856, File No. BP-13343; for construction permit.

By petition filed May 16, 1963 applicant requests continuance of the date of commencement of hearing herein to July 5, 1963 and certain ancillary relief;

It appearing, that commencement of hearing herein is presently scheduled for June 4, 1963 and that, in view thereof, May 15 and May 21, 1963, respectively, have been established as dates for the exchanges of petitioner's engineering exhibits in preliminary and final form; and

It further appearing, that ground conductivity measurements recently taken by petitioner's engineer have established that petitioner's proposed operation would suffer interference affecting over 30 percent of the population within petitioner's normally protected contour, a violation of 47 CFR 3.28(d) (3) the extent of which caused petitioner to consider preparation of an amendment to its application in order to minimize or eliminate interference to, and from, its proposal; and

It further appearing, that the issues in the Commission's order of designation do not look toward resolution of a problem arising under 47 CFR 3.28(d) (3); and

It further appearing, that to submit an amendment of the nature indicated, with an appropriate petition therefor, will require a further period of two weeks to do so, an extension adjudged sufficient to afford the Hearing Examiner time to consider the matters in light of any opposition which may be filed to the petition for leave to amend, although the contemplated amendment may obviate the need for holding a hearing;

It further appearing, that counsel for all parties have consented to immediate consideration of the subject petition, do not oppose a grant thereof and that such a grant appears appropriate;

It is ordered, This 21st day of May 1963, that the presently controlling dates for exchanges of petitioner's engineering exhibits (preliminary and final), to wit: May 15 and May 21, 1963, respectively, are cancelled:

It is further ordered, That the petition for leave to amend of the nature indicated hereinabove shall be submitted not later than June 3, 1963:

It is further ordered, That commencement of the hearing herein presently scheduled for June 4, 1963 is continued to 10 a.m., on July 5, 1963, at the Commission's offices, Washington, D.C.

Released: May 21, 1963.

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

[F.R. Doc. 63-5634; Filed, May 27, 1963; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP62-212]

MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Application To Amend a Certificate of Public Convenience and Necessity

MAY 21, 1963.

Take notice that on April 10, 1963, Michigan Wisconsin Pipe Line Company (Applicant) with its principal place of business in Detroit, Michigan, filed in Docket No. CP62-212 (Phase One) pursuant to section 7 of the Natural Gas Act a motion to modify a certificate of public convenience and necessity issued in this docket on July 25, 1962, as amended on January 2, 1963, by authorizing a decrease in the number of compressor units to be supercharged, in addition to the removal and reinstallation of another compressor unit, all as more fully set forth in Applicant's motion which is on file with the Commission and open to public inspection.

By its order of July 25, 1962, the Commission authorized, among other things, the supercharging of seven compressor engines at Applicant's Wisconsin Station "A" to provide an increase of 2,210 horsepower. Applicant later filed a motion requesting an extension of time in which to supercharge such engines. This was granted by the Commission and the time of completion of the authorized facilities extended until July 25, 1963.

In the meantime, completion of certain loop line facilities authorized in Docket No. G-20572 resulted in some excess horsepower at Applicant's Station 11, all as shown in Exhibit No. 37 in that docket. Accordingly, Applicant now proposes in this motion that one 1,550 horsepower unit be removed from Station No. 11 and reinstalled at Wisconsin Station "A". Thus the supercharging of only two units in lieu of seven units as authorized in this proceeding will result in a net horsepower addition to Wisconsin Station "A" of 2,010 as compared to the 2,210 horsepower originally granted.

Applicant states that the cost of supercharging engines has increased substantially from that estimated when Applicant filed its original application in this proceeding. To presently supercharge the seven units originally called for and subsequently granted, would cost in excess of the original estimate by some $80,000, however, if the Commission modifies its order as herein requested, Applicant believes it will underrun its original estimate for adding horsepower to Wisconsin Station "A". Consequently, Applicant now requests that (1) the certificate of public convenience and necessity issued July 25, 1962, in Docket No. CP62-212 be modified to authorize in lieu of the supercharging of seven units at its Wisconsin Station "A", the supercharging of only two such units which will increase the horsepower of each unit from 1,320 to 1,550, and (2) the removal of one 1,550 horsepower unit from Compressor Station No. 11 and its reinstallation and operation at Applicant's Wisconsin Station "A".

The original estimate for adding horsepower at Wisconsin Station "A" was $519,350.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 17, 1963.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 63-5589; Filed; May 27, 1963; 8:45 a.m.]

[Project 943]

PUGET SOUND POWER & LIGHT CO. AND PUBLIC UTILITY DISTRICT NO. 1 OF CHELAN COUNTY, WASHINGTON

Notice of Joint Application for Amendment of License

MAY 21, 1963.

Public notice is hereby given that joint application has been filed under the Federal Power Act (16 U.S.C. 791a-825r), by Puget Sound Power & Light Company and Public Utility District No. 1 of Chelan County, Washington (correspondence to: Puget Sound Power & Light Company, 1400 Washington Building, Seattle 1, Washington; PUD No. 1 of Chelan County, Washington, Wenatchee, Washington) for amendment of the license for Project No. 943 by changing the amortization reserve Article 27 thereof and to render inapplicable to such license amortization reserve Regulation 17 in effect when the license was issued under the Federal Power Act.

The purpose of the amendment is to make the license subject to the current regulations of the Commission with respect to the establishment of a reserve for amortization.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C. in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is July 10, 1963. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 63-5590; Filed, May 27, 1963; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 811-559]

GAS INDUSTRIES FUND, INC.

Notice of Application for Order Declaring That Company Has Ceased To Be an Investment Company

MAY 22, 1963.

Notice is hereby given that an application has been filed pursuant to section 8(f) of the Investment Company Act of 1940 ("Act") for an order of the Commission declaring that Gas Industries Fund, Inc. ("applicant"), 75 Federal Street, Boston 10, Massachusetts, a Delaware corporation and a management open-end diversified investment company, has ceased to be an investment company. All interested persons are referred to the application on file with the Commission for a full statement of the representations therein which are summarized below.

Applicant represents that on June 23, 1959, pursuant to authorization by its Board of Directors and stockholders and pursuant to the laws of the States of Delaware and Massachusetts, applicant

was merged into Colonial Energy Shares, Inc., a Massachusetts corporation and the surviving corporation of the merger, the corporate name of which has since been changed to Colonial Growth & Energy Shares, Inc. ("Energy Shares"). Energy Shares is a management open-end diversified investment company registered under the Act.

Pursuant to the Agreement of Merger, upon the effectiveness of the merger: (a) Each outstanding full and fractional share of applicant's common stock (exclusive of common stock held in its treasury) was converted into a full or equivalent fractional share, as the case may be, of the common stock of Energy Shares; (b) applicant's treasury stock was cancelled and extinguished; (c) all stockholders of applicant became stockholders of Energy Shares entitled to all of the rights of such stockholders and ceased to have any rights as stockholders of applicant except such rights as were reserved to them by statute; (d) all of applicant's assets and liabilities became vested in Energy Shares; and (e) the separate existence of applicant ceased, except to the extent it was continued either by law or to carry out the purposes of said Agreement of Merger.

Applicant represents that it has ceased to be an investment company as that term is defined in section 3(a) of the Act and that it does not presently propose to engage in any of the businesses specified in said section 3(a). Applicant further represents that it has ceased to be an issuer as defined in section 2(a)(21) of the Act because: (a) Applicant does not presently propose to issue any securities, and (b) applicant has ceased to have outstanding any securities which it had issued prior to its merger into Energy Shares.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than June 7, 1963, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after such date, as provided by Rule O–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 63–5603; Filed, May 27, 1963; 8:46 a.m.]

[File No. 811–1153]

PETRO-CAPITAL CORP.

Notice of Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company

MAY 22, 1963.

Notice is hereby given that an application has been filed pursuant to section 8(f) of the Investment Company Act of 1940 ("Act") for an order of the Commission declaring that Petro-Capital Corporation ("Applicant"), 6130 Sherry Lane, Dallas 25, Texas, a small business investment company, has ceased to be an investment company. All interested persons are referred to the application as filed with the Commission for a complete statement of the representations therein which are summarized below.

The applicant was organized in the State of Texas on January 5, 1962. On February 2, 1962 Applicant sold an aggregate of 43,300 shares of its common stock to thirty-one persons who in each case represented that the stock was acquired for investment and not with a view to distribution. Applicant deemed these transactions not to be a public offering. Applicant registered under the Act as a small business investment company and filed for registration of its securities under the Securities Act of 1933 on February 12, 1962. The application states that at a special meeting of shareholders held on November 27, 1962, resolutions were adopted by an affirmative vote of the holders of more than four-fifths (⅘) of the outstanding securities that the Applicant dissolve, surrender its license as a small business investment company, and cease to be an investment company. The Applicant's registration statement under the Securities Act of 1933 was withdrawn on November 30, 1962.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than June 7, 1963, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after such date, as provided by Rule O–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

It is ordered, That the Secretary of the Commission shall give notice of the filing of this application by mailing a copy of this notice by registered mail to the Applicant and to the Director, Office of Investment, Small Business Administration, Washington 25, D.C.; that notice (to all other persons) shall also be given by publication of this notice in the FEDERAL REGISTER; and that a general release of this Commission in respect of this notice be distributed to the press and mailed to the mailing list for releases.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 63–5604; Filed, May 27, 1963; 8:46 a.m.]

[File No. 2–5770]

STESSA, INC.

Notice of Application for Exemption

MAY 22, 1963.

Notice is hereby given that Stessa, Inc., a Wisconsin corporation, (the "Applicant"), has filed an application pursuant to Rule 15d–20 of the general rules and regulations under the Securities Exchange Act of 1934 ("Act") for an order exempting the issuer from the operation of section 15(d) of the Act with respect to the duty to file 10–K reports required by that section and the rules and regulations thereunder.

Rule 15d–20 permits the Commission, upon application and subject to appropriate terms and conditions, to exempt an issuer from the duty to file annual and other periodic reports if the Commission finds that all outstanding securities of the issuer are held of record, as therein defined, that the number of such record holders does not exceed fifty persons, and that the filing of such reports is not necessary in the public interest or for the protection of investors.

The application states with respect to the request for exemption, as follows:

1. The shareholders of Registrant voted in favor of a Plan and Agreement of Reorganization dated December 8, 1961 between Registrant and Gimbel Brothers, Inc. whereby a wholly owned

subsidiary of Gimbel Brothers, Inc. would acquire substantially all the property and business of the Registrant in exchange for shares of the common stock of Gimbel Brothers, Inc., and the assumption of the liabilities of the Registrant;

2. The transfer contemplated by the Plan was accomplished on April 6, 1962. The shareholders were advised at that time with respect to the surrender of their shares for the shares of Gimbel Brothers, Inc. They were further advised that after the close of business on April 6, 1968 any remaining stock and cash would become the property of Gimbel Brothers, Inc.;

3. The outstanding stock of Registrant consists, as of March 31, 1961, of 1,131 shares of Common Stock, 78 shares of 4¾ percent Preferred Stock and 76 shares of 4¼ percent Preferred Stock, all of such stock being held of record by 39 persons;

4. Registrant's only activities since the consummation of the Plan have consisted of paying bills incidental to consummation of the Plan, filing tax returns and preparing to dissolve;

5. The stock of Gimbel Brothers, Inc. is listed on the New York Stock Exchange and is subject to the provisions of the Securities Exchange Act of 1934 including the reporting requirements thereof.

Notice is further given that an order granting the application upon such terms and conditions as the Commission may deem necessary is appropriate may be issued by the Commission at any time on or after June 28, 1963 unless prior thereto a hearing is ordered by the Commission. Any interested persons may, not later than June 24, 1963, at 5:30 p.m., submit to the Commission in writing his views or any additional facts bearing upon the application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C. and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 63-5605; Filed, May 27, 1963; 8:46 a.m.]

[File No. 812-1585]

TOWNSEND MANAGEMENT CO.

Notice of Filing of Application

MAY 22, 1963.

Notice is hereby given that Townsend Management Company ("TMC"), 38 Chatham Rd., Short Hills, New Jersey, a registered closed-end, non-diversified investment company, has filed an application for an order under section 17(b) and section 23(c)(3) of the Investment Company Act of 1940 ("Act") with respect to a proposed merger of Townsend Securities Corporation ("TSC", now wholly-owned by TMC) into TMC. All interested persons are referred to the application on file with the Commission and summarized below for a complete statement thereof.

TSC, a New Jersey corporation and formerly a broker-dealer is now inactive. Its assets principally consist of 450 shares of the Class A Common Stock of TMC and 80,270 shares of Common Stock of Townsend Corporation of America ("TCA"), TMC's parent.

TMC registered as an investment company pursuant to the Act on June 19, 1960. On April 24, 1961, this Commission commenced an action against TMC in the United States District Court for the District of New Jersey ("Court") seeking injunctive relief with respect to alleged violations of, and seeking to enforce compliance with, certain sections of the Act. TMC consented to the entry of a final decree enjoining certain violations of the Act, specifying the procedure required for compliance with the Act, and appointing an interim board of directors ("Interim Board"). That decree provided, in part, that TCA and TMC should file promptly with the Commission a plan for the merger of TCA, TMC and Resort Airlines, Inc. (a subsidiary of TCA).

Pursuant to the definition contained in section 2(a)(3) of the Act, TSC is an affiliated person of TMC. Generally speaking, section 17(a) of the Act prohibits an affiliated person of a registered investment company (TMC), from selling to such registered company any property unless the Commission by order upon application pursuant to section 17(b) of the Act grants an exemption from section 17(a) of the Act, upon a finding that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned; and that the proposed transaction is consistent with the policy of the investment company concerned, and consistent with the general purposes of the Act.

Section 23(c)(3) of the Act prohibits a registered investment company from purchasing its own securities other than on a securities exchange or pursuant to tenders, except under such circumstances as the Commission may permit by order to insure that such purchases are made in a manner or on a basis which does not unfairly discriminate against any holders of the class of securities to be purchased.

Since TSC is an affiliated person of TMC, the merger of TSC into TMC may constitute the sale of securities or other property to a registered investment company by an affiliated person of such company, unless the Commission issues an order exempting such proposed merger from section 17(a) and the acquisition by TMC of the 450 shares of its stock now owned by TSC pursuant to the proposed merger might be construed as the purchase by TMC of such shares and would be unlawful under section 23(c) of the Act unless the Commission issues an order under section 23(c)(3) permitting such acquisition.

TMC represents that the corporate structure of the TCA–TMC complex can be simplified and the expenses of preparing and auditing TSC's financial statements can be eliminated by the merger of TSC into TMC and that such merger is preliminary to the subsequent merger of TCA and TMC. It is also represented that the proposed merger is consistent with TMC's policy as recited in its registration statement and reports filed under the Act, and, since it is a preliminary step in compliance with a Court order designed to insure compliance with the Act, it is consistent with the purposes of the Act. The circumstance that TMC now owns all the securities of TSC insures that the terms are reasonable and fair and do not involve overreaching.

Notice is further given that any interested person may, not later than June 7, 1963 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon TMC. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) should be filed contemporaneously with the request. At any time after said date, as provided by Rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

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

[F.R. Doc. 63-5606; Filed, May 27, 1963; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 808]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 23, 1963.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date

of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 65911. By order of May 22, 1963, the Transfer Board approved the transfer to Clark & Reid Company, Inc., Cambridge, Mass., of a portion of Certificate in No. MC 107543, issued February 8, 1961, to Harman and Myers, Inc., Williamsport, Pa., authorizing the transportation of household goods, over irregular routes, between points in New Jersey, on the one hand, and, on the other, points in New York, Connecticut, Massachusetts, Rhode Island, Pennsylvania (except Williamsport and Jersey Shore, Pa., and points within 15 miles of Williamsport and Jersey Shore), Ohio, Michigan, and Indiana. H. Charles Ephraim, 1001 15th Street NW., Washington 5, D.C., attorney for Transferee. Raymond A. Thistle, Jr., Suite 1408–09, 1500 Walnut Street, Philadelphia, Pa., attorney for Transferor.

No. MC–FC 65922. By order of May 22, 1963, the Transfer Board approved the transfer to Glenn H. Diehl, 1035 Ohio Street, Jeannette, Pa., of Certificate in No. MC 60308, issued November 5, 1957, to George Papson, Jr., doing business as George Papson's Transfer, 316 Painter Ave., Greensburg, Pa., authorizing the transportation of: Household goods, as defined by the Commission, between points in Westmoreland County, Pa., on the one hand, and, on the other, points in New York, Ohio, New Jersey, Michigan, West Virginia, Maryland, Illinois, Indiana, Delaware, Massachusetts, Connecticut, and the District of Columbia.

No. MC–FC 65928. By order of May 22, 1963, the Transfer Board approved the transfer to J. Theodore Moody, doing business as Nemecs' Express, Byram, Conn., of the portion remaining in Certificate in No. MC 80350 (after approval of transfer of portion in MC–FC 65843) issued June 3, 1941, to Frank G. Nemecs, doing business as Nemecs' Express, East Port Chester, Conn., authorizing the transportation of: Household goods, over irregular routes, between East Port Chester, Conn., and points in Connecticut and New York, within 15 miles of East Port Chester, on the one hand, and, on the other, points in Connecticut, New York, and New Jersey. Sidney L. Goldstein, 109 Church Street, New Haven, Conn., attorney for applicants.

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

[F.R. Doc. 63–5622; Filed, May 27, 1963; 8:47 a.m.]

TARIFF COMMISSION

[TEA–W–4]

WORKERS' PETITION FOR DETERMINATION OF ELIGIBILITY TO APPLY FOR ADJUSTMENT ASSISTANCE

Notice of Investigation

Upon petition under section 301(a)(2) of the Trade Expansion Act of 1962, filed May 21, 1963 on behalf of a group of workers of the Indian Head Mills, Inc., Cordova, Alabama, the United States Tariff Commission, on the 22d day of May 1963, instituted an investigation under section 301(c)(2) of the said Act to determine whether, as a result in major part of concessions granted under trade agreements, cotton sheeting (carded yarn) like or directly competitive with articles produced by the aforementioned company at Cordova, Alabama, is being imported into the United States in such increased quantities as to cause the unemployment of a significant number or proportion of the workers of such mill.

The term "cotton sheeting (carded yarn)" refers to such fabrics provided for in paragraph 904 of the Tariff Act of 1930.

Petitioner has not requested a public hearing. A hearing will be held on request of any other party showing a proper interest in the subject matter of the investigation, provided the request is filed within 10 days after this notice is published in the FEDERAL REGISTER.

The petition filed in this case is available for inspection at the office of the Secretary, United States Tariff Commission, Eighth and E Streets NW., Washington, D.C., and at the New York City office of the Tariff Commission located in Room 437 of the Customhouse.

Issued: May 23, 1963.

By order of the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F.R. Doc. 63–5610; Filed, May 27, 1963; 8:46 a.m.]

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