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PART I


# FEDERAL REGISTER

VOLUME 28 NUMBER 180

*Washington, Saturday, September 14, 1963*


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# Codification Guide

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

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# Rules and Regulations

## Title 7—AGRICULTURE

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

[Amdt. 7]

### PART 722—COTTON

### Subpart—Regulations Pertaining to Acreage Allotments for the 1963 Crop of Upland Cotton

TRANSFER OF FARM ALLOTMENTS IN DESIGNATED COUNTIES WHICH HAVE FLOODS OR EXCESSIVE RAINFALL

The purpose of this amendment is to provide that the State committee, under certain circumstances, may extend the closing date for county committee approval of transfers of farm allotments in designated counties which have flood or excessive rainfall preventing the timely planting or replanting of a substantial portion of the 1963 farm allotments. The amendment contained herein is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.).

In order that the county committees may perform their assigned functions in connection with the transfer of allotments, it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice and public procedure requirements and the 30-day effective date requirement of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) is impracticable and contrary to the public interest and this amendment shall be effective upon filing of this document with the Director, Office of the Federal Register.

Section 722.617, paragraph (j) of the regulations pertaining to acreage allotments for the 1963 crop of upland cotton as amended (27 F.R. 10524, 11215, 12045, 12428; 28 F.R. 3573, 5609, 7888), is amended by adding a new subparagraph (7) to read as follows:

(7) The State committee may extend the closing date set forth in subparagraph (4) of this paragraph for individual cases where it is conclusively shown through information furnished by the person concerned and the county committee that failure to complete the required application forms was due to inadvertence and the conditions set forth in subparagraph (3) (i) and (ii) of this paragraph are found by the county committee to have been met on or before June 10, 1963. Each individual case must be considered on its own merits before an extension of the closing date may be approved.

(Secs. 344(n), 375; 72 Stat. 186, as amended, 52 Stat. 66, as amended; 7 U.S.C. 1344(n), 1375)

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

Signed at Washington, D.C., on September 10, 1963.

E. A. JAENKE,
*Acting Administrator, Agricultural Stabilization and Conservation Service.*

[F.R. Doc. 63-9838; Filed, Sept. 13, 1963; 8:47 a.m.]

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

SUBCHAPTER I—DETERMINATION OF PRICES

[Sugar Determination 876.15]

### PART 876—SUGARCANE; HAWAII

### Fair and Reasonable Prices for 1963 Crop

Pursuant to the provisions of section 301(c)(2) of the Sugar Act of 1948, as amended, and as further amended by Public Law 87-535 and Public Law 87-539 (herein referred to as "act"), after investigation and due consideration of the evidence obtained at the public hearing held in Hilo, Hawaii on January 11, 1963, the following determination is hereby issued:

**§ 876.15 Fair and reasonable prices for the 1963 crop of Hawaiian sugarcane.**

A producer of sugarcane in Hawaii who is also a processor of sugarcane (herein referred to as "processor") shall have paid, or contracted to pay, for sugarcane of the 1963 crop grown by other producers and processed by him, or shall have processed sugarcane of other producers under a toll agreement, in accordance with the following requirements:

(a) *Toll agreements.* (1) The rate for processing sugarcane under a toll agreement at Olokele Sugar Company, Ltd., and Kekaha Sugar Company, Ltd., shall be not more than the rate provided in the agreement between the producer and the processor applicable to the prior crop.

(2) (i) The rate for processing sugarcane delivered by a producer under a toll agreement to those processors listed below shall be not more than that established for each such processor.

| Processor | Rate for processing | Delivery point |
|---|---|---|
| | (*Percent*) | |
| Puna Sugar Co., Ltd. | 36 | Mill. |
| Kohala Sugar Co. | 33 | Do. |
| Laupahoehoe Sugar Co. | 45 | Loaded in trucks. |
| Hilo Sugar Co., Ltd. | 45 | Do.[1] |
| Onomea Sugar Co. | 45 | Do.[1] |
| Pepeekeo Sugar Co. | 45 | Do.[1] |
| Paauhau Sugar Co., Ltd. | 45 | Do. |
| Hawaiian Agricultural Co. | 45 | Do. |
| Hutchinson Sugar Co., Ltd. | 45 | Do. |

[1] Where flumes are used to transport sugarcane from the field to the mill, the delivery point shall be alongside flume.

(ii) The gross proceeds from sugar and molasses shall be determined in accordance with the Standard Sugar Marketing Contract and the Standard Molasses Marketing Contract entered into by the producer, or his agent, with the California and Hawaiian Sugar Refining Corporation, Ltd. (a cooperative agricultural marketing association herein referred to as C & H): *Provided,* That the gross proceeds so determined to be applicable to the sugar and molasses recovered from the sugarcane of the producer shall be converted to dollars per hundredweight of sugar, raw value basis, for the purpose of applying the rate for processing.

(iii) The applicable rate for processing established in this subparagraph for sugarcane of the producer shall cover (*a*) all transporting, handling, and processing costs applicable to the producers' sugarcane from the delivery point specified herein until the raw sugar and molasses recovered therefrom leaves the bulk sugar bin or the molasses tank of the processor, except those costs incurred for insuring such raw sugar and molasses while stored therein; (*b*) the cost of insuring such sugarcane against loss by fire to the same extent that sugarcane of the processor is insured; (*c*) the costs of weighing, sampling, and taring such sugarcane; (*d*) the cost of general weed and rodent control other than in the sugarcane fields of producers and alongside the roads adjacent thereto; (*e*) the cost of all research and experimental work applicable to the production and processing of such sugarcane; and (*f*) in the case of Hilo Sugar Company, Ltd., if sugarcane of the producer is cut by hand because equipment was not available to mechanically harvest his sugarcane, and the Supplement to the Processing and Agency Contract between the processor and such producer is applicable to such sugarcane, the rate for processing shall also cover the additional costs of handling and transporting the sugarcane as provided by such supplement.

(iv) The sugarcane received from producers shall be handled and processed by the processor in a manner which is no less favorable than the handling and processing of the sugarcane of the processor. The processor, in acting as agent for the producer, shall handle and deliver to C & H the raw sugar and molasses recovered from the sugarcane of the producer in a manner which is no less favorable than the handling and delivery to C & H of the raw sugar and molasses recovered from the sugarcane of the processor. The processor shall promptly transmit to the producer the amount of gross proceeds received for the sugar and molasses recovered from the sugarcane of the producer, less the applicable processing rate, and less the expenses paid by the processor, as agent for the producer, pursuant to the toll agreement. Handling and delivery expenses shall be limited to those direct expenses paid by the processor as agent for the producer, but shall not include overhead charges of the processor.

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(b) *Purchase agreements.* (1) The price for sugarcane under adherent planter agreements shall be not less than the price determined in accordance with the agreement between the processor and the producer applicable to the prior crop.

(2) The price for the producers' share of sugarcane under cultivation contracts at Laupahoehoe Sugar Company shall be not less than the price determined in accordance with the agreement between the processor and the producer applicable to the prior crop.

(3) The price for sugarcane under independent grower purchase agreements shall be not less than the price determined in accordance with the agreement between the processor and the producer applicable to the prior crop: *Provided,* That the items of expense which may be deducted in computing net returns for the 1963 crop shall be limited to the same items as for the 1962 crop, except that if the processor incurs handling and delivery expenses otherwise allowable under the agreement and which are incurred under abnormal conditions which the "State Executive Director" (i.e. the person employed to be responsible for the day-to-day operations of the Hawaii Agricultural Stabilization and Conservation Service State Office, or any employee in such office acting on behalf of such person), determines justify the incurrence of such expenses, such expenses also may be deducted.

(c) *Sugarcane weight and quality determination.* The determination of the net weight and quality of the sugarcane received from the producer, and the allocation of sugar and molasses recoveries to the producer shall be made in accordance with the methods customarily used by the processor; methods which have been approved by the Experiment Station of the Hawaiian Sugar Planters Association; or methods agreed upon between the processor and the producer, which will reflect the true weight and quality of sugarcane and the quantities of sugar and molasses recovered from the sugarcane of the producer.

(d) *Overhead charges for services furnished to producers.* If the processor, at the producer's request, furnishes labor, materials, or services used in producing, harvesting, or transporting the producer's sugarcane, or transports the producer's sugar or molasses from the mill to the port in the processor's own equipment, the processor may charge in addition to the direct costs of such labor, materials, or services, the applicable overhead expenses. Charges for such overhead expenses shall be based on estimated current budgets and adjusted after the end of the calendar year so as not to exceed the actual costs for such year. In addition, the processor may also charge a profit not to exceed 5 percent of the sum of the direct and overhead charges for such labor, materials, or services. Overhead expenses shall be limited to those which are properly apportionable under generally accepted accounting principles, as approved by the "State Executive Director".

(e) *Reporting requirements.* The processor shall submit to the "State Executive Director", a certified statement of the gross proceeds and handling and delivery expenses paid under (1) purchase agreements providing for payment for sugarcane based upon net returns from sugar and molasses, and (2) toll and agency agreements providing for the deduction of handling and delivery expenses on sugar and molasses from the gross proceeds obtained therefrom.

(f) *Subterfuge.* The processor shall not reduce returns to the producer below those determined in accordance with the requirements herein through any subterfuge or device whatsoever.

STATEMENT OF BASES AND CONSIDERATIONS

(a) *General.* The foregoing determination establishes the fair and reasonable rate requirements which must be met, as one of the conditions for payment under the act, by a producer who processes sugarcane of the 1963 crop grown by other producers.

(b) *Requirements of the act.* Section 301(c)(2) of the act provides, as a condition for payment, that the producer on the farm who is also, directly or indirectly a processor of sugarcane, as may be determined by the Secretary, shall have paid, or contracted to pay under either purchase or toll agreements, for any sugarcane grown by other producers and processed by him at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing.

(c) *Public hearing—Kohala Sugar Company.* The representative of this company recommended that the rate for processing of at least 33 percent be continued for the 1963 crop. The witness stated that drought conditions had continued for the fourth consecutive year at this plantation, and that sugar production from the 1962 crop was the lowest since 1949, except for the 1958 crop which was affected by a labor strike. He estimated that the 1963 crop would produce less sugar than the 1962 crop and that because of poor production conditions independent growers had discontinued the cultivation of 46 acres of sugarcane during 1962. The witness stated that the costs of transporting raw sugar had declined $2.24 per ton of sugar as a result of the operation of the new bulk sugar facility at Kawaihae, which reduced the costs borne by growers, but that the company had processed growers cane on a break-even basis over the past few years.

*Puna Sugar Company, Limited.* The representative of Puna recommended a processing rate of 38 percent, a 10 percent profit margin on charges for services furnished to producers, and continued approval of the core sampling method of determining sugar and molasses credits for growers of sugarcane. The witness stated that estimated cost data for the 1962 crop indicated a processing rate of 36.49 percent but that the results of any one year are not indicative of the long range relationship between the growers and the company. He said that a cost ratio based on average costs for the 7-year period 1956–1962 supported the recommended processing rate of 38 percent for 1963, and that such rate should be continued until substantial changes occur in either growers' costs or company costs. In a supplemental statement it was stated that probably a 7-year average cost ratio was too long a period for the determination of a current trend in the cost relationship and the company proposed instead the use of a 5-year moving average cost ratio. Such a period, it was stated, is adequate to insure some stabilization in the cost relationship and to disclose any current trend in changes in the cost relationship. The company presented average production and processing costs for the 5-year periods, 1956–1960, 1957–61, and 1958–62, which indicated processing rates of 38.29 percent, 38.83 percent, and 38.47 percent, respectively.

The representative of producers at Puna recommended a processing rate of 31 percent for the 1963 crop, the disallowance of the 5 percent profit charge on services furnished to growers by the plantation, and a change in the mill delivery point to "loaded in trucks". The witness stated that because the hauling of sugarcane is a service purchased by growers from the company the delivery point should be "in trucks" so that the company would bear the costs of hauling and road maintenance. He said that producers do not have full confidence in the core sampler, and that since it is still in the experimental stage, the industry as a whole should bear the cost of developing this method of cane analysis.

*Brewer and Company.* (Representing Hilo, Onemea, Pepeekeo, Paauhau, Hawaiian Agricultural, and Hutchinson Sugar Companies.) The representative of these companies recommended a processing rate of 47 percent for the 1963 crop; that the provision for a profit charge on services provided to growers be continued; and that the price factor provided in Independent Grower Cane Purchase Agreements at Hawaiian Agricultural Company be approved for 1963. The witness stated that Hakalau Sugar Company was merged into Pepeekeo Sugar Company on December 31, 1962, and that the latter company will administer the essentially unchanged producing and processing facilities of the two former companies. He furnished data on actual 1962 crop processing and producing costs for company sugarcane which indicated a processing rate of 46.19 percent. He also testified that based on actual company costs the indicated processing rates were 45.49 percent in 1957, 48.74 in 1958, 48.53 in 1959, 48.07 in 1960, and 47.28 in 1961. The witness said the indicated processing rate for the favorable 1962 crop is lower than for previous crops, but assuming normal production and cost conditions for 1963 the processing rate would be 47 percent or higher.

A representative of producers at the Hawaiian Agricultural Company recommended that the sugarcane pricing arrangements as provided in the present Independent Grower Cane Purchase Agreement be continued for 1963.

The representative of producers at Hilo, Onemea and Pepeekeo Sugar Com-

panies recommended a processing rate of 43 percent, and the disallowance of the 5 percent profit charge on services furnished to producers by the companies. Returns and costs data for producers were presented which showed a profit for 1962 of $2.20 per ton of sugar. The witness stated that the profit was due to favorable weather and increases in the price of sugar and not to a favorable processing rate.

*Laupahoehoe Sugar Company.* The representative of this company recommended that the tolling and other agreements presently in effect at Laupahoehoe be continued for 1963, except that the processing rate be increased to 49 percent instead of 45 percent. He stated that cost data for recent years continued to reflect a processing rate higher than 45 percent, and that there was no reason to believe that 1963 results would be different. He submitted computations of the processing rate based on actual 1961 and 1962 crop results which indicated processing rates of 51.3 percent for 1961, and 49.5 percent for 1962.

The representative of producers at Laupahoehoe recommended a processing rate of 43 percent. The witness presented cost data representing the operations of 3 independent growers on 43 acres of sugarcane and stated that on the basis of the costs of processing grower cane as submitted by the company, the processor was making a favorable profit with a processing rate of 45 percent.

(d) *1963 price determination.* This determination continues the provisions of the 1962 determination.

Consideration has been given to the recommendations and information submitted in connection with the hearing; in terms of prospective price and producing and processing sugarcane obtained by a recent field study and recast in terms of prosepective price and production conditions for the 1963 crop; and to other pertinent factors.

The recommendations of producers and processors for changes in the processing rates applicable to several of the companies have not been adopted. Estimates of the returns, costs, and profits for the 1963 crop have been based upon prospective production and yield conditions as well as on average production and yield estimates to reflect long range conditions. On the basis of these estimates for the 1963 crop, and considering other pertinent factors, the processing rates for the 1962 crop are considered equitable for the 1963 crop.

Recommendations for changes in the rate of profit charge on services furnished to producers and for changes in the delivery point for sugarcane have again been considered. It is believed that the rate of profit allowed on services furnished to producers and the delivery points specified in the prior determination, continue to be equitable under the circumstances.

In recent years several processors have developed the practice of grinding the cane of independent growers separately from company cane and determining separately the sugar and molasses recoveries. In some instances each grower's cane is ground separately, while in other instances all grower's cane is ground separately as a group and total sugar and molasses recoveries are allocated to such growers on the basis of the quantity of cane delivered by each. The practice of grinding each grower's cane separately is considered a more equitable and accurate method of determining the quantity of sugar and molasses attributable to grower and company cane than conventional methods heretofore followed. Where the cane delivered by a number of growers is ground together, adequate facilities should be available to insure that such cane is transported to the mill and processed in a manner no less favorable than the sugarcane of the processor.

After consideration of all factors this determination is considered to be fair and reasonable. Accordingly, I hereby find and conclude that the foregoing determination will effectuate the price provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies Sec. 301, 61 Stat. 929; 7 U.S.C. Sup. 1131, as amended by Public Law 87-535 and Public Law 87-539)

Signed at Washington, D.C., on September 10, 1963.

CHARLES S. MURPHY,
*Acting Secretary*

[F.R. Doc. 63-9853; Filed, Sept. 13, 1963; 8:48 a.m.]

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

[Valencia Orange Reg. 64]

## PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

### Limitation of Handling

§ 908.364 Valencia Orange Regulation 64.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908; 27 F.R. 10089), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on September 12, 1963.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., September 15, 1963, and ending at 12:01 a.m., P.s.t., September 22, 1963, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 650,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

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

Dated: September 13, 1963.

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

[F.R. Doc. 63-9940; Filed, Sept. 13, 1963; 11:17 a.m.]

[Lemon Reg. 80]

## PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

### Limitation of Handling

§ 910.380 Lemon Regulation 80.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-

674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such lemons as will provide, in the interests of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held, the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on September 10, 1963.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., September 15, 1963, and ending at 12:01 a.m., P.s.t., September 22, 1963, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 186,000 cartons;

(iii) District 3: 11,515 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

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

Dated: September 11, 1963.

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

[F.R. Doc. 63–9886; Filed, Sept. 13, 1963; 8:49 a.m.]

[948.343]

## PART 948—IRISH POTATOES GROWN IN COLORADO

### Limitation of Shipments; Area No. 2

*Findings.* (a) Pursuant to Marketing Agreement No. 97, as amended, and Order No. 948, as amended (7 CFR Part 948), regulating the handling of Irish potatoes grown in Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of recommendations and information submitted by the Area No. 2 Committee, established pursuant to the said marketing agreement and order, and other available information, it is hereby found that the limitation of shipments hereinafter set forth, will tend to maintain orderly marketing conditions and increase returns to producers of such potatoes.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice or engage in public rule making procedure, and that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003) in that (1) shipments of 1963 crop potatoes grown in Area No. 2 will begin on or about the effective date specified herein, (2) to maximize benefits to producers, this regulation should apply to all such shipments, (3) producers and handlers have operated under the said marketing order program since 1949 so special preparation on the part of handlers is not required, and (4) information regarding the committee's recommendation has been disseminated to producers and handlers in the production area.

§ 948.343 **Limitation of shipments.**

During the period from September 16, 1963, through June 30, 1964, no person shall handle any lot of potatoes grown in Area No. 2 unless such potatoes meet the requirements of paragraphs (a) and (b) of this section, or unless such potatoes are handled in accordance with the provisions of paragraphs (c), (d), (e), (f), and (g) of this section. The maturity requirements specified in paragraph (b) shall terminate October 15, 1963, at 11:59 p.m., MST.

(a) *Grade and size requirements*—(1) *Round varieties.* U.S. No. 2, or better grade, 2⅛ inches minimum diameter.

(2) *Long varieties.* U.S. No. 2, or better grade, 2 inches minimum diameter or 4 ounces minimum weight.

(3) *All varieties.* Size B, if U.S. No. 1 or better grade, and if handled in accordance with the reporting requirements of paragraph (g) of this section.

(b) *Maturity (skinning) requirements*—(1) *Russet Burbank and Red McClure varieties.* Not more than "slightly skinned."

(2) *All other varieties.* No more than "moderately skinned."

(c) *Special purpose shipments*—(1) *Chipping stock.* Potatoes may be handled for chipping if they meet the requirements of 2 inches minimum diameter and if they are U.S. No. 2, or better grade, except for (i) scab, and (ii) the maturity requirements of paragraph (b) of this section, if such potatoes are handled in accordance with paragraph (d) of this section.

(2) *Other special uses.* (i) The quality and maturity requirements set forth in paragraphs (a) and (b) of this section and the inspection and assessment requirements of this part shall not be applicable to the handling of potatoes for livestock feed, relief, or charity.

(ii) The quality and maturity requirements set forth in paragraphs (a) and (b) of this section shall not be applicable to the handling of potatoes for seed pursuant to § 948.6, but any lot of potatoes handled for seed shall be subject to assessments.

(d) *Safeguards.* (1) Each handler of potatoes which do not meet the quality and maturity requirements of paragraphs (a) and (b) of this section and which are handled pursuant to paragraph (c) of this section for any of the special purposes set forth therein shall:

(i) Prior to handling, apply for and obtain a Certificate of Privilege from the Committee,

(ii) Furnish the committee such reports and documents as requested, including certification by the buyer or receiver as to the use of such potatoes, and

(iii) Bill each shipment directly to the applicable processor or receiver.

(2) Potatoes handled for livestock feed pursuant to paragraph (c) of this section shall be mutilated so as to render them unfit for commercial tablestock market.

(e) *Minimum quantity.* For purposes of regulation under this part, each person may handle up to but not to exceed 1,000 pounds of potatoes without regard to the requirements of this section, but this exception shall not apply to any portion of a shipment of over 1,000 pounds of potatoes.

(f) *Inspection.* No handler shall handle any potatoes for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto and the certificate is valid at the time of shipment. For purposes of operation under this part it is hereby determined pursuant to paragraph (d) of § 948.40, that each inspection certificate shall be valid for a period not to exceed 5 days following the date shown on the inspection certificate, except that inspection certificates issued on potatoes for use as potato chips handled pursuant to paragraph (c)(1)

of this section shall be exempt from this 5 day requirement.

(g) *Reports.* Pursuant to § 948.80, no handler may ship size B potatoes from Area No. 2 unless he reports to the committee in a manner prescribed by it the quantities handled and the destinations of such potatoes.

(h) *Definitions.* The terms "U.S. No. 1," "U.S. No. 2," "Size B," "slightly skinned," "moderately skinned," and "scab" shall have the same meaning as when used in the United States Standards for Potatoes (§§ 51.1540–51.1556 of this title), including the tolerances set forth therein. Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97, as amended, and this part.

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

Dated September 11, 1963, to become effective September 16, 1963.

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

[F.R. Doc. 63-9837; Filed, Sept. 13, 1963; 8:47 a.m.]

## Chapter XIV—Commodity Credit Corporation, Department of Agriculture

### SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[C.C.C. Grain Price Support Regulations, 1963-Crop Wheat Supplement, Amdt. 1]

### PART 1421—GRAINS AND RELATED COMMODITIES

### Subpart—1963-Crop Wheat Loan and Purchase Agreement Program

MISCELLANEOUS AMENDMENTS

The regulations issued by the Commodity Credit Corporation published in 28 F.R. 6959 and containing the specific requirements of the 1963-crop wheat loan and purchase agreement program are hereby amended as follows:

1. Section 1421.2105(b)(1) is amended to also make wheat grading "Sample" because of test weight only, but not less than 40 pounds per bushel, eligible for loans or purchase agreements if it otherwise meets certain requirements so that the amended subparagraph reads as follows:

§ 1421.2105 Eligible wheat.

* * * * *

(b) *Grade requirements.* (1) The wheat must be (i) wheat of any class grading No. 3 or better; (ii) wheat of any class grading No. 4 or No. 5 because of containing "Durum" and/or "Red Durum" but otherwise grading No. 3 or better; (iii) wheat of any class grading No. 4 or No. 5 or "Sample" on the factor of test weight only but otherwise meeting the requirements of subdivision (i) or (ii) of this subparagraph and having a test weight of not less than 40 pounds per bushel; or (iv) wheat of the class Mixed wheat consisting of mixtures of grades of eligible wheat as specified in subdivision (i), (ii), or (iii) of this subparagraph provided such mixtures are the natural products of the field. In addition, wheat may have the special grade designations "Garlicky" and/or "Smutty."

2. Section 1421.2108(c) is amended by extending the schedule therein to apply to wheat testing as low as 40 pounds per bushel so that the amended paragraph reads as follows:

§ 1421.2108 Determination of quantity.

* * * * *

(c) *Adjustment for test weight.* When the quantity is determined by measurement, a bushel shall be 1.25 cubic feet of wheat testing 60 pounds per bushel. The quantity determined for wheat of a different test weight shall be adjusted by the applicable percentage in the following table:

| Test weight (pounds per bushel): | Percent |
|---|---|
| 65 or over | 108 |
| 64.0 to 64.9 | 107 |
| 63.0 to 63.9 | 105 |
| 62.0 to 62.9 | 103 |
| 61.0 to 61.9 | 102 |
| 60.0 to 60.9 | 100 |
| 59.0 to 59.9 | 98 |
| 58.0 to 58.9 | 97 |
| 57.0 to 57.9 | 95 |
| 56.0 to 56.9 | 93 |
| 55.0 to 55.9 | 92 |
| 54.0 to 54.9 | 90 |
| 53.0 to 53.9 | 88 |
| 52.0 to 52.9 | 87 |
| 51.0 to 51.9 | 85 |
| 50.0 to 50.9 | 83 |
| 49.0 to 49.9 | 82 |
| 48.0 to 48.9 | 80 |
| 47.0 to 47.9 | 78 |
| 46.0 to 46.9 | 77 |
| 45.0 to 45.9 | 75 |
| 44.0 to 44.9 | 73 |
| 43.0 to 43.9 | 72 |
| 42.0 to 42.9 | 70 |
| 41.0 to 41.9 | 68 |
| 40.0 to 40.9 | 67 |

3. Section 1421.2113(e) is amended to correct basic county support rates as follows:

§ 1421.2113 Support rates.

* * * * *

(e) *Basic support rates (counties).*

ILLINOIS

| County | Rate per bushel | |
|---|---|---|
| | From | To |
| Calhoun | $1.92 | $1.93 |
| Pike | 1.87 | 1.89 |

MONTANA

| | | |
|---|---|---|
| Big Horn | 1.56 | 1.57 |

4. Section 1421.2113(f)(2) is amended to provide discounts for "Sample" grade wheat so that the amended subparagraph reads as follows:

§ 1421.2113 Support rates.

* * * * *

(f) *Discounts and premiums.* * * *

(2) Grade premium and discounts:

| | Cents per bushel |
|---|---|
| (i) Premium: | |
| No. 1 Heavy (Hard Red Spring) | +1 |
| (ii) Discounts: | |
| No. 2 | −1 |
| No. 3 | −3 |

(2) Grade premium and discounts—Con.

(ii) Discounts—Continued

No. 4, No. 5, or "Sample on account of test weight":

| Hard Red Spring | | All other classes | |
|---|---|---|---|
| Test weight | Cents per bushel | Test weight | Cents per bushel |
| 53.0–54.9 | −6 | 54.0–55.9 | −6 |
| 50.0–52.9 | −9 | 51.0–53.9 | −9 |
| 49 | −13 | 50 | −13 |
| 48 | −17 | 49 | −17 |
| 47 | −21 | 48 | −21 |
| 46 | −25 | 47 | −25 |
| 45 | −29 | 46 | −29 |
| 44 | −35 | 45 | −33 |
| 43 | −41 | 44 | −39 |
| 42 | −47 | 43 | −45 |
| 41 | −53 | 42 | −51 |
| 40 | −59 | 41 | −57 |
| | | 40 | −63 |

| | Cents per bushel |
|---|---|
| No. 4 or 5 because of containing Durum and/or Red Durum [2 3] | −6 |
| Smut—degree basis: | |
| Light smutty | −2 |
| Smutty | −6 |
| Smut—percentage basis: | |
| One-half of 1 percent | −1 |
| 1 percent or over | −3 |
| Garlic—degree basis: | |
| Light garlicky | −6 |
| Garlicky | −15 |

[1] Not applicable to any of the undesirable varieties listed in the variety discount schedule.

[2] This discount is in addition to any other applicable numerical grade discount, and any other discounts which may be applicable.

[3] Not applicable to any of the Mixed wheats or Red Durum. For discounts applicable to Mixed wheat containing Durum and/or Red Durum, see (1)(ii) of this paragraph.

(Sec. 4, 62 Stat. 1070 as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; sec. 306, 76 Stat. 614; 15 U.S.C. 714c, 7 U.S.C. 1441, 1421)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on September 10, 1963.

E. A. JAENKE,
*Acting Executive Vice President,*
*Commodity Credit Corporation.*

[F.R. Doc. 63-9839; Filed, Sept. 13, 1963; 8:47 a.m.]

# Title 5—ADMINISTRATIVE PERSONNEL

## Chapter I—Civil Service Commission

### REORGANIZATION AND REVISION OF CHAPTER

CROSS REFERENCE: For reorganization and revision of chapter, see Part II of this issue.

## Chapter II—Employment and Compensation in the Canal Zone

### REDESIGNATION OF PARTS

EDITORIAL NOTE: Parts 201–210 of this chapter are hereby redesignated Parts 1201–1210, respectively.

### Chapter III—Foreign and Territorial Compensation

#### SUPERSEDURE OF CHAPTER

EDITORIAL NOTE: Regulations comprising Part 350, the only remaining part in this chapter are superseded by the reorganization and revision of Chapter I. See Part II of this issue.

### Chapter IV—The President's Committee on Equal Employment Opportunity

#### REDESIGNATION OF PART

EDITORIAL NOTE: Part 401, the only part in this chapter, is hereby redesignated Part 1401.

### Chapter V—The International Organizations Employees Loyalty Board

#### REDESIGNATION OF PART

EDITORIAL NOTE: Part 501, the only part in this chapter, is hereby redesignated Part 1501.

### Chapter VI—Department of Defense

#### REDESIGNATION OF PART

EDITORIAL NOTE: Part 601, the only part in this chapter, is hereby redesignated Part 1601.

# Title 14—AERONAUTICS AND SPACE

### Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 63-SW-35]

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

#### Alteration of Control Zone, Revocation of Control Area Extension, and Designation of Transition Area

On June 14, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 6092) stating that the Federal Aviation Agency proposed to alter the Truth or Consequences, N. Mex., control zone, revoke the Truth or Consequences control area extension and designate the Truth or Consequences transition area.

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

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

1. In § 71.171 (27 F.R. 220–91, November 10, 1962), the Truth or Consequences, N. Mex., control zone is amended to read:

*Truth or Consequences, N. Mex.*

Within a 5-mile radius of Truth or Consequences Municipal Airport (latitude 33°14'10" N., longitude 107°16'20" W.).

2. Section 71.165 (27 F.R. 220–59, November 10, 1962, 28 F.R. 6495), is amended by revoking the following control area extension:

Truth or Consequences, N. Mex.

3. Section 71.181 (27 F.R. 220–139, November 10, 1962) is amended by adding the following:

*Truth or Consequences, N. Mex.*

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Truth or Consequences Municipal Airport (latitude 33°14'10" N., longitude 107°16'20" W.); and that airspace extending upward from 1,200 feet above the surface within 10 miles E and 7 miles W of the Truth or Consequences VOR 013° and 193° radials, extending from 20 miles N to 9 miles S of the VOR, and within 5 miles each side of the Truth or Consequences VOR 143° radial, extending from the 8-mile radius area to 23 miles SE of the VOR. The portion of this transition area within R–5111 shall be used only after obtaining prior approval from appropriate authority.

These amendments shall become effective 0001 e.s.t., January 9, 1964.

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

Issued in Washington, D.C., on September 9, 1963.

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

[F.R. Doc. 63-9823; Filed, Sept. 13, 1963; 8:46 a.m.]

### Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 1681; Amdt. 617]

#### PART 507—AIRWORTHINESS DIRECTIVES

#### Douglas DC–6 Series Aircraft

A proposal to amend Part 507 of the Regulations of the Administrator to include an airworthiness directive requiring inspection of the spar caps and wing skin on Douglas DC–6 Series aircraft, replacement of any spar caps found cracked, and rework or replacement of cracked wing skin was published in 28 F.R. 3357.

Interested persons have been afforded an opportunity to participate in the making of the amendment. A comment recommended that the inspection requirements of the lower center spar cap at the inboard side of engine nacelles Nos. 2 and 3 be considered separately from the outboard side of engine nacelles Nos. 2 and 3 and that the initial inspection be extended to 500 hours' time in service. The structural integrity of the aircraft is believed to be maintained only when both sides of the nacelles are inspected at the same time interval. Therefore this recommendation was not accepted. The initial inspection time is predicated upon recommendations of the manufacturer with which the Agency concurs.

It was also suggested that provision be included for repairs made in accordance with the manufacturer's instructions and that the special inspections be no longer required in areas where the preventive rework is accomplished. The directive now includes these provisions.

It is further recommended that the special inspections be discontinued after a new splice is installed. The new splice is considered a temporary repair and therefore the repetitive inspections must be resumed within 4,000 hours unless the rework is accomplished.

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

DOUGLAS. Applies to all DC–6, DC–6A, and DC–6B aircraft, except Serial Number 44430 (fuselage No. 500) and subsequent. Compliance required as indicated.

There have been several instances of cracks causing failure of the lower center spar caps at Station 121, as well as cracking of the wing skin in the same area. Accordingly, the following shall be accomplished:

(a) Within 100 hours' time in service after the effective date of this AD, unless already accomplished within the last 400 hours' time in service, visually or X-ray inspect for cracks in the lower center spar cap and the surrounding wing skin area from the inboard side of Numbers 2 and 3 engine nacelles inboard to Station 114.500 and from the outboard side of Numbers 2 and 3 engine nacelles outboard to Station 184.000. (For X-ray inspection see X-ray procedures and information as described in Figure 2 in Douglas Alert Service Bulletin No. A–849, Reissue No. 1, dated October 1, 1962.) Pay particular attention to the area around the end attachments through the splice fittings. Reinspect at intervals not to exceed 500 hours' time in service from the last inspection.

(b) If cracks are found in the lower spar cap, replace the part before further flight, except for a ferry flight in accordance with CAR 1.76. When the new spar cap is installed, the original splice may be reworked or replaced with a redesigned splice. The rework instructions and redesign data are described in Accomplishment Instructions, Parts II and III, respectively, of Douglas Alert Service Bulletin No. A–849, Reissue No. 1, dated October 1, 1962. Also, the splice may be reworked or replaced with a new splice in accordance with a method approved by the Chief, Engineering and Manufacturing Branch, FAA Western Region. If cracks are found in the surrounding skin area as set forth in (a), the skins shall be replaced or reworked in accordance with the manufacturer's instructions as authorized in Part I, paragraph (2), of Douglas Alert Service Bulletin No. A–849, Reissue No. 1, dated October 1, 1962, or a method approved by the Chief, Engineering and Manufacturing Branch, FAA Western Region.

(c) The repetitive inspections specified in (a) may be temporarily discontinued for a period not to exceed 4,000 hours' time in service on those aircraft on which the temporary rework described in Accomplishment Instructions, Part II of Douglas Alert Service Bulletin No. A–849, Reissue No. 1, dated October 1, 1962, is accomplished. The 4,000 hour temporary discontinuance period will be computed as starting at the time of the temporary rework accomplishment. If the preventive rework as described in (d) is not accomplished prior to the end of the 4,000 hours' time in service period, the repetitive inspection of (a) must be reinstituted and the first reinspection accomplished prior to the expiration of the 4,000 hour period.

(d) The special inspections described in (a), (b), and (c) may be discontinued when a specific area as described in (a) has been reworked with the preventive rework as outlined in Accomplishment Instructions, Part III of Douglas Alert Service Bulletin No. A–849, Reissue No. 1, dated October 1, 1962.

(e) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Western Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at

an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

(Douglas Alert Service Bulletin No. A-849, Reissue No. 1, dated October 1, 1962, covers the same subject.)

This amendment shall become effective October 15, 1963.

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

Issued in Washington, D.C., on September 9, 1963.

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

[F.R. Doc. 63-9821; Filed, Sept. 13, 1963; 8:46 a.m.]

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[Reg. Docket No. 1851; Amdt. 618]

## PART 507—AIRWORTHINESS DIRECTIVES

### Sensenich Controllable and Constant Speed Propellers

A proposal to amend Part 507 of the Regulations of the Administrator to include an airworthiness directive requiring shorter inspection intervals and including all models affected of Sensenich controllable and constant speed propellers was published in 28 F.R. 7400.

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

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

SENSENICH. Applies to all controllable and constant speed propeller Models C-2FM, CS-2FM, C-3FR4, CS-3FR5, and CS-3FM4.

(Aircraft on which these propeller models are installed include but are not necessarily confined to the Piper PA-12, -14, -16, -20, -22, Monocoupe 90AL-115, Stinson 108-2 and -3, Bellanca 14-13, and Goodyear GA-2B.)

Compliance required as indicated:

(a) On aircraft with Lycoming 0-235C or O-290-D Series engines or Franklin 6A4-165-B3 engines, inspect propellers with 90 hours or more propeller time in service on the effective date of this AD in accordance with (e) within 10 hours propeller time in service after the effective date of this AD, and thereafter each 100 hours propeller time in service from the last inspection.

(b) On aircraft with Lycoming 0-235C or 2-290-D Series engines or Franklin 6A4-165-B3 engines, inspect propellers with less than 90 hours propeller time in service on the effective date of this AD in accordance with (e) prior to the accumulation of 100 hours propeller time in service, and thereafter within each 100 hours propeller time in service from the last inspection.

(c) On aircraft with engines not listed in (a) and (b), inspect propellers with 290 hours or more propeller time in service on the effective date of this AD in accordance with (e) within 10 hours propeller time in service after the effective date of this AD, and thereafter within each 300 hours propeller time in service from the last inspection.

(d) On aircraft with engines not listed in (a) and (b), inspect propellers with less than 290 hours propeller time in service on the effective date of this AD in accordance with (e) prior to the accumulation of 300 hours within each 300 hours propeller time in propeller time in service, and thereafter service from the last inspection.

(e) Remove the propeller blades from the hub and carefully inspect the wood blade shank and split retaining groove in the blade ferrule for cracks. Check and tighten the lag screws to 160 inch pounds of torque. Magnetically inspect the ferrule and all ferrous metallic parts of the hub. Special care should be given to the inspection for cracks originating in the hub lock ring groove. Replace blades with broken lag screws, cracked wood shanks or ferrule before further flight.

(Sensenich Service Bulletins Nos. 133, Revision 1, dated January 29, 1960, and No. R-9 dated December 7, 1962, cover this same subject.)

This supersdes AD 50-47-1, 21 F.R. 9502.

This amendment shall become effective October 15, 1963.

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

Issued in Washington, D.C., on September 9, 1963.

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

[F.R. Doc. 63-9822; Filed, Sept. 13, 1963; 8:46 a.m.]

# Title 16—COMMERCIAL PRACTICES

## Chapter I—Federal Trade Commission

[Docket No. 8411]

## PART 13—PROHIBITED TRADE PRACTICES

### Delaware Watch Co., Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.70 *Fictitious or misleading guarantees;* § 13.155 *Prices;* § 13.155-40 *Exaggerated as regular and customary;* § 13.170 *Qualities or properties of product or service;* § 13.170-96 *Waterproof, waterproofing, water-repellent.* Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception;* § 13.1055-50 *Preticketing merchandise misleadingly.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition;* § 13.1900 *Source or origin;* § 13.1900-30 *Foreign in general.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Delaware Watch Company, Inc., et. al., New York, N.Y., Docket 8411, Aug. 15, 1963]

*In the Matter of Delaware Watch Company, Inc., a Corporation, and A. Schwarcz & Sons, Inc., a Corporation, and Steven Vogel and Leslie Shaw, Individually and as Officers of Said Corporation*

Order requiring New York City distributors of watches to wholesalers, retailers and premium users, to cease attaching price tickets to their products and disseminating price lists, catalogs, newspaper and magazine advertisements, etc., which showed excessive amounts as usual retail prices; falsely representing their watches as "fully guaranteed" and "water resistant"; failing to disclose that watch bezels furnished in a color simulating silver, gold or stainless steel were actually composed of base metal; and failing to disclose that watches having the word "Swiss" on the dial were imported from Hong Kong.

The order to cease and desist is as follows:

*It is ordered,* That respondents Delaware Watch Company, Inc., a corporation, A. Schwarcz & Sons, Inc., a corporation, and their officers, Steven Vogel and Leslie Shaw, individually and as officers of said corporations, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of watches or any other products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication:

(a) That their products are guaranteed, unless the nature and extent of the guarantee and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed.

(b) That their watches are "water resistant," it being understood that respondents may successfully defend the use of such representation with respect to any watch, the case of which respondents can show will provide protection against water or moisture to the extent of meeting the test designated test No. 2 of the Trade Practice Conference Rules for the Watch Industry, as set forth in the Code of Federal Regulations, Title 16, Chapter 1, § 170.2(c) (16 CFR 170.2(c)).

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

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

4. Supplying to, or placing in the hands of, any dealer or other purchaser, means or instrumentalities by and through which they may deceive and mislead the purchasing public as to the national origin of their watch cases, the metal composition of their watch cases and the moisture resistant capacity of their watches.

Further order requiring report of compliance is as follows:

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

which they have complied with the order to cease and desist set forth herein.

Issued: August 15, 1963.

By the Commission.

[SEAL] JOSEPH N. KUZEW,
*Acting Secretary.*

[F.R. Doc. 63-9830; Filed, Sept. 13, 1963; 8:46 a.m.]

[Docket No. 8080]

## PART 13—PROHIBITED TRADE PRACTICES

### Savoy Watch Co., Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections;* § 13.15–5 *Advertising and promotional services;* § 13.70 *Fictitious or misleading guarantees;* § 13.170 *Qualities or properties of product or service;* §13.170–96 *Waterproof, waterproofing, water-repellent.* Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1900 *Source or origin;* § 13.1900–30 *Foreign in general.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Savoy Watch Co., Inc., et al., New York, N.Y., Docket 8080, Aug. 14, 1963]

*In the Matter of Savoy Watch Co., Incorporated, a Corporation, and Arthur Miller and Isadore S. Miller, Individually and as Officers of Said Corporation*

The order to cease and desist is as follows:

*It is ordered,* That respondent Savoy Watch Co., Incorporated, a corporation, and its agents, representatives and employees, and respondents Arthur Miller and Isadore S. Miller, individually and as officers of said corporation, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of watches or any other products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication:

(a) That their products are guaranteed, unless the nature and extent of the guarantee and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed.

(b) That their watches or other products are advertised in "Life," "Reader's Digest," "Saturday Evening Post," or in any other national publication, when they are not in fact so advertised.

(c) That their watches are "water resistant," it being understood that respondents may successfully defend the use of such representation with respect to any watch, the case of which respondents can show will provide protection against water or moisture to the extent of meeting the test designated test No. 2 of the Trade Practice Conference Rules for the Watch Industry, as set forth in the Code of Federal Regulations, Title 16, Chapter 1, § 170.2(c) (16 CFR 170.2(c)).

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

By "Final Order", order requiring report of compliance is as follows:

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

Issued: August 14, 1963.

By the Commission, Commissioner Higginbotham not participating by reason of the fact that this matter was argued before the Commission prior to the time he was sworn into office.

[SEAL] JOSEPH N. KUZEW,
*Acting Secretary.*

[F.R. Doc. 63-9831; Filed, Sept. 13, 1963; 8:46 a.m.]

# Title 21—FOOD AND DRUGS

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

### SUBCHAPTER A—GENERAL

## PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

### Nonalcoholic Carbonated Beverages; Extension of Effective Date

There is currently being published in the FEDERAL REGISTER, a notice of filing of a proposal to establish standards of identity for nonalcoholic carbonated beverages. Pending the effective date of a final order resulting from the publication of this proposal, the previous exemption of the label declaration of ingredients requirements of section 403(i)(2) of the Federal Food, Drug, and Cosmetic Act is continued. Therefore, under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a)) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), § 3.1 *Termination of exemption for designated foods for which label declaration of ingredients has not been required pending standardization* is amended by changing paragraph (b) to read:

(b) The exemption from label declaration of ingredients requirements of section 403(i)(2) of the Federal Food, Drug, and Cosmetic Act as applied to nonalcoholic carbonated beverages is continued until the effective date of a final order issued as a result of the proceedings started by the publication in the FEDERAL REGISTER of September 14, 1963, of a notice proposing to establish a definition and standard of identity for this class of food.

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

Dated: September 11, 1963.

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

[F.R. Doc. 63-9845; Filed, Sept. 13, 1963; 8:48 a.m.]

### SUBCHAPTER B—FOOD AND FOOD PRODUCTS

## PART 22—FOOD FLAVORINGS

### Vanilla Extract and Related Products; Order Correcting Wording of Definitions and Standards of Identity and Ending Stay of Effective Date

In the matter of establishing definitions and standards of identity for vanilla extract and related products:

An order ruling on proposed definitions and standards of identity for vanilla extract and related products was published in the FEDERAL REGISTER of September 1, 1962 (27 F.R. 8757). The order provided that the standards should become effective after 60 days, except as to any provision stayed by objections meeting fully the requirements of section 701(e) of the Federal Food, Drug, and Cosmetic Act. To meet these requirements, the order pointed out that persons filing objections should show wherein they would be adversely affected by the order, should set out the issues for the hearing, and should support the objections by grounds legally sufficient to justify the relief sought. Comments and statements protesting certain provisions in the order were received from twenty persons. To afford time for evaluating these submittals, an order staying the effective date of the standards was published in the FEDERAL REGISTER of November 1, 1962 (27 F.R. 10651).

Letters from a number of firms and from the Flavoring Extract Manufacturers Association suggested that the wording of certain provisions of the order should be rephrased if this could be achieved without the necessity for hearings. The letters characterized the recommended modifications as noncontroversial. These provisions of the order and the recommended modifications are:

1. In the definition of the term "unit of vanilla constituent" in § 22.1(c), the proportion of alcohol in the aqueous alcohol solvent is prescribed as "not less than 35 percent and not more than 45 percent." It is common practice to add to the extractors a solvent containing, as added, more than 45 percent of alcohol. It is concluded that the protection of consumer's interests does not require that this definition prescribe an upper limit on the proportion of alcohol in the solvent. The recommended modification would change § 22.1(c) by adding a pe-

riod after the words "not less than 35 percent" and deleting the words "and not more than 45 percent."

2. Paragraph (a) of § 22.3 *Concentrated vanilla extract* * * * provides that each gallon of concentrated vanilla extract contains two or more units of vanilla constituent. However, it does not require that the article be made by concentrating a weaker extract to remove part of the solvent. The procedure involving concentrating to remove the solvent is not the only method used to produce a vanilla extract containing two or more units of vanilla constituent per gallon. Such an article is often made by properly percolating a sufficiently greater weight of vanilla beans per gallon of solvent used. The extract so produced complies with the requirements for vanilla extract as set out in § 22.2. To make it clear that such an extract, made without concentration, is not required to be labeled "concentrated," it was proposed that the exception in the first sentence of § 22.3(a) should be modified to read "except that it is concentrated to remove part of the solvent, and each gallon contains two or more units of vanilla constituent as defined in § 22.1(c)."

3. As set out in the order the standard for concentrated vanilla flavoring, § 22.5, is analogous to the standard for concentrated vanilla extract in § 22.3, in that it fails to include a specific requirement for concentrating to remove a portion of the solvent. The reasons recited for including this requirement in the standard for concentrated vanilla extract apply equally to including the same requirement in the standard for concentrated vanilla flavoring. This would be achieved by changing the exception in the first sentence of § 22.5(a) to read "except that it is concentrated to remove part of the solvent, and each gallon contains two or more units of vanilla constituent as defined in § 22.1(c)."

4. The first sentence in paragraph (a) of § 22.8 *Vanilla powder* * * * states: "(a) Vanilla powder is a mixture of ground vanilla beans or vanilla oleoresin with one or more of the following optional blending ingredients:". The recommended modification was that the words "or both" be inserted in this sentence to make it read: "(a) Vanilla powder is a mixture of ground vanilla beans or vanilla oleoresin or both with one or more of the following optional blending ingredients: * * *"

In addition to the foregoing modifications, some letters suggested that certain more substantial changes be made, provided these changes would not require hearings. One letter proposed that the standard for vanilla extract should be changed by deleting the label declaration requirement to show when the extract is made from vanilla oleoresin in lieu of vanilla beans. Another suggested deleting the label requirement to show when the extract is made by dilution of concentrated vanilla extract. Other letters proposed that the standards wherein the names specified call for including a fold number in the name should be changed to provide for declaring the fold strength by fractions or mixed numbers as well as by whole numbers. It is concluded that to make these suggested changes without a hearing would not be proper and that the letters proposing them do not warrant hearings because they do not meet the requirements for objections as set out in section 701(e) of the act.

Attorneys representing the Vanilla Bean Association of America and two clients in the Republic of Malagasy have filed letters withdrawing the objections of their clients to the order establishing standards for vanilla extract and related products.

Now, therefore, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919; 21 U.S.C. 341, 371) and delegated by the Secretary to the Commissioner of Food and Drugs (25 F.R. 8625); *It is ordered:*

1. That § 22.1(c) be changed to read:

**§ 22.1 Definitions.**

* * * * *

(c) The term "unit of vanilla constituent" means the total sapid and odorous principles extractable from one unit weight of vanilla beans, as defined in paragraph (b) of this section, by an aqueous alcohol solution in which the content of ethyl alcohol by volume amounts to not less than 35 percent.

2. That § 22.2(b)(2) be amended by adding at the end thereof a new sentence reading as set forth below. As amended, this subparagraph reads as follows:

**§ 22.2 Vanilla extract; identity; label statement of optional ingredients.**

* * * * *

(b) * * *

(2) When the vanilla extract is made in whole or in part by dilution of vanilla oleoresin, concentrated vanilla extract, or concentrated vanilla flavoring, the label shall bear the statement "made from _____" or "made in part from _____," the blank being filled in with the name or names "vanilla oleoresin," "concentrated vanilla extract," or "concentrated vanilla flavoring," as appropriate. If the article contains two or more units of vanilla constituent, the name of the food shall include the designation "_____ fold," the blank being filled in with the whole number (disregarding fractions) expressing the number of units of vanilla constituent per gallon of the article.

3. That § 22.3(a) be changed to read:

**§ 22.3 Concentrated vanilla extract; identity; label statement of optional ingredients.**

(a) Concentrated vanilla extract conforms to the definition and standard of identity and is subject to any requirement for label statement of optional ingredients prescribed for vanilla extract by § 22.2, except that it is concentrated to remove part of the solvent, and each gallon contains two or more units of vanilla constituent as defined in § 22.1(c). The content of ethyl alcohol is not less than 35 percent by volume.

4. That § 22.5(a) be changed to read:

**§ 22.5 Concentrated vanilla flavoring; identity; label statement of optional ingredients.**

(a) Concentrated vanilla flavoring conforms to the definition and standard of identity and is subject to any requirement for label statement of optional ingredients prescribed for vanilla flavoring by § 22.4, except that it is concentrated to remove part of the solvent, and each gallon contains two or more units of vanilla constituent as defined in § 22.1(c).

5. That the introduction to § 22.8(a) be changed to read:

**§ 22.8 Vanilla powder; identity; label statement of optional ingredients.**

(a) Vanilla powder is a mixture of ground vanilla beans or vanilla oleoresin or both, with one or more of the following optional blending ingredients:

6. That the stay on Part 22 imposed by the order published November 1, 1962, be, and hereby is, rescinded.

As revised by the changes effected by this order, the definitions and standards of identity for vanilla extract and related products published in the FEDERAL REGISTER of September 1, 1962 (27 F.R. 8757), shall become effective 90 days from the date of publication of this order in the FEDERAL REGISTER.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919; 21 U.S.C. 341, 371)

Dated: September 9, 1963.

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

[F.R. Doc. 63-9782; Filed, Sept. 13, 1963; 8:45 a.m.]

# Title 24—HOUSING AND HOUSING CREDIT

## Chapter II—Federal Housing Administration, Housing and Home Finance Agency

### SUBCHAPTER A—GENERAL

### PART 200—INTRODUCTION

### Miscellaneous Amendments

Part 200 is amended as follows:

Section 200.41 is amended to read as follows:

### Subpart C—Organization and Management

**§ 200.41 Administrative staff.**

The principal administrative staff of the FHA includes the Deputy Commissioner, two Associate Deputy Commissioners, the General Counsel, and Assistant Commissioners, whose respective duties and areas of authority are indicated by their titles.

Section 200.43 is amended to read as follows:

**§ 200.43 Zone Operations Commissioners.**

The territory served by the Federal Housing Administration is divided into

geographical zones or regions comprised of a group of field insuring officers. Each zone is headed by a Zone Operations Commissioner who is responsible to an Associate Deputy Commissioner for the supervision, direction and coordination of all functions and responsibilities of the several officers within the regional jurisdiction established for the particular zone.

## Subpart D—Delegations of Basic Authority and Functions

In Part 200, Subpart D, the Table of Contents is revised to read as follows:

DELEGATIONS TO PARTICULAR POSITIONS



DELEGATIONS TO COMMITTEES



MISCELLANEOUS DELEGATIONS



AUTHORITY: §§ 200.50 to 200.107 issued under sec. 2, 48 Stat. 1246, as amended, sec. 211, 52 Stat. 23, as amended, sec. 607, 55 Stat. 61, as amended, sec. 712, 62 Stat. 1281, as amended, sec. 907, 65 Stat. 301, as amended, sec. 807, 69 Stat. 651, as amended; 12 U.S.C. 1703, 1715b, 1742, 1747k, 1748f, 1750f.

Section 200.51 is amended to read as follows:

### § 200.51 Acting Commissioner.

The Deputy Commissioner, the Assistant Commissioner (Executive Officer), the Associate Deputy Commissioner for Operations, the Associate Deputy Commissioner for Management, the General Counsel, the Assistant Commissioner for Home Mortgages, the Assistant Commissioner for Multifamily Housing, the Assistant Commissioner-Comptroller, and the Assistant Commissioner for Administration, in the order named, are designated by the Commissioner to act in his place and stead in the event of his absence or inability to act, having the title of "Acting Commissioner" with all the powers, duties, and rights conferred on the Commissioner by the National Housing Act, as amended by Reorganization Plan No. 3 of 1947, by any other act of Congress or by any Executive order.

Part 200 is amended by adding a new § 200.52a as follows:

### § 200.52a Associate Deputy Commissioner for Operations and Deputy.

To the position of Associate Deputy Commissioner for Operations and under his general supervision to the position of Deputy to the Associate Deputy Commissioner for Operations there is delegated the following basic authority and functions:

(a) To act with the Commissioner in the determination of basic policy and to be a member of the Executive Board.

(b) To be responsible for the direction of the insurance of mortgages and property improvement loans, for the servicing of insured mortgages, and for the management and disposition of properties acquired in connection with the settlement of insurance claims.

(c) To develop and recommend policies and establish operating plans, technical standards, and procedures for all program operations.

(d) To be responsible to the Commissioner for coordination and general supervision of the Offices of Assistant Commissioner for Property Disposition, Assistant Commissioner for Home Mortgages, Assistant Commissioner for Technical Standards, Assistant Commissioner for Multifamily Housing, and the Zone Operations Commissioners and to direct all field operations.

(e) To approve or disapprove the erroneous or inadvertent noncollection or refund of fees.

(f) To take any action authorized to be taken by any office or division within his jurisdiction.

Part 200 is amended by adding a new § 200.52b as follows:

### § 200.52b Associate Deputy Commissioner for Management.

To the position of Associate Deputy Commissioner for Management there is delegated the following basic authority and functions:

(a) To act with the Commissioner in the determination of basic policy and to be a member of the Executive Board.

(b) To be responsible to the Commissioner for a comprehensive program of financial and administrative management and for the audit, examination, and compliance activities of the Federal Housing Administration.

(c) To be responsible to the Commissioner for coordination and general supervision of the Offices of Assistant Commissioner for Administration; Assistant Commissioner-Comptroller; and Director, Audit and Examination.

(d) To take any action authorized to be taken by any office or division within his jurisdiction.

Section 200.54 is revoked as follows:

### § 200.54 Assistant Commissioner for Field Operations and Deputy.

[Revoked]

In § 200.55 paragraph (a) is amended to read as follows:

§ 200.55 Zone Operations Commissioners and Deputies.

* * * * *

(a) To direct the execution, under the policies and standards of the Federal Housing Administration, of all program activities delegated to the insuring offices under his jurisdiction.

Part 200 is amended by adding a new § 200.55a as follows:

§ 200.55a Assistant Commissioner for Home Mortgages.

To the position of Assistant Commissioner for Home Mortgages there is delegated the following basic authority and functions:

(a) To act with the Commissioner in the determination of basic policy and to be a member of the Executive Board.

(b) To develop and recommend policies and establish operating plans and procedures for the insurance of home mortgages and property improvement loans.

(c) To approve or cancel the approval of financial institutions as approved mortgagees.

(d) To issue or cancel contracts of insurance under Title I of the National Housing Act and transfer such contracts and the rights and benefits accruing thereunder between lending institutions, and to supervise activities in connection with the Certified Agency Program and to designate, qualify and certify approved mortgagees as agents of the Federal Housing Administration to process mortgage insurance applications and issue commitments for insurance.

(e) To exercise the authority of the Commissioner under the regulations governing the insurance of loans under section 2 of Title I of the National Housing Act in any instance which is subject to the approval of the Commissioner.

(f) To reject or accept for insurance loans or advances of credit made under the provisions of section 2 of Title I of the National Housing Act that require the prior approval of the Federal Housing Commissioner.

(g) To institute precautionary measures with respect to any dealer or contractor operating under the provisions of section 2 of Title I of the National Housing Act.

(h) To direct and supervise surveys of Title I lending institutions to assure compliance with established policies and terms of insurance contracts.

Section 200.56 is redesignated as § 200.84b and reads as follows:

§ 200.84b Field Office Directors, Deputies, and Assistants.

To the position of Field Office Director, and to each of them; and to the position of Deputy Field Office Director, and to each of them under the general supervision of the Field Office Director having jurisdiction; and to the position of Assistant Field Office Director, and to each of them under the general supervision of the Field Office Director having jurisdiction there is delegated the basic authority and function to direct and supervise all activities of the Federal Housing Administration in the geographical area under his jurisdiction.

Section 200.57 is amended to read as follows:

§ 200.57 Assistant Commissioner for Multifamily Housing.

To the position of Assistant Commissioner for Multifamily Housing there is delegated the following basic authority and functions:

(a) To act with the Commissioner and under his direction in the determination of basic policy and be a member of the Executive Board.

(b) To develop and recommend policies and establish operating plans and procedures for the insurance and servicing of multifamily housing mortgages, multifamily housing rehabilitation loans and equity investments in multifamily housing.

(c) To be responsible for coordination and general supervision of the Rental Housing Division, the Urban Renewal Division, the Cooperative Housing Division, the Special Assistants for elderly housing, nursing homes, and armed services housing, the Multifamily Housing Representatives, and the Zone I Multifamily Housing Insuring Office.

(d) To approve the sale and terms of sale of mortgages taken as security in connection with the sale of property conveyed to the Federal Housing Commissioner and to approve the modification in the terms of and authorize the foreclosure of insured mortgages and mortgages assigned to the Commissioner in exchange for debentures.

(e) To exercise the authority of the Commissioner as holder of the preferred stock in any corporation or under any regulatory agreement or other agreement made for the purpose of controlling or regulating a housing project on which there is a mortgage held or insured by the Commissioner.

(f) To take any action authorized to be taken by any office or division within his jurisdiction.

Section 200.61 is redesignated as § 200.84c and reads as follows:

§ 200.84c Director of the Zone Multifamily Housing Insuring Office.

To the position of Director of the Zone Multifamily Housing Insuring Office there is delegated the following duties and functions:

(a) To direct multifamily housing mortgage insurance operations and project mortgage servicing operations in the State of New York and to provide advice, guidance, and assistance on multifamily housing to other insuring offices in Zone I.

In § 200.62 paragraph (b) is amended to read as follows:

§ 200.62 Assistant Commissioner for Technical Standards and Deputy.

* * * * *

(b) To be responsible for coordination and general supervision of the Architectural Standards Division and the Appraisal and Mortgage Risk Division comprising the functions of establishing and maintaining standards, methods, procedures and techniques in the areas of architecture and engineering, construction cost, land planning, mortgage credit, valuation, the selection and rating of mortgage risk and the provision of technical advice and guidance in these fields to all organizational elements of the Administration.

In § 200.67 the introductory paragraph is amended to read as follows:

§ 200.67 Director of the Program Division and Deputy.

To the position of Director of the Program Division and under his general supervision to the position of Deputy Director of the Program Division there is delegated the following basic authority and functions:

In § 200.68 paragraph (h) is amended to read as follows:

§ 200.68 Assistant Commissioner for Administration and Deputy.

* * * * *

(h) To develop, review, evaluate, and recommend organizational structure, delegations of authority, and distribution of functions.

In § 200.73 paragraphs (a) and (b) are amended and a new paragraph (c) is added as follows:

§ 200.73 Director, Audit and Examination.

* * * * *

(a) To be responsible for the coordination and general supervision of the Audit Division and Examination Division comprising the following functions:

* * * * *

(b) To determine noncompliance with statutes, including the criminal statutes, rules, regulations, policies, procedures and instructions governing FHA operations and participants in FHA programs; to direct remedial action; and to clear, expedite, coordinate and provide liaison with respect to investigation requests to, and investigative reports from, the Office of the Administrator, Housing and Home Finance Agency.

(c) To act with the Commissioner and under his direction in the determination of basic policy and be a member of the Executive Board.

In § 200.77 paragraphs (a), (c), (d), and (o) are amended to read as follows:

§ 200.77 Assistant Commissioner-Comptroller and Deputy.

* * * * *

(a) To be responsible for coordination and general supervision of the Procedures Branch, Financial Reports Branch, the Accounting Branch, the Home Property and Mortgage Branch, the Insurance Branch, and the Fiscal Branch.

* * * * *

(c) To devise and establish insurance fiscal servicing, accounting and fiscal procedures and to administer the fiscal policies and activities of FHA; and to provide or cause to be provided under his direction technical advice and guidance to all organizational elements of the FHA in the fields of accounting, elec-

tronic data processing, insurance fiscal servicing and fiscal matters.

(d) To be responsible for the establishment and maintenance of appropriate accounting, fiscal and mortgage insurance controls and for the safeguarding of cash, notes, mortgages, negotiable instruments, checks, securities, debentures, contracts and properties.

* * * * *

(o) To recommend (1) the terms and conditions under which FHA offers to sell purchase money mortgages and assigned mortgage notes to approved mortgagees, (2) upon approval of the recommendation makes offers for the sale of such mortgages and assigned notes, and (3) executes in the name of the Commissioner acceptance of such offers.

In Part 200 a new § 200.84a is added to read as follows:

**§ 200.84a Assistant to the Commissioner, Intergroup Relations.**

To the position of Assistant to the Commissioner, Intergroup Relations, there is delegated the following basic authority and functions:

(a) To act with the Commissioner and under his direction in the determination of basic policy and be a member of the Executive Board.

(b) To be responsible to the Commissioner for advice and assistance with respect to matters affecting minority group housing and recommendation to the Commissioner of policies and procedures with respect to minority group housing.

In Part 200 a new § 200.84d is added to read as follows:

**§ 200.84d Multifamily Housing Representatives.**

To the position of Multifamily Housing Representative, and to each of them, there is delegated the basic authority and functions to provide advice, guidance, and assistance on multifamily housing to the insuring offices within his geographical jurisdiction.

In § 200.85 paragraph (a) is amended to read as follows:

**§ 200.85 Executive Board.**

(a) *Members.* The committee called the Executive Board is comprised of the following members: Commissioner, Chairman; Deputy Commissioner, Vice Chairman; Assistant Commissioner (Executive Officer); Associate Deputy Commissioner for Operations; Associate Deputy Commissioner for Management; General Counsel; Assistant Commissioner for Home Mortgages; Assistant Commissioner for Multifamily Housing; Assistant Commissioner for Technical Standards; Assistant Commissioner for Programs; Assistant Commissioner for Administration; Assistant Commissioner-Comptroller; Assistant Commissioner for Property Disposition; Assistant Commissioner for Congressional Liaison and Public Information; Assistant to the Commissioner, Intergroup Relations; and Director, Audit and Examination.

In § 200.86 paragraph (a) is amended to read as follows:

**§ 200.86 Security Committee.**

(a) *Members.* The Security Committee is comprised of the following members: Personnel Security Officer, Chairman; Assistant Commissioner for Administration, Vice Chairman; and Deputy to the Associate Deputy Commissioner for Operations.

In § 200.87 paragraph (a) is amended to read as follows:

**§ 200.87 Management Improvement Committee.**

(a) *Members.* The Management Improvement Committee is comprised of the following members: Director of Management Division, Chairman; Director of Personnel, Vice Chairman; and one designee of each of the following: Assistant Commissioner-Comptroller; Assistant Commissioner for Multifamily Housing; Assistant Commissioner for Technical Standards; Assistant Commissioner for Home Mortgages; and Director of Budget Division.

In § 200.88 paragraph (a) is amended to read as follows:

**§ 200.88 Property Disposition Committee.**

(a) *Members.* The Property Disposition Committee is comprised of the following members: Deputy Commissioner, Chairman; Associate Deputy Commissioner for Operations; Associate Deputy Commissioner for Management; General Counsel; Assistant Commissioner for Home Mortgages; Assistant Commissioner for Multifamily Housing; Assistant Commissioner for Technical Standards; Assistant Commissioner for Property Disposition; and such other members as the Commissioner shall designate.

In § 200.89 paragraph (a)(1) is amended to read as follows:

**§ 200.89 Substantial Compliance Committee.**

(a) *Members.* (1) The Substantial Compliance Committee is comprised of the following members: Assistant Commissioner-Comptroller, Chairman; Assistant Commissioner for Administration; Assistant Commissioner for Programs; the General Counsel; and the Assistant Commissioner for Home Mortgages, or their designees.

Section 200.96 is amended to read as follows:

**§ 200.96 Field Office Directors, Deputy Directors and Assistant Directors; and Director, Zone Multifamily Housing Insuring Office.**

To the position of Field Office Director, and to each of them; and to the position of Deputy Field Office Director, and to each of them; and to the position of Assistant Field Office Director, and to each of them; and with respect to insurance and servicing of multifamily housing project mortgages to the position of Director, Zone Multifamily Housing Insuring Office, there is delegated the duties and functions as set forth in § 200.95.

In § 200.97 the introductory text and paragraph (b)(2) are amended to read as follows:

**§ 200.97 Associate Deputy Commissioner for Operations and Deputy; Assistant Commissioner for Home Mortgages; Zone Operations Commissioners and Deputies; and the Assistant Commissioner for Multifamily Housing and Division Directors under his supervision.**

To the positions of Associate Deputy Commissioner for Operations and his Deputy; and as they apply to home mortgage insurance operations to the positions of Assistant Commissioner for Home Mortgages; Zone Operations Commissioner, and to each of them; and Deputy Zone Operations Commissioner, and to each of them; and as they apply to multifamily housing mortgages to the position of Assistant Commissioner for Multifamily Housing, and to the position of Division Director, and to each of them under his supervision, there is delegated the following duties and functions:

* * * * *

(b) * * *

(2) To the positions in this section there are delegated the duties and functions as set forth in § 200.95.

Section 200.100 is revoked as follows:

**§ 200.100 Assistant Commissioner for Multifamily Housing Operations and Directors under his supervision.**

[Revoked]

In § 200.102 the introductory text is amended to read as follows:

**§ 200.102 Associate Deputy Commissioners; General Counsel; Assistant Commissioners; and Director, Audit and Examination.**

To the position of Associate Deputy Commissioner, and to each of them; to the position of General Counsel; to the position of Assistant Commissioner; and to each of them; and to the position of Director, Audit and Examination, in addition to the authority granted under the provisions of Section 204(g) of the National Housing Act, there is delegated the following duties and functions:

Section 200.103 is amended to read as follows:

**§ 200.103 Division Directors and their superiors; the General Counsel; Field Office Directors, Deputies, and Assistants, and others.**

To the position of Associate Deputy Commissioner for Operations and his Deputy, Associate Deputy Commissioner for Management, Assistant Commissioner and Deputy Assistant Commissioner, Special Assistant and Deputy Special Assistant, Assistant to the Commissioner, Defense Coordinator, General Counsel and Associate General Counsel, Division Director and Deputy Division Director, Zone Operations Commissioner and Deputy Zone Operations Commissioner, Field Office Director, Deputy Field Office Director, Assistant Field Office Director, Director of the Zone Multifamily Housing Insuring Office, and Zone Multifamily Housing Representative and to each of them, there is

delegated the duty and function to certify that official long distance telephone calls made were necessary in the interest of the Government, pursuant to 31 U.S.C. 680a (Section 4 of the Act approved May 10, 1939, 53 Stat. 738).

In § 200.106 paragraph (a) is amended to read as follows:

**§ 200.106 Associate Deputy Commissioner for Operations and Deputy; Associate Deputy Commissioner for Management; Zone Operations Commissioners; Directors, Deputy Directors, Assistant Directors, and Administrative Officers and Chief Clerks in FHA Field Offices; Assistant Commissioner for Administration; Director of Personnel; and Deputy Director of Personnel.**

(a) To the Associate Deputy Commissioner for Operations; Deputy to Associate Deputy Commissioner for Operations; Associate Deputy Commissioner for Management; Zone Operations Commissioners; Directors, Deputy Directors, Assistant Directors, Administrative Officers, and Chief Clerks in FHA Field Offices; the Assistant Commisisoner for Administration; the Director of Personnel; and the Deputy Director of Personnel, pursuant to 5 U.S.C. 16a, there is delegated the authority to administer the oath required by section 1757, Revised Statutes, as amended (5 U.S.C. 16) incident to entrance into the executive branch of the Federal government, or any other oath, required by law in connection with employment therein, such oath to be administered without charge or fee and to have the same force and effect as oaths administered by officers having seals.

Issued at Washington, D.C., and effective July 8, 1963.

[SEAL] PHILIP N. BROWNSTEIN,
*Federal Housing Commissioner.*

[F.R. Doc. 63-9846; Filed, Sept. 13, 1963; 8:48 a.m.]

# Proposed Rule Making

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

[ 21 CFR Part 31 ]

### NONALCOHOLIC CARBONATED BEVERAGES

### Soda Water, Artificially Sweetened Carbonated Beverages; Proposed Definitions and Standards of Identity

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 701(e), 52 Stat. 1055, as amended 70 Stat. 919; 21 U.S.C. 371(e)), notice is given that the American Bottlers of Carbonated Beverages, 1128 Sixteenth Street NW., Washington 6, D.C., representing over 58 percent of the bottlers of nonalcoholic carbonated beverages in the United States, has filed a petition proposing definitions and standards of identity for soda water and artificially sweetened carbonated beverages. The proposed standards read as follows:

### PART 31—NONALCOHOLIC CARBONATED BEVERAGES

Sec.



AUTHORITY: §§ 31.1 and 31.10 issued under sec. 701(e), 52 Stat. 1055, as amended 70 Stat. 919; 21 U.S.C. 371(e).

**§ 31.1 Soda water; identity; label statement of optional ingredients.**

(a) Soda water is the class of food which is characterized by its carbonation. It contains at least one atmosphere of carbonation (amount of carbon dioxide a beverage will absorb at atmospheric pressure and 60° F.). It is sweetened with one or more nutritive sweeteners and is flavored with natural flavoring ingredients or artificial flavoring ingredients or both and may be colored with natural or artificial coloring ingredients or both; *Provided, however:*

(1) That soda water, commonly known as club soda, or plain soda, or by similar designations, need not be sweetened, flavored, or colored.

(2) That soda water, designated by a name including any proprietary name provided for in paragraph (d) of this section that includes the word "cola" (spelled as such or by a variant spelling; e.g., "kola") or "pepper," or that bears the prominent label declaration "cola beverage" or "cola-type beverage" or "pepper beverage" or "pepper-type beverage" in immediate association with the name of the food, shall contain caffeine in a quantity not to exceed 0.02 percent by weight.

For the purpose of this paragraph, natural flavoring ingredients are derived from fruits, vegetables, berries, buds, roots, leaves, and similar plant materials.

(b) Soda water may contain optional ingredients as provided in paragraph (c) of this section but any such ingredient shall not be a food additive as defined in section 201(s) of the Federal Food, Drug, and Cosmetic Act unless it is one for which a food additive regulation has been established pursuant to section 409 of the act and it is used in conformity with the requirements of such regulation.

(c) Optional ingredients that may be used in soda water in such proportions as are reasonably required to accomplish their intended effects are:

(1) One or more of the acidifying agents acetic, adipic, citric, fumaric, lactic, l-malic, phosphoric, or tartaric acid.

(2) One or more of the salts or buffering agents consisting of the acetate, bicarbonate, carbonate, chloride, citrate, lactate, phosphate, or sulfate of calcium, magnesium, potassium, or sodium.

(3) One or more of the emulsifying, stabilizing, or viscosity-producing agents brominated edible vegetable oils, carob bean gum, glyceryl abietate (glycerol ester of wood rosin), guar gum, gum acacia, gum tragacanth, lecithin, methylcellulose, mono- and diglycerides of fat-forming fatty acids, pectin, sodium alginate, sodium carboxymethylcellulose, sodium hexametaphosphate, or sorbitol.

(4) One or more of the carriers ethyl alcohol (not in excess of 0.5 percent by volume), glycerin, or propylene glycol.

(5) One or more of the foaming or antifoaming agents ammoniated glycyrrhizin, dimethylpolysiloxane, gum ghatti, licorice or glycyrrhiza, or quillaia extract (soap bark extract, china bark extract).

(6) One or more of the nutrients ascorbic acid or thiamine hydrochloride.

(7) Caffeine, other than as provided for in paragraph (a) of this section, in an amount not to exceed 0.02 percent by weight.

(8) One or more of the chemical preservatives ascorbic acid, benzoic acid, BHA, BHT, calcium disodium EDTA (calcium disodium ethylenediaminetetraacetate), erythorbic acid, methyl or propyl paraben, nordihydroguaiaretic acid, propyl gallate, potassium or sodium benzoate, potassium or sodium bisulfite, potassium or sodium metabisulfite, potassium or sodium sorbate, sorbic acid, sulfur dioxide, stannous chloride, or tocopherols.

(d) The name of each food for which a definition and standard of identity is established by this sections is "_____ soda" or "_____ soda water" or "_____ beverage," the blank being filled in with the word or words that designate the characterizing flavor of the soda water; e.g., "grape soda." However, if the soda water is one that is generally designated by a particular common name; e.g., ginger ale or root beer, that name may be used in lieu of the name prescribed in the first sentence of this paragraph. For the purposes of this section, a proprietary name used as the designation of a particular kind of soda water may likewise be used in lieu of the name prescribed in the first sentence of this paragraph.

(e) Soda water that contains artificial flavoring, artificial coloring, or the optional ingredient authorized by paragraph (c)(7) of this section shall be labeled to show that fact by one of the following statements or a combination of these statements, as appropriate:

"With artificial flavoring" or "artificial flavoring added" or "artificially flavored."

"With artificial color" or "artificial color added" or "artificially colored;" or "(name of color) colored" or "colored with (name of color)."

"With caffeine" or "caffeine added" or "caffeine."

If the soda water, subject to any limitations prescribed in the food additive regulations in Part 121 of this chapter, contains one or more of the optional ingredients authorized by paragraph (c)(8) of this section, which has or is intended to have a preservative effect in the finished beverage, it shall be labeled to show that fact by one of the following statements: "_____ added as a preservative" or "preserved with _____" or "_____ (preservative)," the blank being filled in with the common name of the preservative ingredient.

(f) The statements specified in this paragraph pertaining to artificial flavoring, added coloring or artificial coloring, preservatives, or the optional ingredient authorized by paragraph (c)(7) of this section shall appear on a labeling surface of the product in such manner as to render the statements likely to be read by the ordinary individual under customary conditions of purchase or use of such foods. Where these statements appear, they shall immediately and conspicuously precede or follow the name of the food, without intervening written, printed, or graphic matter, *Provided,* That this restriction does not exclude trademark notices if used. Further, if the soda water contains optional ingredients authorized by paragraph (c)(6) of this section, for which special dietary claims are made, it must be labeled to conform to the labeling requirements prescribed for foods which purport to be or are represented for special dietary usage by the regulations in Part 125 of this chapter.

**§ 31.10 Artificially sweetened soda water; identity; label statement of optional ingredients.**

(a) Artificially sweetened soda water conforms to the definition and standard of identity prescribed for soda water by § 31.1, except that it is sweetened with one or more of the nonnutritive artificial sweeteners calcium cyclamate, magne-

sium cyclamate, potassium cyclamate, sodium cyclamate, saccharin or the calcium, sodium, or ammonium salts of saccharin, and does not contain nutritive sweeteners other than those normally present in flavoring and coloring as provided for by § 31.1(a). Artificially sweetened soda water is labeled to conform to the labeling requirements prescribed for soda water by § 31.1 and to the labeling requirements for foods which purport to be or are represented for special dietary use by the regulations in Part 125 of this chapter.

(b) The name of each artificially sweetened soda water for which a definition and standard of identity is prescribed by this section consists of the words "artificially sweetened," preceded or followed by the name prescribed by § 31.1 for the corresponding kind of soda water sweetened with a nutritive sweetener. The words "artificially sweetened" shall be prominently and conspicuously displayed.

All interested persons are invited to present views and comments, in writing, regarding this proposal. Such comments should be submitted, preferably in quintuplicate, to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., within 60 days from the date of publication of this notice in the FEDERAL REGISTER.

Dated: September 11, 1963.

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

[F. R. Doc. 63-9844; Filed, Sept. 13, 1963; 8:48 a.m.]

# DEPARTMENT OF AGRICULTURE

## Agricultural Marketing Service

## [ 7 CFR Part 984 ]

## EXPENSES OF WALNUT CONTROL BOARD AND RATES OF ASSESSMENT FOR 1963–64 MARKETING YEAR

### Notice of Proposed Rule Making

Notice is hereby given that there is under consideration a proposal regarding expenses of the Walnut Control Board and rates of assessment for the 1963–64 marketing year which began August 1, 1963. The proposal, which is based on the recommendation of the Walnut Control Board and other available information, would be established pursuant to amended Marketing Agreement No. 105 and Order No. 984 (7 CFR Part 984), regulating the handling of walnuts grown in California, Oregon, and Washington, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

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



The proposal is as follows:

**§ 984.315 Expenses of the Walnut Control Board and rates of assessment for the 1963–64 marketing year.**

(a) *Expenses.* The expenses that are reasonable and likely to be incurred by the Walnut Control Board during the marketing year beginning August 1, 1963, in accordance with § 984.68, will amount to $104,200, and the Board is authorized to incur such expenses.

(b) *Rates of assessment.* The rates of assessment fixed for said marketing year, payable by each handler in accordance with § 984.69, shall be 0.10 cent per pound for merchantable in-shell walnuts and 0.20 cent per pound for merchantable shelled walnuts.

Dated: September 11, 1963.

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

[F.R. Doc. 63-9886; Filed, Sept. 13, 1963; 8:47 a.m.]

# CIVIL AERONAUTICS BOARD

## [ 14 CFR Parts 288, 399 ]

[Docket No. 14749]

## EXEMPTION OF AIR CARRIERS FOR SHORT NOTICE MILITARY CONTRACTS AND STATEMENTS OF GENERAL POLICY

### Notice of Proposed Rulemaking

SEPTEMBER 11, 1963.

Notice is hereby given that the Civil Aeronautics Board is proposing various amendments to Part 288 which exempts air carriers, subject to certain conditions, limitations, and requirements, from sections 401 and 403 of the Federal Aviation Act to enable such carriers to perform services for the military establishment called for on short notice. The principal features of the proposed amendments are explained in the Explanatory Statement below and the text of the proposed rules is attached as well. The rules are proposed under the authority of sections 204(a), 407 and 416 of the Federal Aviation Act, as amended (72 Stat. 743, 766, 771; 49 U.S.C. 1324, 1377, 1386).

Interested persons may participate in the proposed rulemaking through submission of ten (10) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C., 20428. All relevant matter in communications received on or before October 14, 1963, will be considered by the Board before taking action. Upon receipt by the Board, copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 711, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

By the Civil Aeronautics Board.

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

EXPLANATORY STATEMENT

Part 288 provides the exemption authority for air carriers to perform short notice MATS charters in foreign and overseas air transportation and between the 48 contiguous states, on the one hand, and the state of Alaska or Hawaii, on the other. Such authority is conditioned upon the observance of the minimum rates specified in § 288.7 which are also made applicable to all MATS charters to points outside of the 48 contiguous states by § 399.36 of the Board's Policy Statements, governing the grant of individual exemptions for overseas and foreign MATS charters, and § 208.30, which conditions the military certificate authority of supplemental carriers.

In February of this year the Defense Department announced that its international and overseas civil augmentation procurement for fiscal 1964 would be confined entirely to turbine-powered aircraft except in areas where that would not be operationally or economically feasible. Since turbine-powered aircraft are generally more efficient than piston aircraft, the Department requested the Board to re-examine the minimum rates and make any adjustment that might be appropriate as a result of the more expanded use of its newer type aircraft.

In accordance with the Defense Department's request, data were informally solicited from the 1963 contractors with respect to their costs of performing MATS charters with turbine aircraft. In addition, those carriers receiving contracts for fiscal 1964 responded to a request for up-to-date data based on the operations they could expect under their 1964 contracts.

The fiscal 1964 contracts, under which the great bulk of the international and overseas MATS charters will be performed, are now in effect and the carriers are operating the services called for pursuant to the exemptions specified in Order E–19742. The contract rates are the same as those now specified in Part 288, but all contracts call for an automatic rate adjustment if the Part 288 minimums are revised.

On the basis of a review of the data submitted by the carriers, the financial reports on file with the Board, the terms of the 1964 contracts and its over-all experience in the regulation of military charters, the Board has tentatively determined that Part 288 should be amended as follows: (1) reduce the level of the minimum rates except with respect to areas where services will continue to be performed exclusively with piston aircraft; (2) revise the minimum utilization of aircraft requirements; (3) provide for minimum charges for mixed passenger-cargo services; (4) authorize the carriers to accommodate extra traffic in any excess capacity on particular flights without applying the unit minimum rate to such extra traffic; (5) provide an exception to the minimum load requirement in certain cases; and (6) add a new exemption to authorize an air carrier to perform another carrier's MATS charter contract.

MINIMUM RATES

The proposed new minimum rates compare with those presently specified in Part 288 as follows:

| | Present | Proposed | Unit |
|---|---|---|---|
| Round-trip passenger | 2.75 | 2.5 | Per passenger-mile. |
| One-way passenger | 4.2 | 4.2 | Do. |
| Round-trip cargo | 12.5 | 11.5 | Per ton-mile. |
| One-way cargo | 21.5 | 21.0 | Do. |
| Convertible cargo | 15.0 | 12.5 | Do. |

Attached hereto as Appendix A [1] are tables showing the cost estimates informally submitted by the carriers together with the adjustments made for purposes of constructing the proposed new minimum rates. There were two adjustments of general significance. Primarily in view of the risks related to the attainment of economical daily aircraft utilization under the contracts, the return element for all carriers has been adjusted upward from 8 to 9 percent, and the utilization factor for most of the route carriers has been adjusted upward so as to equal their 1962 system experience. In addition, Riddle's costs have been adjusted to reflect ownership of its aircraft rather than its actual lease arrangement, in accordance with established policies. Most of the other adjustments were made merely to lower certain costs which appeared to be unreasonably high and to reflect the latest actually experienced cost data.

The investment base recognizes operating property at the depreciated cost as of July 1, 1963, and reflects the adjustment for utilization noted above in the case of the route carriers. Working capital is recognized in an amount equal to one month's cash operating expenses.

*Round-trip passenger rate.* The following table shows the estimated average unit cost per passenger-mile for the eight reporting passenger carriers, and the breakdown for the five route passenger carriers and three supplementals. Appropriate weight is given to each carrier's costs in relation to the value of its contract. The costs for the supplemental carriers are set forth on three bases, i.e., on the basis of their forecast utilization predicated upon the operation of aircraft solely to perform "fixed buy" and guaranteed expansion services under their MATS contracts and on alternative utilizations of 7 and 8 hours, respectively.

UNIT COST PER PASSENGER-MILE IN TURBINE AIRCRAFT

| | Operating expenses | | | | 7 hours | | | 8 hours | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | Forecast | Adjusted | Return | Total | Operating expense | Return | Total | Operating expense | Return | Total |
| Pan American | 2.17 | 2.07 | 0.32 | 2.39 | | | | | | |
| Seaboard | 2.52 | 2.34 | .48 | 2.83 | | | | | | |
| Trans Caribbean | 2.08 | 1.61 | .34 | 1.95 | | | | | | |
| Northwest | 2.33 | 2.20 | .42 | 2.62 | | | | | | |
| Riddle | 3.26 | 2.02 | .56 | 2.58 | | | | | | |
| Weighted average | 2.31 | 2.07 | .38 | 2.45 | | | | | | |
| World | 2.78 | 2.61 | .63 | 3.25 | 2.40 | 0.47 | 2.87 | 2.32 | 0.42 | 2.74 |
| Trans. Int | 2.21 | 2.21 | .59 | 2.80 | 2.12 | .51 | 2.63 | 2.04 | .45 | 2.50 |
| Capital | 2.22 | 2.20 | .82 | 3.02 | 1.88 | .52 | 2.40 | 1.81 | .46 | 2.27 |
| Weighted average | 2.55 | 2.45 | .63 | 3.08 | 2.27 | .49 | 2.76 | 2.19 | .43 | 2.63 |
| Overall weighted average | 2.38 | 2.17 | .45 | 2.63 | [1] 2.13 | [1] .41 | [1] 2.54 | [1] 2.10 | [1] .40 | [1] 2.50 |

[1] Weighted average of route carriers as adjusted and supplemental carriers at 7 or 8 hours utilization, as appropriate.

Testing the proposed new round-trip passenger rate of 2.5¢ per passenger mile against the costs shown above, it is clear that the proposed rate will not provide a return of 9 percent to each carrier. The diversity within the group is such that a 9 percent return to all carriers is impossible. The proposed rate is, however, closely in line with the weighted average cost of the route carriers and would more than cover the operating expenses of each individual route carrier. While it is significantly below the weighted average cost of the supplemental carriers, it would more than cover the operating expenses of two of the three contracting supplemental carriers on the basis of the minimum utilization generated solely by the fixed-buy and guaranteed-expansion operations. It must be assumed, however, that the supplemental carriers will obtain some additional business either through the expansion provisions of their MATS contracts, or civil contracts. Improved utilization factors thus obtained would have a marked effect on their unit costs, and, as shown in the foregoing table, should they obtain a utilization of 8 hours per day, their costs would be in line with those of the route carriers. On an over-all basis, it appears to the Board that the 2.5¢ rate will be reasonable and fair to all carriers.

*One-way passenger rate.* The one-way passenger rate of 4.2¢ per passenger-mile has not been changed. That rate was never based upon the costs of one-way passenger charters as such. Rather, it was established at that level to be competitive with the category A rates applicable in scheduled service. Such category A rates were established on the basis of jet operations and therefore the principal factor supporting a reduction in the round-trip charter minimum does not apply to the one-way rate. The 4.2¢ one-way rate will yield approximately 16 percent less than the reduced round-trip rate. This spread is somewhat greater than would be justified by the costs savings and the availability of backhaul charters.

*Round-trip cargo rate.* The following table shows the estimated unit costs per ton-mile for the three cargo carriers and their weighted average cost:

UNIT COST PER TON-MILE IN TURBINE AIRCRAFT

| | Operating expenses | | Return | Total |
|---|---|---|---|---|
| | Forecast | Adjusted | | |
| Flying Tiger | 11.09 | 9.40 | 2.38 | 11.78 |
| Slick | 8.32 | 8.32 | 2.41 | 10.74 |
| Seaboard | 10.52 | 9.53 | 2.31 | 11.84 |
| Weighted average | 10.26 | 9.09 | 2.39 | 11.48 |

The new round-trip rate of 11.5 cents per ton-mile proposed herein will be in line with the estimated weighted average cost including return and taxes, as well as with the costs of each individual carrier.

*One-way cargo rate.* The new one-way cargo rate of 21 cents per ton-mile will provide a yield equal to 91 percent of the yield of a round-trip flight at the 11.5 cents minimum rate. This may be compared to an 86 percent relationship at the present minimum rates. It appears that most carriers have continued to be generally unsuccessful in obtaining backhaul cargo charters. The 9 percent differential between the round-trip and one-way rate is, therefore, intended to almost approximate the cost savings in flying empty on the backhaul.

Reference to Appendix A and the above table shows that the cargo rates have been constructed with reference only to the costs of operating with CL–44 aircraft. There appears to be some basis for believing that the cost of cargo operations on some B–707 or DC–8 aircraft are somewhat lower. However, since the great bulk of the MATS cargo charters are presently being performed with CL–44's, the costs of operating that aircraft type are the appropriate measure for rate purposes. Of course, our determination herein will not preclude a subsequent adjustment of the cargo rates in the event that jet aircraft should become the predominant aircraft types for the performance of MATS cargo charters.

*Convertible cargo rates.* The proposed new convertible cargo rate of 12.5 cents contains a smaller differential over the round-trip cargo rate than is the case with the present 15 cent rate. The purpose of this differential is to take account of the fact that the need to carry seats or other passenger equipment on the cargo segment of a cargo/passenger round-trip represents a significant loss of cargo capacity. In the case of piston aircraft, the loss is usually around 16–17 percent and approximately the same result would obtain in the CL–44's. However, on B–707 and DC–8 aircraft the capacity loss is less than 5 percent. The 12.5 cents per ton-mile convertible rate reflects a balancing of the capacity loss adjustment factor of both CL–44 and jet aircraft.

[1] Filed as part of the original document.

*Mixed rates.* The proposed amendments would for the first time establish minimum rates for MATS charters carrying a mixture of both passengers and cargo. The proposed minimums for such mixed service are the same as the rates for one-way and round-trip all-passenger service except that we will specify a slightly lower minimum passenger utilization requirement than that applicable to all-passenger charters. This approach is consistent with the approach adopted in Order E–19742 granting exemptions for fiscal 1964 operations. The yield of such rates will be moderately less than the passenger minimum and somewhat higher than the all-cargo minimum. This is consistent with normal cost patterns. Since the spread between yield of the all-passenger minimum and that of the all-cargo minimum is fairly narrow, there appears to be no need for a sliding scale of rates for mixed services as was employed in the exemption order.

*Application of the minimums.* The old minimum rates have not been retained for general application to such piston services as MATS chooses to buy. It does not appear to be feasible or desirable to establish a higher minimum rate for the inferior piston service where it competes with jet service. Moreover, it would not seem desirable to preclude piston operators from meeting the turbine rate if they elect to do so. However, there are some areas, i.e., services within Alaska, service between Pacific Islands, and service to or from the Canal Zone, where piston engine aircraft are usually employed and the normal use of jet aircraft would not be operationally or economically feasible. The proposed rules retain the present rates limited in their application to operations in the few areas just mentioned.

MINIMUM UTILIZATION OF AIRCRAFT

The schedule of minimum utilization of aircraft specified in § 288.7(b) has been amended to cover mixed services, certain new types of equipment, and to revise certain existing specifications in order to produce better plane-mile rate relationships between cargo and passenger services and between aircraft types. All utilization factors specified are within the physical capacity of the aircraft.

DEFICIT TRAFFIC

In the past MATS has always required contractors to transport any load tendered equal to the contract guaranteed available cabin load except when prevented by adverse weather, MATS off-loading, or a cargo flight bulking out before the minimum weight was reached. In such cases the contractor was usually required to bear the expense of providing equivalent alternative transportation for that part of the load that could not be accommodated and was paid the contract price as if the entire guaranteed available cabin load has been transported on the contract flight. The fiscal 1964 contracts relieve the carriers of this burden but provide that MATS will pay only for the load actually accommodated. Such a proviso appears to be reasonable. Since it appears that because of the unusual circumstances carriers may at times be unable to accommodate a load equal to the minimum utilization specified in § 288.7(b), the Board proposes to amend that paragraph to authorize this practice for handling the deficit traffic problem. However, in order to prevent the operation of unduly uneconomic flights, a floor of 10 percent below the § 288.7(b) minimum utilizations has been established for deficit traffic flights.

FREE EXCESS CAPACITY

The fiscal 1964 contracts provide that any part of the guaranteed available cabin load not used by MATS and any usable capacity over the guaranteed available cabin load may be used by the contractor for route support. On the other hand, when usable capacity over the guaranteed available cabin load is not used by the contractor for route support, the contract calls for such capacity to be made available to MATS without charge. Since this would result in less than the minimum unit rates specified in § 288.7(a) being applied to the traffic carried in such excess capacity, the Board proposes to amend that paragraph so as to permit this new practice. To do so is in accord with the usual concept of a charter that the charterer hires the entire plane and is entitled to use the entire payload available. Moreover, the route support concession to the carrier would appear to make this new practice beneficial from the point of view of the carrier as well as MATS.

SUBSTITUTE SERVICE

The Board originally promulgated the blanket exemption authority for short notice MATS charters in Part 288 largely in recognition of the difficulty involved in processing an individual exemption application in so short a period of time. The same difficulty is presented in cases where an air carrier seeks authority to perform a MATS charter for another air carrier unable to meet its MATS contract because of emergency circumstances. The number of eleventh-hour requests for exemption authority to perform such substitute service filed with the Board suggests the need to promulgate an additional blanket exemption. Accordingly, the Board proposes to add a new definition of "substitute service" to § 288.1 and to amend §§ 288.2 and 288.6 so as to extend the § 288.5 exemptions to substitute service.[2] In addition, the reporting requirements of § 288.8 have been amended to cover substitute service as well as short notice MATS charters.

The exemption for substitute service has been limited to instances where such service is not to be performed for a longer period than three weeks. This is to prevent the exemptions from being used as an authorization for long-term subcontract services. Of course, if a carrier needs a substitute on an emergency basis for a period longer than three weeks, this exemption may be used for the immediate authority and an application for an individual exemption may be filed for authority to perform beyond the three week limitation.

The minimum rates established for substitute service are those that the prime contractor would have received had it performed in accordance with its contract. In other words, a carrier performing substitute service in an aircraft larger than that called for in the contract may be compensated at the lesser compensation applicable to the contract aircraft. Also, substitute service performed on only one leg of a round-trip flight may be compensated at the round-trip rather than the one-way rate.

*CRAF requirements and effective date.* Finally, minor clarifying changes in the references to the CRAF program in §§ 288.2 and 288.5, as well as § 399.36(a) of the Board's policy statements, are proposed.

In addition the Board wishes to place interested persons on notice that it contemplates making any revised minimums ultimately decided upon effective October 1, 1963. While it is doubtful that the issues involved in this proceeding will be finally resolved by that date, there would seem to be no reason why any revisions ultimately decided upon should not be made effective on October 1, so long as the industry has sufficient notice to guide its operations accordingly. It appears to be in the public interest for the benefits of any revisions to be made available to the Government and the carriers as early as possible, and the Board is tentatively of the opinion that the October 1 date would be reasonable to all.

It is proposed to amend Part 288 of the Economic Regulations (14 CFR Part 288), and Part 399, Statements of General Policy (14 CFR Part 399) as follows:

1. Amend the title of the part to read: Part 288—Exemption of Air Carriers for Short Notice Military Contracts and Substitute Service.

2. Amend § 288.1 by adding immediately after the definition of "Short notice MATS charter service" and immediately before the definition of "Supplemental air carrier" a new definition of "Substitute service" to read as follows:

"Substitute service" means the performance by an air carrier of foreign or overseas air transportation, or air transportation between the 48 contiguous States, on the one hand, and the State of Alaska or Hawaii, on the other hand, in planeload lots pursuant to an agreement with another air carrier to fulfill such other air carrier's contractual obligation to perform such air transportation for MATS and when the performance of such air transportation is not to take place during a period longer than three weeks.

3. Amend § 288.2 to read as follows:

**§ 288.2 Applicability.**

This part applies to substitute service and short notice MATS charter service by air carriers holding economic authority from the Board to provide air trans-

[2] The Board intends to amend the interim certificates of the supplemental carriers to provide similar authority.

portation of persons and/or property by the use of large aircraft and which have contractually committed their CRAF aircraft to the Department of Defense: *Provided,* That, in the case of short notice MATS charter service, the award contains or is accompanied by a written statement of the military establishment that such award is for transportation necessary to fulfill unforeseen military requirements as to which time is of the essence.

4. Amend § 288.5 to read as follows:

**§ 288.5 Exemption.**

(a) Subject to the provisions of this part and the conditions imposed, air carriers holding authority from the Board to engage in air transportation of persons and/or property by the use of large aircraft and which have contractually committed their CRAF aircraft to the Department of Defense are hereby exempted from the following provisions of Title IV of the Federal Aviation Act of 1958, as amended, and the Board's Economic Regulations:

Section 403 of the Act; Part 221 of the Regulations.

(b) Subject to the provisions of this part and the conditions imposed, air carriers, other than supplemental air carriers, holding authority from the Board to engage in air transportation of persons and/or property by the use of large aircraft and which have contractually committed their CRAF aircraft to the Department of Defense are hereby exempted from the following provisions of Title IV of the Federal Aviation Act of 1958, as amended, and the Board's Economic Regulations:

Section 401(a) of the Act; Part 202 of the Regulations; Part 207 of the Regulations.

5. Amend § 288.6 to read as follows:

**§ 288.6 Scope of exemption.**

The exemptions granted in § 288.5 of this part extend only to transportation of persons and/or property under agreements for short notice MATS charter service as defined herein, where the award contains, or is accompanied by, the written statement set forth in the proviso to § 288.2, and to substitute service as defined herein. This authority is in addition to all other authority to engage in air transportation issued by the Board to any air carrier and will not be construed as in any manner limiting such other authority.

6. Amend paragraphs (a), (b) and (c) of § 288.7 to read as follows:

**§ 288.7 Reasonable level of compensation.**

It shall be a condition on the exemptions granted by this part that the level of compensation for transportation provided for short notice MATS charter service and substitute service shall not be uneconomically low.

(a) *Minimum charges.* (1) In the absence of specific Board approval and except as provided in subparagraphs (2) and (3) of this paragraph, the compensation for such services shall not be less than the following: (i) For round-trip passenger and mixed passenger-cargo services—2.5 cents per passenger-mile. (ii) For round-trip cargo service—11.5 cents per cargo ton-mile. (iii) For one-way passenger and mixed passenger-cargo services—4.2 cents per passenger-mile. (IV) For one-way cargo services—21.0 cents per cargo ton-mile: *Provided,* That a minimum of 12.5 cents per cargo ton-mile shall apply to segments of round trips on which cargo is carried in cases where passengers are carried on one or more other segments of the round trip: *Provided further,* That, subject to the provisions of paragraph (b) of this section, the minimum rates specified above shall not be applicable to the passengers or cargo carried on a particular trip in excess of the amount that the contract calls for MATS to supply and the carrier to provide space.

(2) In the case of services being performed within the State of Alaska, between islands in the Pacific, or to or from the Canal Zone, the compensation shall not, in the absence of specific Board approval, be less than the following: (i) For round-trip and mixed passenger-cargo services—2.75 cents per passenger-mile. (ii) For round-trip cargo services—12.5 cents per cargo ton-mile. (iii) For one-way passenger and mixed passenger-cargo services—4.2 cents per passenger-mile. (iv) For one-way cargo services—21.5 cents per cargo ton-mile: *Provided,* That a minimum of 15.0 cents per cargo ton-mile shall apply to segments of round trips on which cargo is carried, in cases where passengers are carried on one or more other segments of the round trip: *Provided further,* That, subject to the provisions of paragraph (b) of this section, the minimum rates specified above shall not be applicable to passengers or cargo carried on a particular trip in excess of the amount that the contract calls for MATS to supply and the carrier to provide space.

(3) The compensation for substitute service shall not be less than that which the prime contractor would have received under his contract with MATS.

(b) *Minimum utilization of aircraft.* The minimum charges established by paragraph (a) (1) and (2) of this section shall be deemed economic only when the resulting revenues are at least the equivalent of such charges applied to the following minimum loads:

| Aircraft type | Number of passengers | | Tons of cargo | |
|---|---|---|---|---|
| | All-passenger flights | Mixed flights | All-cargo flights | Convertible flights |
| B-707-320C | 165 | 163 | 32.50 | 30.00 |
| DC-8F | 165 | 163 | 32.50 | 30.00 |
| B-707 (other) | 159 | | | |
| DC-8 (other) | 149 | | | |
| CL-44 | 148 | 144 | 29.35 | 27.00 |
| L-1649A | 95 | 91 | 18.00 | 15.00 |
| L-1049-C/E/G/H | 95 | 91 | 18.00 | 15.00 |
| DC-7-B/C/CF/F | 95 | 91 | 18.00 | 15.00 |
| L-1049A | 88 | 81 | 15.00 | 12.00 |
| DC-7 | 88 | 81 | 15.00 | 12.00 |
| DC-6-A/B/C | 83 | 73 | 13.00 | 12.00 |
| DC-4 | 60 | 50 | 6.00 | 8.00 |

*Provided,* That compensation equal to the minimum rate applied to the load that actually can be accommodated shall be considered economic whenever a carrier is unable to accommodate a load equal to the minimum specified above, for reasons other than adverse weather, off-loading by MATS, or the bulk of the cargo supplied by MATS, but in no event less than 90 percent of the above minimum loads.

(c) *Round-trip services defined.* For purposes of this section, round-trip services means short notice MATS charter service where (1) passengers and/or cargo are transported on two or more successive revenue flights and the last revenue flight terminates within 250 statute miles of the point of origin of the first revenue flight, (2) the scheduling permits departures within 4 hours after arrival at each point to be served except at one point where the aircraft may be scheduled for departure within 72 hours after arrival, and (3) the air carrier operates en route not more than one ferry flight not exceeding 50 statute miles without compensation and not more than one ferry flight not exceeding 1,500 statute miles for compensation equal to not less than 75 percent of the round-trip cargo rate specified in paragraphs (a) and (b) of this section where only cargo is carried on the other portions of the whole trip and for compensation equal to not less than 75 percent of the round-trip all-passenger rate specified in paragraphs (a) and (b) of this section in all cases where passengers are carried on any other part of the whole trip.

7. Amend § 288.8 to read as follows:

**§ 288.8 Filing of reports.**

(a) *Contents of reports.* Within 10 days of the last flight under each award of a short notice MATS contract or agreement for substituted service performed pursuant to authorization granted by this part, air carriers performing short notice MATS charter service or substitute service shall file with the Board reports covering such operations and containing the following information:

(1) A true copy of the award in the case of short notice MATS charters and, in the case of substitute service, a statement indicating the carrier on behalf of which the service was performed, the type of aircraft called for by the MATS contract, and the date on which it agreed to perform the substitute service;

(2) Number of trips, and date each trip originated;

(3) Origin point, intermediate points (operational and traffic), and destination point of each trip;

(4) Type of aircraft used for each trip;

(5) Aircraft miles (statute) flown on each trip;

(6) Number of passengers and/or tons of cargo carried on each segment of each trip; and

(7) Contract price per pasesnger and/or ton of cargo.

(b) *Filing.* Three copies of the reports shall be filed with the Office of Carrier Accounts and Statistics of the Board.

8. Amend § 399.36(a) to read as follows:

§ 399.36 **Military Air Transport Service charter exemptions.**

* * * * *

(a) Whether the carrier has contractually committed its CRAF aircraft to the Department of Defense.

[F.R. Doc. 63-9854; Filed, Sept. 13, 1963; 8:48 a.m.]

# FEDERAL AVIATION AGENCY

## [ 14 CFR Part 507 ]

[Reg. Docket No. 1948]

## AIRWORTHINESS DIRECTIVES

### Douglas DC3 Series Aircraft

The Federal Aviation Agency has under consideration a proposal to amend Part 507 of the Regulations of the Administrator to include an airworthiness directive for Douglas DC3 Series aircraft. In complying with AD 63-4-1, which pertains to the wing lower attach angles and doublers on DC3 Series aircraft, cracks were found in the upper attach angles and doublers. In order to correct this unsafe condition, this AD requires inspection and replacement of the upper attach angles and doublers.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, Room A-103, 1711 New York Avenue N.W., Washington 25, D.C. All communications received on or before October 15, 1963, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

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

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 501 (14 CFR Part 507), by adding the following airworthiness directive:

DOUGLAS. Applies to all DC3 Series including military type C-47, C-47A, C-47B, C-48, C-48A, C-49, C-49A, C-49B, C-49C, C-49D, C-49J, C-49K, C-50, C-50A, C-50B, C-50C, C-50D, C-51, C-52, C-52A, C-52B, C-52C, C-53, C-53B, C-53C, C-53D, C-68, C-117A, and R4D Series, except R4D-8 aircraft.

Compliance required as indicated.

(a) Unless already accomplished within the last 400 hours' time in service, within the next 50 hours' time in service after the effective date of this AD, inspect the wing upper attach angles on both the outer wing and center section between the front and rear spars for cracks. Use at least a 4-power magnifying glass. Reinspect at periods not to exceed 450 hours' time in service from the last inspection. Replace cracked attach angles before further flight.

(b) At the next wing removal, inspect all wings in the manner specified in (c), and reinspect at intervals not to exceed 8,000 hours thereafter.

(c) At the times specified in (b), the removed wings shall be thoroughly cleaned and inspected as follows:

(1) Inspect the center and outer wing upper attach angle doubler for cracks along the radius of the bent-up flange at the wing attachment point. Conduct the inspection with a 6-power magnifying glass or by dye penetrant.

(2) Inspect the center and outer wing upper attach angles including the areas between the attaching bolt holes for evidence of cracks. Remove all paint to permit inspection with a 6-power magnifying glass or by dye penetrant.

(d) Replace, before further flight, any cracked parts found during the inspection set forth in paragraph (c) with new parts per Douglas Service Bulletin DC-3 No. 262, Reissue No. 1, June 14, 1963.

(e) The proper installation alinement of the attach angles and doublers described in (d) shall be maintained. This shall be accomplished by the use of satisfactory jigs or by FAA approved equivalent means. Douglas jig fixtures P/N's A652-5110506-1-1F2 and A652-5110506-1F2 or P/N's C652-5110500-101-1-1F1 and C652-5110500-101-1F1 or those that meet the criteria of Advisory Circular AC 39-1, are considered to be satisfactory for alinement purposes.

(f) The parts replaced in accordance with paragraph (d) shall be inspected in accordance with the requirements of paragraphs (b) and (c). All uncracked parts which are not replaced shall continue to be inspected per the inspection procedure of (c) with adherence to the previously established inspection schedules for these parts.

(g) Whenever wings are being replaced after modification per (d); whenever spar butt plates on the center and outer wing, the compression angles on the center wing or the waffle plates on the outer wing are being reworked or replaced; or whenever one outer wing is substituted for another, the following tolerances shall be maintained:

(1) Compression angles attached to the corrugations and stringers and the spar cap butt plates of the center wing must be held in place with the wrap around doublers on the attach angle to within plus 0.004 inch/minus 0.000 inch.

(2) Waffle plates attached to the stringers and the spar cap butt plates of the outer wing must be held in place with the wrap around doublers on the attach angle to within plus 0.006 inch/minus 0.000 inch.

NOTE: The tolerances ranges set forth in (g)(1) and (g)(2) will allow a flush to 0.010 interference between the compression angles and plates when the wing is installed. This interference fit assures the most effective distribution of loads across the joint and the maximum service life.

(Douglas Service Bulletin No. 262, Reissue No. 1, June 14, 1963, covers this same subject).

Issued in Washington, D.C., on September 9, 1963.

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

[F.R. Doc. 63-9817; Filed, Sept. 13, 1963; 8:45 a.m.]

## [ 14 CFR Part 71 [New] ]

[Airspace Docket No. 63-WA-45]

## CONTROL AREA AND REPORTING POINTS

### Proposed Alteration

Notice is hereby given that the Federal Aviation Agency (FAA) is considering amendments to Part 71 [New] of the Federal Aviation Regulations. As parts of these proposals relate to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices. The substance of these proposals is stated below.

Applicability of International Standards and Recommended Practices, by the Air Traffic Service, FAA, in areas outside domestic airspace of the U.S. is governed by Article 12 and Annex 11 to the Convention on International Civil Aviation (ICAO), which pertains to the establishment of air navigation facilities and services necessary to promoting safe, orderly and expeditious flow of civil air traffic. Its purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its standards and recommended practices. As a contracting state, the U.S. agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

Control 1447 is presently designated as that airspace southwest of New Orleans, La., bounded by a line beginning at latitude 29°22'30" N., longitude 91°05'00" W., to latitude 29°15'00" N., longitude 91°05'00" W., to latitude 29°15'00" N., longitude 90°36'15" W., to latitude 28°15'00" N., longitude 91°17'45" W., to latitude 28°15'00" N., longitude 92°21'45" W., to point of beginning, excluding the portion below 2,500 feet MSL.

The Federal Aviation Agency has under consideration alteration of Control

1447 to include the airspace south of New Orleans between Control 1447 and Control 1216. This would provide controlled airspace for the proposed relocation of Bravo and Charlie routes between New Orleans and Tampico and Tuxpan, Mexico, based on the Grand Isle, La., radio beacon in lieu of the New Orleans radio beacon. Recent flight checks indicate that the New Orleans radio beacon, from a safety of flight standpoint, is inadequate for operations along these routes except under ideal meteorological conditions and that the Grand Isle radio beacon would provide more reliable navigational guidance. This would also provide more direct routing for international flights operating between New York and Mexico.

These routes would extend through the northwest portion of W–92 and would be used only when W–92 is not in use. When W–92 is in use, a bypass route would be designated from latitude 25°19′ N., longitude 93°39′ W. (intersection of Charlie route) through latitude 27°34′ N., longitude 92°02′ W. (intersection of Bravo route) to the New Orleans radio beacon based on the 214° True bearing from this beacon.

The bearings for the revised route Bravo would be 227° True from Grand Isle radio beacon and 044° True from Tampico. Route Charlie would be 220° True from Grand Isle radio beacon and 038° True from the Tuxpan radio beacon. The Brim intersection would be redesignated at latitude 28°15′ N., longitude 91°13′ W., Catfish Intersection at latitude 28°15′ N., longitude 90°58′ W. Also a new intersection for the bypass route would be designated at latitude 28°15′ N., longitude 91°35′ W. Alpha route would be realigned on the 188° True bearing from the Galveston, Tex., radio beacon, a change of 3°, to provide a more direct route.

Control 1447 would be redesignated as that airspace southwest of New Orleans bounded by a line beginning at latitude 29°22′30″ N., longitude 91°05′00″ W., to latitude 29°15′00″ N., longitude 91°05′00″ W., to latitude 29°15′00″ N., longitude 90°15′00″ W., to latitude 28°15′00″ N., longitude 90°15′00″ W., to latitude 28°15′00″ N., longitude 92°21′45″ W., to point of beginning, excluding the portion below 2,500 feet MSL.

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, D.C., 20553. 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, D.C., 20553.

This amendment is proposed under sections 307(a), and 1110, 72 Stat. 749 and 800; 49 U.S.C. 1348 and 1510, and Executive Order 10854, 24 F.R. 9565.

Issued in Washington, D.C., on September 9, 1963.

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

[F.R. Doc. 63–9818; Filed, Sept. 13, 1963; 8:45 a.m.]

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## [ 14 CFR Part 71 [New] ]

[Airspace Docket No. 63–WE–2]

## CONTROL ZONE AND TRANSITION AREAS

### Proposed Alteration

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

The following controlled airspace is presently designated in the Lemoore, Calif., terminal area:

1. The Lemoore control zone is designated within a 5-mile radius of NAS Lemoore; within 2 miles either side of the NAS Lemoore TACAN 356° and 156° True radials extending from the 5-mile radius zone to 8 miles north and 9 miles southeast of the TACAN, and within 2 miles either side of the extended centerline of runway 32R extending from the 5-mile radius zone to 7 miles northwest of runway 32R.

2. The Lemoore transition area is designated as that airspace extending upward from 1,200 feet above the surface bounded on the north by V–230, on the east by V–23, on the south by latitude 36°00′00″ N., and on the west by V–107; that airspace south of latitude 36°00′00″ N. within 5 miles either side of the NAS Lemoore TACAN 191° and 132° True radials, extending to V–107 and V–23, respectively. That airspace south of latitude 36°00′00″ N. extending upward from 6,000 feet MSL bounded on the east by V–23, on the south by V–248, and on the west by V–107, excluding the airspace 5 miles either side of the NAS Lemoore TACAN 191° and 132° True radials.

3. That portion of the Priest, Calif., transition area bounded on the east by Victor 107, and on the south by latitude 35°55′00″ N.

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

1. Alter the Lemoore control zone by redesignating it to comprise that airspace within a 6-mile radius of NAS Lemoore (latitude 36°20′00″ N., longitude 119°57′04″ W.); within 2 miles each side of the Lemoore TACAN 336° and 356° True radials, extending from the 6-mile radius zone to 8 miles northwest and north of the TACAN, and within 2 miles each side of the Lemoore TACAN 156° True radial, extending from the 6-mile radius zone to 8 miles southeast of the TACAN.

2. Alter the Lemoore transition area by redesignating it to comprise that airspace extending upward from 700 feet above the surface within a 10-mile radius of the NAS Lemoore TACAN; and that airspace extending upward from 1,200 feet above the surface bounded on the east by a line extending from latitude 36°46′00″ N., longitude 120°03′50″ W., to latitude 36°37′00″ N., longitude 119°56′-00″ W., to latitude 36°37′00″ N., longitude 119°44′10′ W., thence south along the west boundary of Victor 23 to longitude 119°30′00″ W., thence to latitude 35°43′50″ N., longitude 119°30′00″ W., on the south by latitude 35°43′50″ N., on the west by Victor 485 south of the Priest, Calif., VOR and Victor 113 north of the Priest VOR, and on the north by Victor 230.

3. Alter the Priest, Calif., transition area to exclude the portion which would coincide with the Lemoore transition area as proposed for alteration herein.

The floors of the airways that would traverse the proposed transition area for NAS Lemoore would automatically coincide with the floor of the transition area.

The actions proposed herein, would, in part, increase the over-all size of the NAS Lemoore control zone by enlarging the radius area from 5 to 6 miles. This expansion of the NAS Lemoore control zone would eliminate the requirement for designating numerous short control zone extensions to provide protection for aircraft executing prescribed instrument approach and departure procedures at NAS Lemoore. The length of the existing control zone extension based on the Lemoore TACAN 156° True radial would be reduced from 9 to 8 miles. The portion of the Lemoore transition area proposed with a floor of 700 feet above the surface would provide the additional controlled airspace required for the protection of aircraft executing prescribed NAS Lemoore instrument approach, departure and radar vectoring procedures.

The portion of the proposed Lemoore transition area southwest of Fresno, Calif., would provide protection for aircraft executing the higher altitude portions of prescribed Fresno Airport instrument approach and departure procedures. The portion of the Lemoore transition area which is presently designated with a floor of 6,000 feet MSL does not provide adequate protection for aircraft executing prescribed instrument holding, approach, departure and radar vectoring procedures within the Lemoore terminal area. Therefore, the floor of the southern portion of the Lemoore transition area would be lowered to 1,200 feet above the surface.

Portions of the presently designated Lemoore transition area near Fresno and Bakersfield, Calif., which are not included in the proposed transition area will be considered for inclusion in adjoining transition areas which are the subject of other airspace dockets.

Certain minor revisions to prescribed instrument procedures would accompany the actions proposed herein, but operational complexities would not be increased nor would aircraft performance characteristics or established landing minimums be adversely affected. Specific details of the changes to procedures and minimum instrument flight rules altitudes that would be required may be examined by contacting the Chief, Airspace Utilization Branch, Air Traffic Division, Western Region, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles, Calif., 90009.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles, Calif., 90009. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

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

Issued in Washington, D.C., on September 10, 1963.

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

[F.R. Doc. 63-9819; Filed, Sept. 13, 1963; 8:45 a.m.]

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## [ 14 CFR Parts 71, 73 [New] ]

[Airspace Docket No. 63-CE-68]

## RESTRICTED AREA, CONTROLLED AIRSPACE, AND FEDERAL AIRWAY

### Proposed Designation and Alteration

Notice is hereby given that the Federal Aviation Agency is considering amendments to §§ 71.123, 71.165, 71.171 and 73.42 of the Federal Aviation Regulations, the substance of which is stated below.

The Air Force has requested the designation of a restricted area/military climb corridor (RA/MCC) at K. I. Sawyer Air Force Base, Marquette, Mich. This climb corridor would be used by Air Defense Command aircraft engaged in air defense missions, and would provide protection for these and other aircraft operating in the vicinity of K. I. Sawyer Air Force Base during the initial climb phase of air defense missions.

The proposed RA/MCC is consistent with criteria developed by the FAA in consultation with the Air Force.

Should this RA/MCC be designated, it would coincide with a portion of the Marquette, Mich. (K. I. Sawyer AFB) and the Marquette (Marquette County Airport) control zones, the Marquette control area extension and VOR Federal airway No. 470. Accordingly, the descriptions of these designated areas would be altered to refer to the requirement for pilots to obtain prior approval for use of the portions of these areas which would be within the RA/MCC. The using agency would authorize other air traffic to transit the RA/MCC when not in use for air defense purposes.

If these actions are taken, the Marquette, Mich. (K. I. Sawyer AFB), Restricted Area/Military Climb Corridor R-4208 would be designated as follows:

R-4208 Marquette, Mich. (K. I. Sawyer AFB), Restricted Area/Military Climb Corridor.

*Boundaries.* The area centered on the 009° bearing from the N end of Runway 1 at K. I. Sawyer AFB, beginning at a point 2 nautical miles N and extending to a point 32 nautical miles N of the end of the runway, having a width of 1 nautical mile at the beginning and expanding uniformly to a width of 6 nautical miles at the outer extremity.

*Designated altitudes.* Surface to FL 270 from 2 nmi to 5 nmi from end of runway. 3,000 feet MSL to FL 270 from 5 nmi to 6 nmi from end of runway. 4,000 feet MSL to FL 270 from 6 nmi to 8 nmi from end of runway. 6,000 feet MSL to FL 270 from 8 nmi to 11 nmi from end of runway. 9,000 feet MSL to FL 270 from 11 nmi to 17 nmi from end of runway. 14,000 feet MSL to FL 270 from 17 nmi to 26 nmi from end of runway. 20,000 feet MSL to FL 270 from 26 nmi to 32 nmi from end of runway.

*Time of designation.* Continuous.

*Using agency.* K. I. Sawyer AFB Approach Control.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

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

Issued in Washington, D.C., on September 9, 1963.

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

[F.R. Doc. 63-9820; Filed, Sept. 13, 1963; 8:46 a.m.]

# Notices

## DEPARTMENT OF THE TREASURY

### Bureau of Customs

[483.21]

### STANDARD NEWSPRINT PAPER

### Tariff Classification

SEPTEMBER 10, 1963.

The purpose of this notice is to advise interested persons of the standards of specifications descriptive of most standard newsprint papers provided for in Item 252.65, Schedule 2, Subpart B, of the Tariff Schedules of the United States, which are effective as to articles entered, or withdrawn from warehouse, for consumption on or after August 31, 1963.

The test for determining whether a paper is classifiable as standard newsprint paper under Item 252.65 is whether as of the time of its importation the paper is of a class or kind chiefly used in the printing of newspapers.

Chief use is determinable by the use in the United States at, or immediately prior to, the date of importation, in accordance with General Interpretative Rule 10(e)(i) of the General Headnotes and Rules of Interpretation of the Tariff Schedules of the United States, which provides:

10(e) In the absence of special language or context which otherwise requires—(i) A tariff classification controlled by use (other than actual use) is to be determined in accordance with the use of articles of the kind imported into the United States at, or immediately prior to, the date of importation.

The Bureau is presently of the opinion that most papers which conform substantially to the following descriptive specifications:

*Weight:* 500 Sheets each 24 by 36 inches not less than 30 pounds nor more than 35 pounds.

*Size:* Rolls not less than 13 inches wide and 28 inches in diameter. Sheets not less than 20 by 30 inches.

*Thickness:* Not over .0042 inch.

*Sizing:* Time of transudation of water shall be not more than 10 seconds by the ground glass method.

*Ash content:* Not more than 6.5 percent.

*Color and finish:* White; or tinted shades of pink, peach or green in rolls; not more than 50 percent gloss when tested with the Ingersoll glarimeter.

are papers chiefly used in the printing of newspapers in the United States and are, accordingly, classifiable as standard newsprint under Item 252.67 of the Tariff Schedules of the United States so long as the existing conditions of chief use prevail.

As other classes or kinds of standard newsprint paper are imported, additional descriptive specifications will be announced, of which due notice will be given in the FEDERAL REGISTER and in the weekly Treasury Decisions.

Formal adoption of these specifications set out herein will be postponed for a period of 30 days after the publication of this announcement in order to afford interested parties to submit such comments as they consider pertinent.

Consideration will be given to any relevant data, views or arguments pertaining to the correct tariff classification of this merchandise which are submitted to the Bureau of Customs, Washington 25, D.C., in writing. To assure consideration, such communications must be received in the Bureau not later than 30 days from the date of publication of this notice. No hearings will be held.

[SEAL] PHILIP NICHOLS, JR.,
*Commissioner of Customs.*

[F.R. Doc. 63-9808; Filed, Sept. 13, 1963; 8:45 a.m.]

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[AA 643.3-p]

### WHITE PORTLAND CEMENT FROM JAPAN

### Notice That There Is Reason To Believe or Suspect Purchase Price Is Less or Likely To Be Less Than Foreign Market Value

SEPTEMBER 12, 1963.

Pursuant to section 201(b) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)), notice is hereby given that there is reason to believe or suspect, from information presented to me, that the purchase price of white portland cement imported from Japan is less or likely to be less than the foreign market value, as defined by sections 203 and 205, respectively, of the Antidumping Act, 1921, as amended (19 U.S.C. 162 and 164).

Customs officers are being authorized to withhold appraisement of entries of white portland cement from Japan pursuant to section 14.9 of the Customs Regulations (CFR 14.9).

The complaint in this case was received on February 5, 1963, and was made by O'Melveny & Myers, Los Angeles, California, on behalf of the Riverside Cement Company.

[SEAL] PHILIP NICHOLS, JR.,
*Commissioner of Customs.*

[F.R. Doc. 63-9935; Filed, Sept. 13, 1963; 10:29 a.m.]

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### Office of the Secretary

[Dept. Circular, Public Debt Series No. 14-63]

### 3⅞ PERCENT TREASURY BONDS OF 1968

### Offering of Bonds

SEPTEMBER 5, 1963.

I. *Offering of bonds.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions from the people of the United States for bonds of the United States, designated 3⅞ percent Treasury Bonds of 1968:

(1) At 99.35 percent of their face value in exchange for 3¼ percent Treasury Certificates of Indebtedness of Series B-1964, dated May 15, 1963, due May 15, 1964;

(2) At 98.40 percent of their face value in exchange for 4¾ percent Treasury Notes of Series A-1964, dated July 20, 1959, due May 15, 1964; or

(3) At 99.05 percent of their face value in exchange for 3¾ percent Treasury Notes of Series D-1964, dated June 23, 1960, due May 15, 1964.

Interest adjustments as of September 15, 1963, and the cash payments due to the subscriber on account of the issue prices of the new bonds will be made as set forth in section IV hereof. The amount of the offering under this circular will be limited to the amount of eligible securities tendered in exchange and accepted. Delivery of the new bonds will be made on September 18, 1963. The books will be open only on September 9 through September 13, 1963, for the receipt of subscriptions for this issue.

2. In addition to the offering under this circular, holders of the eligible securities are offered the privilege of exchanging all or any part of such securities for 4 percent Treasury Bonds of 1973, or 4⅛ percent Treasury Bonds of 1989-94 (additional issue), which offerings are set forth in Department Circulars, Public Debt Series—Nos. 15-63 and 16-63, respectively, issued simultaneously with this circular.

3. Nonrecognition of gain or loss for Federal income tax purposes. Pursuant to the provisions of section 1037(a) of the Internal Revenue Code of 1954 as added by Public Law 86-346 (approved September 22, 1959), the Secretary of the Treasury hereby declares that no gain or loss shall be recognized for Federal income tax purposes upon the exchange with the United States of the eligible securities enumerated in paragraph one of this section solely for the 3⅞ percent Treasury Bonds of 1968. Section 1031(b) of the Code, however, requires recognition of any gain realized on the exchange to the extent that money is received by the security holder in connection with the exchange. To the extent not recognized at the time of the exchange, gain or loss, if any, upon the obligations surrendered in exchange will be taken into account upon the disposition or redemption of the new obligations.

II. *Description of bonds.* 1. The bonds will be dated September 15, 1963, and will bear interest from the date at the rate of 3⅞ percent per annum, payable on a semiannual basis on May 15 and November 15, 1964, and thereafter on May 15 and November 15 in each year until the principal amount becomes payable. They will mature November 15, 1968, and will not be subject to call for redemption prior to maturity.

2. The income derived from the bonds is subject to all taxes imposed under the Internal Revenue Code of 1954. The bonds are subject to estate, inheritance, gift or other excise taxes, whether Fed-

eral or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The bonds will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer bonds with interest coupons attached, and bonds registered as to principal and interest, will be issued in denominations of $500, $1,000, $5,000, $10,000, $100,000 and $1,000,000. Provision will be made for the interchange of bonds of different denominations and of coupon and registered bonds, and for the transfer of registered bonds, under rules and regulations prescribed by the Secretary of the Treasury.

5. The bonds will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States bonds.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington, D.C., 20220. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. All subscribers requesting registered bonds will be required to furnish appropriate identifying numbers as required on tax returns and other documents submitted to the Internal Revenue Service, i.e., an individual's social security number or an employer identification number.

3. The Secretary of the Treasury reserves the right to reject or reduce any subscription, and to allot less than the amount of bonds applied for; and any action he may take in these respects shall be final. Subject to these reservations, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment for the face amount of bonds allotted hereunder must be made on or before September 18, 1963, or on later allotment, and may be made only in a like face amount of securities of the three issues enumerated in paragraph 1 of section I hereof, which should accompany the subscription. Payment will not be deemed to have been completed where registered bonds are requested if the appropriate identifying number, as required by paragraph 2 of section III hereof, has not been furnished: *Provided, however,* If a subscriber has applied for but is unable to furnish the identifying number by the payment date only because it has not been issued, he may elect to receive, pending the furnishing of the identifying number, interim receipts and in this case payment will be deemed to have been completed. Cash payments due to subscribers, as shown below, will be made in the case of bearer securities following their acceptance and in the case of registered securities following discharge of registration. In the case of registered securities, the payment will be made by check drawn in accordance with the assignments on the securities surrendered, or by credit in any account maintained by a banking institution with the Federal Reserve Bank of its District.

2. 3¼ percent certificates of indebtedness of Series B–1964. Coupons dated November 15, 1963, and May 15, 1964, must be attached to the certificates when surrendered. Accrued interest from May 15 to September 15, 1963 ($10.86277 per $1,000) plus the payment ($6.50 per $1,000) due on account of the issue price of the bonds will be paid to subscribers.

3. 4¾ percent notes of Series A–1964. Coupons dated November 15, 1963, and May 15, 1964, must be attached to the notes in bearer form when surrendered. Accrued interest from May 15 to September 15, 1963 ($15.87636 per $1,000) plus the payment ($16.00 per $1,000) due on account of the issue price of the bonds will be paid to subscribers.

4. 3¾ percent notes of Series D–1964. Coupons dated November 16, 1963, and May 15, 1964, must be attached to the notes in bearer form when surrendered. Accrued interest from May 15 to September 15, 1963 ($12.53397 per $1,000) plus the payment ($9.50 per $1,000) due on account of the issue price of the bonds will be paid to subscribers.

V. *Assignment of registered notes.* 1. Treasury notes in registered form tendered in payment for bonds offered hereunder should be assigned by the registered payees or assignees thereof, in accordance with the general regulations of the Treasury Department governing assignments for transfer or exchange, in one of the forms hereafter set forth, and thereafter should be surrendered with the subscription to a Federal Reserve Bank or Branch or to the Office of the Treasurer of the United States, Washington, D.C., 20220. The notes must be delivered at the expense and risk of the holder. If the new bonds are desired registered in the same name as the notes surrendered, the assignment should be to "The Secretary of the Treasury for exchange for 3⅞ percent Treasury Bonds of 1968"; if the new bonds are desired registered in another name, the assignment should be to "The Secretary of the Treasury for exchange for 3⅞ percent Treasury Bonds of 1968 in the name of _____"; if new bonds in coupon form are desired, the assignment should be to "The Secretary of the Treasury for exchange for 3⅞ percent Treasury Bonds of 1968 in coupon form to be delivered to _____".

VI. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for bonds allotted to make delivery of bonds on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive bonds.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

DOUGLAS DILLON,
*Secretary of the Treasury.*

[F.R. Doc. 63–9847; Filed, Sept. 13, 1963; 8:48 a.m.]

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[Dept. Circular, Public Debt Series No. 15–63]

## 4 PERCENT TREASURY BONDS OF 1973

### Offering of Bonds

SEPTEMBER 5, 1963.

I. *Offering of bonds.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions from the people of the United States for bonds of the United States, designated 4 percent Treasury Bonds of 1973:

(1) At 98.85 percent of their face value in exchange for 3¼ percent Treasury Certificates of Indebtedness of Series B–1964, dated May 15, 1963, due May 15, 1964;

(2) At 97.90 percent of their face value in exchange for 4¾ percent Treasury Notes of Series A–1964, dated July 20, 1959, due May 15, 1964;

(3) At 98.55 percent of their face value in exchange for 3¾ percent Treasury Notes of Series D–1964, dated June 23, 1960, due May 15, 1964;

(4) At 98.85 percent of their face value in exchange for 3¾ percent Treasury Bonds of 1966, dated November 15, 1960, due May 15, 1966;

(5) At 98.20 percent of their face value in exchange for 4 percent Treasury Notes of Series A–1966, dated February 15, 1962, due August 15, 1966;

(6) At 99.60 percent of their face value in exchange for 3⅝ percent Treasury Notes of Series B–1967, dated March 15, 1963, due February 15, 1967; or

(7) At 99.30 percent of their face value in exchange for 3¾ percent Treasury Notes of Series A–1967, dated September 15, 1962, due August 15, 1967.

Interest adjustments as of September 15, 1963, and the cash payments due to the subscriber on account of the issue prices of the new bonds will be made as set forth in section IV hereof. The amount of the offering under this circular will be limited to the amount of eligible securities tendered in exchange and accepted. Delivery of the new bonds will be made on September 18, 1963. The books will be open only on September 9 through September 13, 1963, for the receipt of subscriptions for this issue.

2. In addition to the offering under this circular, holders of all of the eligible securities are offered the privilege of exchanging all or any part of such securities for 4⅛ percent Treasury Bonds of 1989–94 (additional issue), and the holders of the certificates and notes maturing on May 15, 1964, are also offered the privilege of exchanging them for 3⅞ percent Treasury Bonds of 1968, which offerings are set forth in Department Circulars, Public Debt Series—Nos. 16–63 and 14–63, respectively, issued simultaneously with this circular.

3. Nonrecognition of gain or loss for Federal income tax purposes. Pursuant to the provisions of section 1037(a) of the Internal Revenue Code of 1954 as added by Public Law 86–346 (approved

September 22, 1959), the Secretary of the Treasury hereby declares that no gain or loss shall be recognized for Federal income tax purposes upon the exchange with the United States of the eligible securities enumerated in paragraph one of this section solely for the 4 percent Treasury Bonds of 1973. Section 1031(b) of the Code, however, requires recognition of any gain realized on the exchange to the extent that money is received by the security holder in connection with the exchange. To the extent not recognized at the time of the exchange, gain or loss, if any, upon the obligations surrendered in exchange will be taken into account upon the disposition or redemption of the new obligations.

II. *Description of bonds.* 1. The bonds will be dated September 15, 1963, and will bear interest from that date at the rate of 4 percent per annum, payable on a semiannual basis on February 15 and August 15, 1964, and thereafter on February 15 and August 15 in each year until the principal amount becomes payable. They will mature August 15, 1973, and will not be subject to call for redemption prior to maturity.

2. The income derived from the bonds is subject to all taxes imposed under the Internal Revenue Code of 1954. The bonds are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The bonds will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer bonds with interest coupons attached, and bonds registered as to principal and interest, will be issued in denominations of $500, $1,000, $5,000, $10,000, $100,000 and $1,000,000. Provision will be made for the interchange of bonds of different denominations and of coupon and registered bonds, and for the transfer of registered bonds, under rules and regulations prescribed by the Secretary of the Treasury.

5. The bonds will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States bonds.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington, D.C., 20220. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. All subscribers requesting registered bonds will be required to furnish appropriate identifying numbers as required on tax returns and other documents submitted to the Internal Revenue Service, i.e., an individual's social security number or an employer identification number.

3. The Secretary of the Treasury reserves the right to reject or reduce any subscription, and to allot less than the amount of bonds applied for; and any action he may take in these respects shall be final. Subject to these reservations, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment for the face amount of bonds allotted hereunder must be made on or before September 18, 1963, or on later allotment, and may be made only in a like face amount of securities of the seven issues enumerated in paragraph 1 of section I hereof, which should accompany the subscription. Payment will not be deemed to have been completed where registered bonds are requested if the appropriate identifying number, as required by paragraph 2 of section III hereof, has not been furnished: *Provided, however,* If a subscriber has applied for but is unable to furnish the identifying number by the payment date only because it has not been issued, he may elect to receive, pending the furnishing of the identifying number, interim receipts and in this case payment will be deemed to have been completed. Cash payments due to subscribers, as shown below, will be made in the case of bearer securities following their acceptance and in the case of registered securities following discharge of registration. In the case of registered securities, the payment will be made by check drawn in accordance with the assignments on the securities surrendered, or by credit in any account maintained by a banking institution with the Federal Reserve Bank of its District.

2. 3¼ percent certificates of indebtedness of Series B–1964. Coupons dated November 15, 1963, and May 15, 1964, must be attached to the certificates when surrendered. Accrued interest from May 15 to September 15, 1963 ($10.86277 per $1,000) plus the payment ($11.50 per $1,000) due on account of the issue price of the bonds will be paid to subscribers.

3. 4¾ percent notes of Series A–1964. Coupons dated November 15, 1963, and May 15, 1964, must be attached to the notes in bearer form when surrendered. Accrued interest from May 15 to September 15, 1963 ($15.87636 per $1,000) plus the payment ($21.00 per $1,000) due on account of the issue price of the bonds will be paid to subscribers.

4. 3¾ percent notes of Series D–1964. Coupons dated November 15, 1963, and May 15, 1964, must be attached to the notes in bearer form when surrendered. Accrued interest from May 15 to September 15, 1963 ($12.53397 per $1,000) plus the payment ($14.50 per $1,000) due on account of the issue price of the bonds will be paid to subscribers.

5. 3¾ percent bonds of 1966. Coupons dated November 15, 1963, and all subsequent coupons, must be attached to the bonds in bearer form when surrendered. Accrued interest from May 15 to September 15, 1963 ($12.53397 per $1,000) plus the payment ($11.50 per $1,000) due on account of the issue price of the new bonds will be paid to subscribers.

6. 4 percent notes of Series A–1966. Coupons dated February 15, 1964, and all subsequent coupons, must be attached to the notes in bearer form when surrendered. Accrued interest from August 15 to September 15, 1963 ($3.36957 per $1,000) plus the payment ($18.00 per $1,000) due on account of the issue price of the bonds will be paid to subscribers.

7. 3⅝ percent notes of Series B–1967. Coupons dated February 15, 1964, and all subsequent coupons, must be attached to the notes in bearer form when surrendered. Accrued interest from August 15 to September 15, 1963 ($3.05367 per $1,000) plus the payment ($4.00 per $1,000) due on account of the issue price of the bonds will be paid to subscribers.

8. 3¾ percent notes of Series A–1967. Coupons dated February 15, 1964, and all subsequent coupons, must be attached to the notes in bearer form when surrendered. Accrued interest from August 15 to September 15, 1963 ($3.15897 per $1,000) plus the payment ($7.00 per $1,000) due on account of the issue price of the bonds will be paid to subscribers.

V. *Assignment of registered securities.* 1. Treasury notes and bonds in registered form tendered in payment for bonds offered hereunder should be assigned by the registered payees or assignees thereof, in accordance with the general regulations of the Treasury Department governing assignments for transfer or exchange, in one of the forms hereafter set forth, and thereafter should be surrendered with the subscription to a Federal Reserve Bank or Branch or to the Office of the Treasurer of the United States, Washington, D.C., 20220. The securities must be delivered at the expense and risk of the holder. If the new bonds are desired registered in the same name as the securities surrendered, the assignment should be to "The Secretary of the Treasury for exchange for 4 percent Treasury Bonds of 1973"; if the new bonds are desired registered in another name, the assignment should be to "The Secretary of the Treasury for exchange for 4 percent Treasury Bonds of 1973 in the name of _____"; if new bonds in coupon form are desired, the assignment should be to "The Secretary of the Treasury for exchange for 4 percent Treasury Bonds of 1973 in coupon form to be delivered to _____"

VI. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for bonds allotted, to make delivery of bonds on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive bonds.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

DOUGLAS DILLON,
*Secretary of the Treasury.*

[F.R. Doc. 63-9848; Filed, Sept. 13, 1963; 8:48 a.m.]

[Dept. Circular, Public Debt Series No. 16–63]

## 4⅛ PERCENT TREASURY BONDS OF 1989–94

### Offering of Bonds

SEPTEMBER 5, 1963.

I. *Offering of bonds.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions from the people of the United States for bonds of the United States, designated 4⅛ percent Treasury Bonds of 1989–94:

(1) At 98.65 percent of their face value in exchange for 3¼ percent Treasury Certificates of Indebtedness of Series B–1964, dated May 15, 1963, due May 15, 1964;

(2) At 97.70 percent of their face value in exchange for 4¾ percent Treasury Notes of Series A–1964, dated July 20, 1959, due May 15, 1964;

(3) At 98.35 percent of their face value in exchange for 3¾ percent Treasury Notes of Series D–1964, dated June 23, 1960, due May 15, 1964;

(4) At 98.65 percent of their face value in exchange for 3¾ percent Treasury Bonds of 1966, dated November 15, 1960, due May 15, 1966;

(5) At 98.00 percent of their face value in exchange for 4 percent Treasury Notes of Series A–1966, dated February 15, 1962, due August 15, 1966;

(6) At 99.40 percent of their face value in exchange for 3⅝ percent Treasury Notes of Series B–1967, dated March 15, 1963, due February 15, 1967; or

(7) At 99.10 percent of their face value in exchange for 3¾ percent Treasury Notes of Series A–1967, dated September 15, 1962, due August 15, 1967.

Interest adjustments as of September 15, 1963, and the cash payments due to the subscriber on account of the issue prices of the new bonds will be made as set forth in section IV hereof. The amount of the offering under this circular will be limited to the amount of eligible securities tendered in exchange and accepted. Delivery of the new bonds will be made on September 18, 1963. The books will be open only on September 9 through September 13, 1963, for the receipt of subscriptions for this issue.

2. In addition to the offering under this circular, holders of all of the eligible securities are offered the privilege of exchanging all or any part of such securities for 4 percent Treasury Bonds of 1973, and the holders of the certificates and notes maturing on May 15, 1964, are also offered the privilege of exchanging them for 3⅞ percent Treasury Bonds of 1968, which offerings are set forth in Department Circulars, Public Debt Series—Nos. 15–63 and 14–63, respectively, issued simultaneously with this circular.

3. Nonrecognition of gain or loss for Federal income tax purposes. Pursuant to the provisions of section 1037(a) of the Internal Revenue Code of 1954 as added by Public Law 86–346 (approved September 22, 1959), the Secretary of the Treasury hereby declares that no gain or loss shall be recognized for Federal income tax purposes upon the exchange with the United States of the eligible securities enumerated in paragraph one of this section solely for the 4⅛ percent Treasury Bonds of 1989–94. Section 1031(b) of the Code, however, requires recognition of any gain realized on the exchange to the extent that money is received by the security holder in connection with the exchange. To the extent not recognized at the time of the exchange, gain or loss, if any, upon the obligations surrendered in exchange will be taken into account upon the disposition or redemption of the new obligations.

II. *Description of bonds.* 1. The bonds now offered will be an addition to and will form a part of the series of 4⅛ percent Treasury Bonds of 1989–94 which are described in Department Circular, Public Debt Series—No. 11–63, dated May 16, 1963, will be freely interchangeable therewith, and are identical in all respects therewith except that interest on the bonds to be issued under this circular will accrue from September 15, 1963. Subject to the provision for the accrual of interest from September 15, 1963, on the bonds now offered, the bonds are described in the following quotation from Department Circular No. 11–63:

1. The bonds, dated April 18, 1963, bear interest from that date at the rate of 4⅛ percent per annum, payable on a semiannual basis on November 15, 1963, and thereafter on May 15 and November 15 in each year until the principal amount becomes payable. They will mature May 15, 1994, but may be redeemed at the option of the United States on and after May 15, 1989, at par and accrued interest, on any interest day, on 4 months' notice of redemption given in such manner as the Secretary of the Treasury shall prescribe. From the date of redemption designated in any such notice, interest on the bonds called for redemption shall cease.

2. The income derived from the bonds is subject to all taxes imposed under the Internal Revenue Code of 1954. The bonds are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The bonds are acceptable to secure deposits of public moneys.

4. Bearer bonds with interest coupons attached, and bonds registered as to principal and interest, are available in denominations of $500, $1,000, $5,000, $10,000, $100,000, and $1,000,000. Provision has been made for the interchange of bonds of different denominations and of bearer and registered bonds, and for the transfer of registered bonds.

5. If the bonds are owned by a decedent at the time of his death and thereupon constitute a part of his estate, they will be redeemed at par and accrued interest at the option of the representative of the estate: *Provided,* The Secretary of the Treasury is authorized by the decedent's estate to apply the entire proceeds of redemption to payment of the Federal estate taxes on such decedent's estate.

6. The bonds are subject to the general rules and regulations of the Treasury Department, now or hereafter prescribed, governing United States securities.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington, D.C., 20220. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. All subscribers requesting registered bonds will be required to furnish appropriate identifying numbers as required on tax returns and other documents submitted to the Internal Revenue Service, i.e., an individual's social security number or an employer identification number.

3. The Secretary of the Treasury reserves the right to reject or reduce any subscription, and to allot less than the amount of bonds applied for; and any action he may take in these respects shall be final. Subject to these reservations, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment for the face amount of bonds allotted hereunder must be made on or before September 18, 1963, or on later allotment, and may be made only in a like face amount of securities of the seven issues enumerated in paragraph 1 of section I hereof, which should accompany the subscription. Payment will not be deemed to have been completed where registered bonds are requested if the appropriate identifying number, as required by paragraph 2 of section III hereof, has not been furnished: *Provided, however,* If a subscriber has applied for but is unable to furnish the identifying number by the payment date only because it has not been issued, he may elect to receive, pending the furnishing of the identifying number, interim receipts and in this case payment will be deemed to have been completed. Cash payments due from subscribers (paragraphs 7 and 8 below) should accompany the subscription. Cash payments due to subscribers (paragraphs 2 through 6 below) will be made in the case of bearer securities following their acceptance and in the case of registered securities following discharge of registration. In the case of registered securities, the payment will be made by check drawn in accordance with the assignments on the securities surrendered, or by credit in any account maintained by a banking institution with the Federal Reserve Bank of its District.

2. 3¼ percent certificates of indebtedness of Series B–1964. Coupons dated November 15, 1963, and May 15, 1964, must be attached to the certificates when surrendered. Accrued interest from May 15 to September 15, 1963 ($10.86277 per $1,000) plus the payment ($13.50 per $1,000) due to the subscriber on account of the issue price of the bonds will be credited, accrued interest from April 18 to September 15, 1963 ($16.86402 per $1,000) on the bonds to be issued will be charged, and the difference ($7.49875 per $1,000) will be paid to subscribers.

3. 4¾ percent notes of Series A–1964. Coupons dated November 15, 1963, and May 15, 1964, must be attached to the notes in bearer form when surrendered. Accrued interest from May 15 to September 15, 1963 ($15,87636 per $1,000) plus the payment ($23.00 per $1,000) due to the subscriber on account of the issue price of the bonds will be credited, accrued interest from April 18 to September 15, 1963 ($16.86402 per $1,000) on the bonds to be issued will be charged, and

the difference ($22.01234 per $1,000) will be paid to subscribers.

4. 3¾ percent notes of Series D–1964. Coupons dated November 15, 1963, and May 15, 1964, must be attached to the notes in bearer form when surrendered. Accrued interest from May 15 to September 15, 1963 ($12.53397 per $1,000) plus the payment ($16.50 per $1,000) due to the subscriber on account of the issue price of the bonds will be credited, accrued interest from April 18 to September 15, 1963 ($16.86402 per $1,000) on the bonds to be issued will be charged, and the difference ($12.16995 per $1,000) will be paid to subscribers.

5. 3¾ percent bonds of 1966. Coupons dated November 15, 1963, and all subsequent coupons, must be attached to the bonds in bearer form when surrendered. Accrued interest from May 15 to September 15, 1963 ($12.53397 per $1,000) plus the payment ($13.50 per $1,000) due to the subscriber on account of the issue price of the new bonds will be credited, accrued interest from April 18 to September 15, 1963 ($16.86402 per $1,000) on the bonds to be issued will be charged, and the difference ($9.16995 per $1,000) will be paid to subscribers.

6. 4 percent notes of Series A–1966. Coupons dated February 15, 1964, and all subsequent coupons, must be attached to the notes in bearer form when surrendered. Accrued interest from August 15 to September 15, 1963 ($3.36957 per $1,000) plus the payment ($20.00 per $1,000) due to the subscriber on account of the issue price of the bonds will be credited, accrued interest from April 18 to September 15, 1963 ($16.86402 per $1,000) on the bonds to be issued will be charged, and the difference ($6.50555 per $1,000) will be paid to subscribers.

7. 3⅝ percent notes of Series B–1967. Coupons dated February 15, 1964, and all subsequent coupons, must be attached to the notes in bearer form when surrendered. Accrued interest from August 15 to September 15, 1963 ($3.05367 per $1,000) plus the payment ($6.00 per $1,000) due to the subscriber on account of the issue price of the bonds will be credited, accrued interest from April 18 to September 15, 1963 ($16.86402 per $1,000) on the bonds to be issued will be charged, and the difference ($7.81035 per $1,000) must be paid by subscribers.

8. 3¾ percent notes of Series A–1967. Coupons dated February 15, 1964, and all subsequent coupons, must be attached to the notes in bearer form when surrendered. Accrued interest from August 15 to September 15, 1963 ($3.15897 per $1,000) plus the payment ($9.00 per $1,000) due to the subscriber on account of the issue price of the bonds will be credited, accrued interest from April 18 to September 15, 1963 ($16.86402 per $1,000) on the bonds to be issued will be charged, and the difference ($4.70505 per $1,000) must be paid by subscribers.

V. *Assignment of registered securities.* 1. Treasury notes and bonds in registered form tendered in payment for bonds offered hereunder should be assigned by the registered payees or assignees thereof, in accordance with the general regulations of the Treasury Department governing assignments for transfer or exchange, in one of the forms hereafter set forth, and thereafter should be surrendered with the subscription to a Federal Reserve Bank or Branch or to the Office of the Treasurer of the United States, Washington, D.C., 20220. The securities must be delivered at the expense and risk of the holder. If the new bonds are desired registered in the same name as the securities surrendered, the assignment should be to "The Secretary of the Treasury for exchange for 4⅛ percent Treasury Bonds of 1989–94"; if the new bonds are desired registered in another name, the assignment should be to "The Secretary of the Treasury for exchange for 4⅛ percent Treasury Bonds of 1989–94 in the name of _____"; if new bonds in coupon form are desired, the assignment should be to "The Secretary of the Treasury for exchange for 4⅛ percent Treasury Bonds of 1989–94 in coupon form to be delivered to _____".

VI. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for bonds allotted, to make delivery of bonds on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive bonds.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

DOUGLAS DILLON,
*Secretary of the Treasury.*

[F.R. Doc. 63–9849; Filed, Sept. 13, 1963; 8:48 a.m.]

# DEPARTMENT OF JUSTICE

## Office of the Attorney General

[Order No. 305–63]

## JOSEPH F. DOLAN

### Authority To Designate Officers and Employees of the Department of Justice To Perform the Functions of Deputy Marshals in the Northern District of Alabama and To Administer Oaths of Office

SEPTEMBER 11, 1963.

By virtue of the authority vested in me by section 161 of the Revised Statutes, as amended (5, U.S.C. 22), section 360 of the Revised Statutes (5 U.S.C. 311), sections 1 and 2 of Reorganization Plan No. 2 of 1950 (64 Stat. 1261), section 542 of title 28 of the United States Code, section 206 of the Act of June 26, 1943, 57 Stat. 196 (5 U.S.C. 16a), and § 0.15 of title 28 of the Code of Federal Regulations (Departmental Order 271–62, of May 29, 1962, 27 F.R. 5162, 5164), I hereby authorize Joseph F. Dolan, Assistant Deputy Attorney General, to perform the function of authorizing and requiring any officer or employee of the Department of Justice to perform the functions of a United States Deputy Marshal for the Northern District of Alabama, to administer the oath of office required by section 1757 of the Revised Statutes, as amended (5 U.S.C. 16), and to administer any other oath required by law in connection with employment in the executive branch of the Federal Government, in particular the oath required by section 543 of title 28 of the United States Code.

The functions assigned to Joseph F. Dolan and to those officers and employees of the Department of Justice designated by him shall be in addition to the functions presently vested in them.

NICHOLAS DEB. KATZENBACH,
*Deputy Attorney General.*

[F.R. Doc. 63–9884; Filed, Sept. 12, 1963; 1:35 p.m.]

# POST OFFICE DEPARTMENT

## POSTMASTER GENERAL ET AL.

### Delegation of Authority and Line of Succession

The following is the text of Headquarters Circular 63–25 dated September 10, 1963, signed by the Deputy Postmaster General (28 F.R. 7040):

"Pursuant to Postmaster General Order No. 55507, dated January 13, 1954 (19 F.R. 361) whenever the offices of Postmaster General and Deputy Postmaster General are vacant, or during the absences of the Postmaster General and Deputy Postmaster General, authority is hereby delegated to each of the following officers in the order listed, to execute and perform in his own name and title, all powers, functions and duties conferred by law and regulation upon the Deputy Postmaster General, including authority to modify, suspend, or rescind orders, instructions and regulations which have heretofore or which may hereafter be issued in the name of the Postmaster General, or the Deputy Postmaster General, or the officer, who, pursuant to this delegation of authority, exercises the powers, functions and duties of the Deputy Postmaster General:

1. Assistant Postmaster General, Bureau of Operations.
2. Assistant Postmaster General, Bureau of Transportation.
3. Assistant Postmaster General, Bureau of Finance.
4. Assistant Postmaster General, Bureau of Facilities.
5. Assistant Postmaster General, Bureau of Personnel.
6. General Counsel.
7. Chief Postal Inspector.

The right is hereby exclusively reserved in the Postmaster General or the Deputy Postmaster General to modify, suspend or rescind all or any part of the authority delegated to the above listed officers by this order."

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 309, 501)

LOUIS J. DOYLE,
*General Counsel.*

[F.R. Doc. 63-9850; Filed, Sept. 13, 1963; 8:48 a.m.]

# DEPARTMENT OF THE INTERIOR

## Office of the Secretary

[Administrative Management Reg. 6]

## DIRECTOR, OFFICE OF SURVEY AND REVIEW

### Delegation of Authority

SEPTEMBER 4, 1963.

SECTION 1. *Authority.* The Director, Office of Survey and Review, Office of the Administrative Assistant Secretary, is hereby authorized, without power of redelegation, to make the determinations provided for in the Federal Procurement Regulations, Part 1-2.406-3 and Part 1-2.406-4, as follows:

A. In the event of mistake in a responsive bid alleged after opening and before award:

(1) A determination may be made permitting the bidder to withdraw his bid where the bidder requests permission to do so and clear and convincing evidence establishes the existence of a mistake. However, if the evidence is clear and convincing both as to the existence of a mistake and as to the bid actually intended, and if the bid, both as uncorrected and corrected, is the lowest received, a determination may be made to correct the bid and not permit its withdrawal.

(2) A determination may be made permitting the bidder to correct his bid where the bidder requests permission to do so and clear and convincing evidence establishes both the existence of a mistake and the bid actually intended. However, if such correction would result in displacing one or more lower bids, the determination shall not be made unless the existence of the mistake and the bid actually intended are ascertainable substantially from the invitation and bid itself. If the evidence is clear and convincing only as to the mistake, but not as to the intended bid, a determination permitting the bidder to withdraw his bid may be made.

(3) If the evidence does not warrant a determination under subparagraph (1) or (2) of this paragraph, a determination may be made that a bidder may neither withdraw nor correct his bid.

B. In the event a mistake in a contractor's bid is not discovered until after the award:

(1) A determination may be made to rescind a contract where the original contract price does not exceed $1,000.

(2) A determination may be made to reform a contract, irrespective of amount, (i) to delete the item or items involved in the mistake where such deletion does not reduce the contract price by more than $1,000, or (ii) to increase the price where such increase does not exceed $1,000 and if the contract price, as corrected, does not exceed that of the next lowest acceptable bid under the original invitation for bids.

(3) If the evidence does not warrant a determination under (1) or (2) of this subsection, a determination may be made that no change shall be made in the contract as awarded.

C. Each proposed determination made hereunder shall before becoming effective be approved by the Solicitor, an Assistant Solicitor, or comparable legal officer of the Department.

D. Records shall be maintained of all administrative determinations made in accordance with these provisions, and copies of all such administrative determinations, with the facts involved, shall be included in the case file. Where a contract is awarded under section 1 hereof, the General Accounting Office copy of the contract shall be accompanied by a signed copy of any related determination.

E. The said Director, Office of Survey and Review, may not redelegate the authority herein delegated to him.

SEC. 2. *Revocation.* This regulation revokes Administrative Management Regulation No. 4 published in the FEDERAL REGISTER June 30, 1962 (27 F.R. 6240).

SEC. 3. *Effective date.* This regulation is effective September 4, 1963 (Subpar. 210.1.4B, Delegations of Authority by Secretary of the Interior).

D. OTIS BEASLEY,
*Administrative Assistant Secretary.*

[F.R. Doc. 63-9832; Filed, Sept. 13, 1963; 8:47 a.m.]

# DEPARTMENT OF AGRICULTURE

## Agricultural Stabilization and Conservation Service

## EXTRA LONG STAPLE COTTON

### Notice of Determinations To Be Made With Respect to National Marketing Quota; National, State, and County Allotments; Fixing of a Date for Holding Referendum; and Formulation of Regulations Pertaining to Acreage Allotments for 1964 Crop

The Secretary of Agriculture is preparing to determine whether a national marketing quota is required to be proclaimed for the 1964 crop of extra long staple cotton (referred to as "ELS cotton") pursuant to the Agricultural Adjustment Act of 1938, as amended (referred to as the "act") (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). If such quota is required, the Secretary will also determine and proclaim the amount of the quota in bales and the amount of the national allotment in acres for the 1964 crop of ELS cotton.

Section 347(b) of the act requires the proclamation of the national quota to be made not later than October 15, 1963 for a 1964 quota. The Secretary is required to proclaim a 1964 national quota under section 347(b) of the act upon determination that the total supply of ELS cotton for the marketing year beginning August 1, 1963 will exceed the normal supply for such marketing year by more than 8 per centum.

Section 347(b) of the act further provides that the Secretary shall also determine and specify in such proclamation the amount of the national marketing quota which shall be an amount equal to (1) the estimated domestic consumption plus exports for the marketing year which begins in the next calendar year, less (2) the estimated imports, plus (3) such additional number of bales, if any, as the Secretary determines is necessary to assure adequate working stocks in trade channels until ELS cotton from the next crop becomes readily available without resort to Commodity Credit Corporation stocks.

The national marketing quota for 1964 cannot be less than the larger of (1) 30,000 bales, or (2) a number of bales equal to 30 per centum of the estimated domestic consumption plus exports of ELS cotton for the marketing year beginning in the calendar year in which such quota is proclaimed.

As defined in section 301 of the act, for purposes of the determinations provided for in section 347(b) of the act, "total supply" of ELS cotton for any marketing year is the carryover at the beginning of such marketing year, plus the estimated production of ELS cotton in the United States during the calendar year in which such marketing year begins, and the estimated imports of ELS cotton into the United States during such marketing year; "carryover" of ELS cotton for any marketing year is the quantity of ELS cotton on hand in the United States at the beginning of such marketing year not including any part of the crop which was produced in the United States during the calendar year then current nor any Government stocks of ELS cotton acquired pursuant to, or under the authority of, the Strategic and Critical Materials Stockpiling Act; "normal supply" of ELS cotton for any marketing year is the estimated domestic consumption of ELS cotton for the marketing year for which such normal supply is being determined, plus the estimated exports of ELS cotton for such marketing year, plus 30 per centum of such consumption and exports as an allowance for carryover; and "marketing year" for ELS cotton is the period August 1-July 31. For purposes of the supply determinations required to be made under section 347(b) of the act, the term "ELS cotton" refers to all American-Egyptian, Sea Island, and Sealand cotton (United States and Puerto Rico), and to all similar types imported from Egypt, Sudan, and Peru.

Section 344(a) of the act provides that whenever a national marketing quota is proclaimed, the Secretary shall determine and proclaim a national allotment for the crop of ELS cotton to be produced in the next calendar year. The national allotment for 1964 would be that acreage, based upon the national

average yield per planted acre of ELS cotton for the four calendar years 1959–1962, which would be required to make available from the 1964 crop of ELS cotton an amount of ELS cotton equal to the national marketing quota.

If a national allotment is proclaimed for the 1964 crop of ELS cotton, it will be apportioned among the States under section 344(b) of the act on the basis of the acreage planted to ELS cotton during the five calendar years 1958–1962, with adjustments during such period as provided under the act, the Soil Bank provisions of the Agricultural Act of 1956 (7 U.S.C. 1801 et seq.), the Great Plains and land use adjustment programs of the Soil Conservation and Domestic Allotment Act, as amended (16 U.S.C. 690p (b) and (e)).

If a national allotment is proclaimed for the 1964 crop of ELS cotton, the State allotment will be apportioned among the counties in accordance with section 344(e) of the act. State and county reserves will be determined in accordance with section 344 (e) and (f) (3) of the act.

If a national allotment is proclaimed for the 1964 crop of ELS cotton, the Secretary will issue regulations governing the establishment of acreage allotments for the 1964 and succeeding crops of ELS cotton. Such regulations will be substantially the same as those issued for the 1963 crop except for changes required to convert from an annual to a continuous basis. Such regulations will provide for approval by the Secretary of allotments and reserves for States and counties which will be published in the FEDERAL REGISTER.

There is under consideration a continuing provision to the Secretary's regulations which would fix the Tuesday preceding December 15 of each year in which a national quota is proclaimed as the date for holding a referendum by secret ballot of farmers engaged in the production of ELS cotton in the calendar year in which the referendum is held, to determine whether such farmers are in favor of or opposed to the quota so proclaimed.

Prior to making any of the foregoing determinations, consideration will be given to any data, views, and recommendations which are submitted in writing to the Director, Policy and Program Appraisal Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, Washington 25, D.C., within 20 days following the publication of this notice in the FEDERAL REGISTER. The date of the postmark will be considered as the date of any submission.

Effective date: Date of publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on September 11, 1963.

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

[F.R. Doc. 63-9851; Filed, Sept. 13, 1963; 8:48 a.m.]

## UPLAND COTTON

### Notice of Determinations To Be Made With Respect to National Marketing Quota; National, State and County Allotments; Fixing of a Date for Holding Referendum; and Formulation of Regulations Pertaining to Acreage Allotments for 1964 Crop

The Secretary of Agriculture is preparing to determine whether a national marketing quota is required to be proclaimed for the 1964 crop of upland cotton (referred to as "cotton") pursuant to the Agricultural Adjustment Act of 1938, as amended (referred to as the "act") (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). If such quota is required, the Secretary will also determine and proclaim the amount of the quota in bales and the amount of the national allotment in acres for the 1964 crop of cotton.

Section 342 of the act requires the proclamation of the national quota to be made not later than October 15, 1963 for a 1964 quota. The Secretary is required to proclaim a 1964 national quota under section 342 of the act upon determination that the total supply of cotton for the marketing year beginning August 1, 1963 will exceed the normal supply for such marketing year.

Section 342 of the act further provides that the Secretary shall also determine and specify in such proclamation the amount of the national marketing quota in terms of the number of bales of cotton (standard bales of five hundred pounds gross weight) adequate, together with (a) the estimated carryover at the beginning of the marketing year which begins in the next calendar year and (b) the estimated imports during such marketing year, to make available a normal supply of cotton: *Provided,* That such national marketing quota shall be not less than a number of bales equal to the estimated domestic consumption and estimated exports (less estimated imports) for the marketing year for which the quota is proclaimed, except that the Secretary shall make such adjustment in the amount of such quota as he determines necessary after taking into consideration the estimated stocks of cotton in the United States (including the qualities of such stocks) and stocks in foreign countries which would be available for the marketing year for which the quota is being proclaimed if no adjustment of such quota is made hereunder, to assure the maintenance of adequate but not excessive stocks in the United States to provide a continuous and stable supply of the different qualities of cotton needed in the United States and in foreign cotton consuming countries, and for purposes of national security; but the Secretary, in making such adjustments, may not reduce the national marketing quota below (1) one million bales less than the estimated domestic consumption and estimated exports for the marketing year for which such quota is being proclaimed, or (2) ten million bales, whichever is larger. Notwithstanding the foregoing, the national marketing quota shall be not less than the number of bales required to provide a national acreage allotment of sixteen million acres.

As defined in section 301 of the act for purposes of the determinations provided for in section 342 of the act, "total supply" of cotton for any marketing year is the carryover at the beginning of such marketing year, plus the estimated production of cotton in the United States during the calendar year in which such marketing year begins, and the estimated imports of cotton into the United States during such marketing year; "carryover" of cotton for any marketing year is the quantity of cotton on hand in the United States at the beginning of such marketing year, not including any part of the crop which was produced in the United States during the calendar year then current; "normal supply" of cotton for any marketing year is the estimated domestic consumption of cotton for the marketing year for which such normal supply is being determined, plus the estimated exports of cotton for such marketing year, plus 30 per centum of such consumption and exports as an allowance for carryover; and "marketing year" for cotton is the period August 1–July 31.

Section 344(a) of the act provides that whenever a national marketing quota is proclaimed under section 342 of the act, the Secretary shall determine and proclaim a national allotment for the crop of cotton to be produced in the next calendar year. The national allotment for 1964 would be that acreage, based upon the national average yield per planted acre of cotton for the four calendar years 1959–1962, which would be required to make available from the 1964 crop of cotton an amount of cotton equal to the national marketing quota.

If a national allotment is proclaimed for the 1964 crop of cotton, it will be apportioned among the States under section 344(b) of the act on the basis of the acreage planted to cotton during the five calendar years 1958–1962, with adjustments during such period as provided under the act, the Soil Bank provisions of the Agricultural Act of 1956 (7 U.S.C. 1801 et seq.), as amended, the Great Plains and land use adjustment programs of the Soil Conservation and Domestic Allotment Act, as amended (16 U.S.C. 690p (b) and (e)).

Section 344(b) of the act provides a supplemental allotment from the national reserve of up to 310,000 acres for apportionment among States on the basis of their needs for additional acreage for establishing minimum farm allotments. Such needs would be estimated for each State and county for 1964.

If a national allotment is proclaimed for the 1964 crop of cotton, the State allotment will be apportioned among the counties in accordance with section 344(e) of the act. State and county reserves will be determined in accordance with section 344 (e) and (f) (3) of the act.

If a national allotment is proclaimed for the 1964 crop of cotton, the Secre-

tary will issue regulations governing the establishment of acreage allotments for the 1964 and succeeding crops of cotton. Such regulations will be substantially the same as those issued for the 1963 crop except for changes required to convert from an annual to a continuous basis. Such regulations will provide for approval by the Secretary of allotments and reserves for States and counties which will be published in the FEDERAL REGISTER.

There is under consideration a continuing provision to the regulations which will fix the Tuesday preceding December 15 of each year in which a national quota is proclaimed as the date for holding a referendum by secret ballot of farmers engaged in the production of cotton in the calendar year in which the referendum is held, to determine whether such farmers are in favor of or opposed to the quota so proclaimed.

Prior to making any of the foregoing determinations, consideration will be given to any data, views, and recommendations which are submitted in writing to the Director, Policy and Program Appraisal Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, Washington 25, D.C., within 20 days following the publication of this notice in the FEDERAL REGISTER. The date of the postmark will be considered as the date of any submission.

Effective date: Date of publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on September 11, 1963.

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

[F.R. Doc. 63-9852; Filed, Sept. 13, 1963; 8:48 a.m.]

## Office of the Secretary

### MICHIGAN

### 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 Michigan natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

MICHIGAN

| | |
|---|---|
| Allegan. | Leelanau. |
| Antrim. | Livingston. |
| Benzie. | Macomb. |
| Calhoun. | Manistee. |
| Cass. | Mason. |
| Charlevoix. | Muskegon. |
| Clinton. | Oakland. |
| Crawford. | Oceana. |
| Genesee. | Otsego. |
| Grand Traverse. | Ottawa. |
| Ingham. | Saginaw. |
| Ionia. | St. Clair. |
| Kalamazoo. | Shiawassee. |
| Kent. | Van Buren. |
| Lapeer. | Washtenaw. |

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after December 31, 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 11th day of September 1963.

ORVILLE L. FREEMAN,
*Secretary.*

[F.R. Doc. 63-9840; Filed, Sept. 13, 1963; 8:47 a.m.]

### PENNSYLVANIA

### 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 Pennsylvania natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

PENNSYLVANIA

| | |
|---|---|
| Allegheny. | Lancaster. |
| Armstrong. | Lawrence. |
| Beaver. | Lebanon. |
| Bedford. | Lehigh. |
| Berks. | Lycoming. |
| Blair. | McKean. |
| Bradford. | Mercer. |
| Butler. | Monroe. |
| Carbon. | Northampton. |
| Centre. | Pike. |
| Clarion. | Potter. |
| Clinton. | Somerset. |
| Cumberland. | Sullivan. |
| Erie. | Susquehanna. |
| Fayette. | Tioga. |
| Forest. | Venango. |
| Franklin. | Warren. |
| Fulton. | Washington. |
| Greene. | Wayne. |
| Huntingdon. | Westmoreland. |
| Lackawanna. | Wyoming. |

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after December 31, 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 11th day of September 1963.

ORVILLE L. FREEMAN,
*Secretary.*

[F.R. Doc. 63-9841; Filed, Sept. 13, 1963; 8:47 a.m.]

# ATOMIC ENERGY COMMISSION

[Docket No. 50-212]

## GENERAL DYNAMICS CORP.

### Notice of Application for Utilization Facility License

Please take notice that General Dynamics Corporation, under section 104c of the Atomic Energy Act of 1954, has submitted an application for a license to construct and operate a Fast Critical Assembly type nuclear reactor for research on the Corporation's John Jay Hopkins Laboratory site at Torrey Pines Mesa, California. A copy of the application is available for public inspection in the AEC Public Document Room, located at 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 9th day of September 1963.

For the Atomic Energy Commission.

SAUL LEVINE,
*Chief, Test and Power Reactor Safety Branch, Division of Licensing and Regulation.*

[F.R. Doc. 63-9814; Filed, Sept. 13, 1963; 8:45 a.m.]

[Docket No. 50-131]

## VETERANS ADMINISTRATION HOSPITAL

### Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 2, set forth below, to Facility License No. R-57. The license authorizes The Veterans Administration Hospital to operate its TRIGA type nuclear reactor at power levels up to 10 kilowatts (thermal) on its site in Omaha, Nebraska. The amendment authorizes The Veterans Administration Hospital to operate the TRIGA reactor at power levels up to 18 kilowatts (thermal), as described in the licensee's application for license amendment dated June 28, 1963, and supplementary letter dated July 11, 1963.

The Commission has found that:

(1) Operation of the reactor in accordance with the license as amended will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security;

(2) The application for amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter 1, CFR;

(3) Prior public notice of proposed issuance of this amendment is not required since the amendment does not involve consideration of safety factors significantly different from those previously evaluated.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) a related hazards analysis prepared by the Test and Power Reactor Safety Branch of the Division of Licensing and Regulation and (2) the licensee's application for license amendment dated June 28, 1963, and supplementary letter dated July 11, 1963, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (1) above may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Bethesda, Md., this 9th day of September 1963.

For the Atomic Energy Commission.

SAUL LEVINE,
*Chief, Test and Power Reactor Safety Branch, Division of Licensing and Regulation.*

[License R–57; Amdt. 2]

License No. R–57 is hereby amended to authorize the change described in the application amendment dated June 28, 1963 and supplementary letter dated July 11, 1963.

Paragraph 1. of License No. R–86, as amended, is hereby amended to read as follows:

"1. This license applies to the TRIGA type heterogeneous, light water cooled, zirconium hydride and water moderated, tank-type nuclear reactor (hereinafter referred to as 'the reactor') which is owned by the applicant and located at Omaha, Nebraska and described in the application dated March 24, 1959, and amendments thereto dated January 31, 1961, June 28, 1963, and supplementary letter dated July 11, 1963 (hereinafter referred to as 'the application')."

Paragraph 4.A. of License No. R–86, as amended, is hereby amended to read as follows:

"4.A. The Veterans Administration Hospital shall not operate the reactor at power levels in excess of 18 kilowatts (thermal) without prior written authorization from the Commission."

This amendment is effective as of the date of issuance.

Date of issuance: September 9, 1963.

For the Atomic Energy Commission.

SAUL LEVINE,
*Chief, Test and Power Reactor Safety Branch, Division of Licensing and Regulation.*

[F.R. Doc. 63–9815; Filed, Sept. 13, 1963; 8:45 a.m.]

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[Docket No. 50–57]

## WESTERN NEW YORK NUCLEAR RESEARCH CENTER, INC.

### Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued Amendment No. 5, set forth below, to Facility License No. R–77. The license, as previously amended, authorizes Western New York Nuclear Research Center, Inc., to possess and operate the nuclear reactor located on the campus of The University of Buffalo at Buffalo, New York. The amendment authorizes an increase in the presently authorized power level from 1 megawatt to 1.5 megawatts (thermal) maximum power and requires a control rod reversal setting of 110 percent of maximum power and a scram setting of 120 percent of maximum power. The amendment was requested by the licensee in an application for license amendment dated March 20, 1963 and supplement thereto dated July 1, 1963.

The Commission has found that:

(1) Operation of the reactor in accordance with the license as amended will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security;

(2) The application for amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

(3) Prior public notice of proposed issuance of this amendment is not required since the amendment does not involve consideration of safety factors significantly different from those previously evaluated.

Within fifteen days from the date of publication of this notice in the FEDERAL REGISTER, the licensee may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment see (1) the hazards analysis prepared by the Research and Power Reactor Safety Branch of the Division of Licensing and Regulation and (2) the licensee's application for license amendment dated March 20, 1963 and supplement thereto dated July 1, 1963, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (1) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Bethesda, Md., this 4th day of September 1963.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
*Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.*

[License R–77; Amdt. 5]

License No. R–77, as amended, which authorizes Western New York Nuclear Research Center, Inc. to possess and operate the nuclear reactor located on the campus of The University of Buffalo at Buffalo, New York, is hereby further amended as follows:

1. Paragraph 4.A. of License No. R–77, as amended, is hereby amended to read as follows:

"4.A. The licensee shall not operate the facility at steady state power levels in excess of 1.5 megawatts thermal without prior written authorization from the Commission."

2. The control rod reversal setting shall be 110 percent maximum power.

3. The maximum high flux scram setting shall be 120 percent maximum power.

4. The minimum reactor flow rate at maximum power shall be 1200 gallons per minute.

This amendment is effective as of the date of issuance.

Date of issuance: September 4, 1963.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
*Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.*

[F.R. Doc. 63–9816; Filed, Sept. 13, 1963; 8:45 a.m.]

# FEDERAL POWER COMMISSION

[Docket No. CP64–28]

## AMERICAN LOUISIANA PIPE LINE CO.

### Notice of Application and Date of Hearing

SEPTEMBER 6, 1963.

Take notice that on July 26, 1963, American Louisiana Pipe Line Company (Applicant), 1 Woodward Avenue, Detroit 26, Michigan, filed in Docket No. CP64–28 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval of the Commission to abandon a gas purchase measuring station constructed in the Creole Field, Cameron Parish, Louisiana, for the purchase of gas from Hope Natural Gas Company (Hope) and Mississippi River Fuel Corporation (MRF), all as more fully described in the application which is on file with the Commission and open to public inspection.

Applicant states that it no longer has any use for the subject facilities inasmuch as the single well of Hope and MRF in the Creole Field proved commercially unproductive in December 1962, and was shut-in, and the gas purchase contract between Applicant and Hope and MRF was cancelled by an agreement dated March 22, 1963.

The subject facilities were constructed pursuant to "budget-type" certificate authorization issued March 12, 1962, in Docket No. CP62–141 at a cost of $7,730.

Hope and MRF have applied for authorization to abandon the subject sale in Docket Nos. CP63–336 and CP63–298, respectively.[1]

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 15, 1963, at 9:30 a.m., e.d.s.t.,

[1] Notice issued August 15, 1963, in Docket No. G–2668, et al., and published in the FEDERAL REGISTER on August 24, 1963 (28 F.R. 9363).

in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 4, 1963. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

GORDON M. GRANT,
*Acting Secretary.*

[F.R. Doc. 63-9824; Filed, Sept. 13, 1963; 8:46 a.m.]

[Project No. 2391]

## NORTHERN VIRGINIA POWER CO.

### Notice of Application for License

SEPTEMBER 6, 1963.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Northern Virginia Power Company (correspondence to: Martin J. Urner, Vice President, 14 North Loudoun Street, Winchester, Virginia) for license for constructed Project No. 2391, known as the Warren Hydro Plant, located on the Shenandoah River, in County of Warren, near the Town of Front Royal, Virginia.

The project consists of a 13-foot high reinforced concrete dam about 420 feet in length, a 45-foot wide by 18 feet deep headrace about 350 feet long, a reinforced concrete powerhouse housing 3 generators having a capacity of 250 kilowatts each, and other appurtenant facilities.

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 October 31, 1963. The application is on file with the Commission of public inspection.

GORDON M. GRANT,
*Acting Secretary.*

[F.R. Doc. 63-9825; Filed, Sept. 13, 1963; 8:46 a.m.]

[Docket No. E-7126]

## OTTER TAIL POWER CO.

### Notice of Application

SEPTEMBER 6, 1963.

Take notice that on September 3, 1963, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Otter Tail Power Company (Applicant), a corporation organized under the laws of the State of Minnesota and doing business in the States of Minnesota, North Dakota and South Dakota, with its principal business office at Fergus Falls, Minnesota, seeking an order authorizing the issuance of $7,000,000 in principal amount of First Mortgage Bonds _____ percent Series due 1993. The First Mortgage Bonds are to be dated November 1, 1963 and will mature November 1, 1993, and will carry interest at such rate as may be determined by competitive bidding, payable semi-annually on May 1, and November 1 of each year. Said First Mortgage Bonds will be of a series created pursuant to the provisions of Applicant's Indenture of Mortgage as heretofore supplemented and as revised by a Twenty-first Supplemental Indenture thereto and as supplemented by a Twenty-sixth Supplemental Indenture. In connection with the issuance and sale of the First Mortgage Bonds there will be a cash sinking fund of one percent per annum with the first sinking fund payment being made on December 1, 1964. Applicant states that the First Mortgage Bonds will be issued and sold for the purpose of securing funds with which to repay short-term bank loans incurred in 1963 to pay the expenses of the Applicant's construction program and with which to defray a portion of the expense of such construction program during the balance of the year 1963 and subsequent years.

Applicant states that the actual construction expense for the first seven months of 1963 totaled $6,499,000 and that the estimated construction expense for the last five months of 1963 is $5,971,000 and for the year 1964 is expectant to total $7,397,000.

The major portion of the Production construction program consists of the installation of an additional 66,000 kw coal-fired steam turbine generating unit at the Company's Hoot Lake Plant near Fergus Falls, Minnesota, at a total estimated cost of $11,100,000, of which approximately $1,769,000 had been spent at December 31, 1962, and is not included in the Company's 1963–1965 construction program. Of the $9,331,000 balance of said estimated cost, approximately $3,468,000 was spent in the first seven months of 1963, and estimated expenditures of approximately $3,914,000 and $1,949,000 are scheduled for the last five months of 1963 and for the year 1964, respectively.

Other expenditures for Production construction consist of expenditures to increase efficiency of other steam plants, to replace or renovate steam plant equipment, to restore small hydro-electric dams and to move standby diesel electric generating equipment from one location to another. There are no plans for commencing the construction of other major production facilities before 1966.

Any person desiring to be heard or to make any protests with reference to said application should on or before September 25, 1963, file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

GORDON M. GRANT,
*Acting Secretary.*

[F.R. Doc. 63-9826; Filed, Sept. 13, 1963; 8:46 a.m.]

[Project No. 2241]

## PUBLIC UTILITY DISTRICT NO. 1 OF KLICKITAT COUNTY

### Notice of Amended Application for License

SEPTEMBER 6, 1963.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Public Utility District No. 1 of Klickitat County (correspondence to: Public Utility District No. 1 of Klickitat County, Goldendale, Washington) for license for proposed Project No. 2241, known as Nine Foot Creek Section of the White Salmon River Hydroelectric Project, to be located on White Salmon River, Green Canyon Creek and Trout Lake Creek, in Skamania and Klickitat Counties, Washington, in the vicinity of Trout Lake, Washington, and affecting lands of the United States within Gifford Pinchot National Forest.

As proposed, the project consists of: Nine Foot Creek Dam on White Salmon River at mile 34.7—a concrete gravity dam 100 feet high with free overflow spillway and gated diversion works to maintain minimum flows in the White Salmon River; a diversion conduit consisting of about 7,500 feet of open canals to the Green Canyon Reservoir; Green Canal Reservoir on Green Canyon Creek—an earth fill dam about 6,000 feet long with maximum height of about 96 feet; a small emergency saddle spillway at the upper end of the reservoir; a reservoir containing 6,400 acre-feet of storage and an area of 153 acres; a steel penstock 3,350 feet long varying in diameter from 90 to 84 inches to a powerhouse on Trout Creek Lake; and Trout Creek Powerhouse—an outdoor type structure containing two vertical Francis turbines of 27,000 horsepower each, connected to 20,000 kilowatt generators with appurtenant electrical and mechanical equipment; a tailrace leading to a reregulating reservoir having an earth and gravel fill dam 0.5 miles long and a maximum height of 40 feet with a 6 x 14 foot Bascule gate-controlled spillway; and a 115 kilovolt transmission line 28 miles long to the substation and a connection with the Bonneville Power Administration lines.

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 regulations of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is October

28, 1963. The application is on file with the Commission for public inspection.

GORDON M. GRANT,
*Acting Secretary.*

[F.R. Doc. 63-9827; Filed, Sept. 13, 1963; 8:46 a.m.]

[Docket No. G-20464 etc.]

## TRANSWESTERN PIPELINE CO. ET AL.

### Notice of Postponement of Hearing

SEPTEMBER 6, 1963.

Motions for indefinite postponement of the hearing scheduled for September 9, 1963, in the above-designated proceeding were filed by Cities Service Gas Company on September 3, 1963, and by Transwestern Pipeline Company and Trans-Cities Pipeline Company, jointly, on September 5, 1963.

Upon consideration of the motions, the concurrences filed thereto and the responses to our inquiries: [1]

Notice is given that the hearing heretofore scheduled for September 9, 1963, is postponed until further notice.

GORDON M. GRANT,
*Acting Secretary.*

[F.R. Doc. 63-9828; Filed, Sept. 13, 1963; 8:46 a.m.]

[Docket No. CP64-31]

## UNITED GAS PIPE LINE CO.

### Notice of Application and Date of Hearing

SEPTEMBER 6, 1963.

Take notice that on July 29, 1963, United States Gas Pipe Line Company (Applicant) P.O. Box 1407, Shreveport, Louisiana, 71102, filed in Docket No. CP64-31 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction during the calendar year 1964 and the operation of field facilities to enable Applicant to take into its certificated main pipeline system natural gas which will be purchased from producers in the general area of Applicant's existing transmission facilities, at a total cost not to exceed a maximum of $1,600,000, with no single project to exceed a cost of $400,000, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The purpose of this "budget-type" application is to augment Applicant's ability to act with reasonable dispatch in contracting for and connecting to its pipeline system new supplies of natural gas in producing areas generally coextensive with said system.

This matter should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 10, 1963, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 30, 1963. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

GORDON M. GRANT,
*Acting Secretary.*

[F.R. Doc. 63-9829; Filed, Sept. 13, 1963; 8:46 a.m.]

[1] The Secretary's office contacted the participants to the proceeding by telephone on Sept. 5 and 6, 1963, to obtain their views concerning the subject motions.

# SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1609]

## ELECTRIC BOND AND SHARE CO. AND ESCAMBIA CHEMICAL CORP.

### Notice of Filing of Application for Order Exempting Transaction Between Affiliates

SEPTEMBER 9, 1963.

Notice is hereby given that Electric Bond and Share Company ("Bond and Share"), 2 Rector Street, New York 6, New York, a New York corporation and a registered closed-end nondiversified management investment company, and Escambia Chemical Corporation ("Escambia"), 261 Madison Avenue, New York, New York, a Delaware corporation, have filed a joint application under section 17(b) of the Investment Company Act of 1940 ("Act") for an order exempting from the provisions of section 17(a) of the Act the proposed redemption and exchange of certain securities of Escambia held by Bond and Share. All interested persons are referred to the application filed with the Commission for a full statement of applicants' representations which are summarized below.

Escambia has the following securities outstanding: (a) $8,125,500 face amount of 4 percent Notes due October 1, 1966, (b) $10,000,000 face amount of 5½ percent Convertible Notes due December 31, 1967 and (c) 10,150 shares of Common Stock, $1 par value; all of which are owned by Bond and Share, except 150 shares of Common Stock which were issued in July 1963. Bond and Share acquired one-half of the outstanding securities of Escambia owned by it by purchase from United Gas Corporation, said transaction having been authorized by the Commission on April 1, 1963 (Investment Company Act Release No. 3650). The principal products of Escambia and its subsidiaries are anhydrous ammonia, nitric acid, ammonium nitrate, ammonium nitrate solutions, urea and urea solutions, polyvinyl chloride and specialty resins, methanol, and methylamines.

Escambia is expanding its product lines into new fields and is engaged in a construction program in connection therewith. The estimated cost of the present construction program is $7,400,000, of which $3,000,000 must be supplied by the raising of new capital. In order to raise new capital, and to permit Bond and Share to reduce substantially its present debt position in Escambia, Escambia proposes to refinance its existing debt securities, which mature in 1966 and 1967. Negotiations among The Prudential Insurance Company of America ("Prudential"), Escambia and Bond and Share have resulted in a commitment from Prudential to purchase from Escambia at face amount $15,000,000 of a new class of 5½ percent Notes due 1978 of Escambia.

Of the proceeds to be received by Escambia from the sale of the new 5½ percent Notes to Prudential, and as part of the refinancing plan, $12,000,000 will be used to redeem from Bond and Share, at par, all of its outstanding 4 percent Notes, amounting to $8,125,500, due October 1, 1966, and $3,874,500 of its 5½ percent Convertible Notes due December 31, 1967, in accordance with the terms of the Notes and the Mortgage securing such Notes, except that Bond and Share will waive a redemption premium equivalent to 3.5 percent of the face amount of the 5½ percent Convertible Notes to be redeemed. The remainder of the proceeds, $3,000,000, will be available to meet the new capital requirements of Escambia.

As part of the refinancing plan, Bond and Share will exchange $6,125,500 face amount of the 5½ percent Convertible Notes due December 31, 1967 for a like face amount of a new class of 5 percent Convertible Notes due 1979 and will deliver an instrument to Escambia in satisfaction of the outstanding Mortgage. The new class of 5 percent Convertible Notes to be held by Bond and Share will have the same conversion price as the present 5½ percent Convertible Notes. The payment of interest and principal on the new class of 5 percent Convertible Notes is subject to certain restrictions, and said notes also will be subordinated to the 5½ percent Notes to be held by Prudential. The application states that the terms of the new class of Notes to be held by Bond and Share were established as a result of the negotiations with Prudential and are essential conditions of Prudential's commitment to purchase the 5½ percent Notes.

Following the completion of the proposed transactions Escambia will have outstanding long-term debt in the aggregate amount of $21,125,500, $3,000,000 more than the present total of $18,125,500. The new debt will consist of $15,000,000 of 5½ percent Notes due

1978, all of which will be held by Prudential, and $6,125,500 of 5 percent Convertible Notes due 1979, all of which will be held by Bond and Share. None of the proposed debt securities will be secured by any mortgage or other lien on Escambia's properties, and the lien of the present Mortgage will have been satisfied.

Escambia operated at a loss during its initial operating years 1956 through 1958, and earned a small profit in 1959. For the three calendar years 1960 through 1962, it reported consolidated net income of approximately $866,000 (after reflecting a write-down in investments of approximately $457,000), $1,697,000, and $1,827,000 (likewise after reflecting a write-down in investments of $80,000 in the latter year). By virtue of operating tax loss carryovers, it paid no Federal income taxes in 1960; in 1961 it again paid no Federal income tax, but provided $58,500 for deferred Federal income taxes; and in 1962 it provided $315,300 for Federal income taxes and $930,250 for deferred Federal income taxes. For the calendar years 1963 through 1965, Escambia has projected consolidated net income of $1,601,000, $2,407,000, and $2,572,000, respectively. Each of these amounts reflects a provision of $500,000 for deferred Federal income taxes, and varying provisions for current Federal income taxes.

Escambia is an affiliate of Bond and Share as a result of Bond and Share's holdings of the common stock of Escambia. Section 17(a) of the Act, as here pertinent, prohibits an affiliated person of a registered investment company from selling to, or purchasing from, such registered company securities or property, unless the Commission upon application pursuant to section 17(b), grants an exemption from section 17(a) upon a finding that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, that the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the Act, and is consistent with the general purposes of the Act.

Notice is further given that any interested person may, not later than September 24, 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, D.C., 20549. 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 applicants at the address set forth 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 said date, as provided by Rule 0–5 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. 63–9835; Filed, Sept. 13, 1963; 8:47 a.m.]

# DEPARTMENT OF LABOR

## Wage and Hour Division

### CERTIFICATES AUTHORIZING EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS IN RETAIL OR SERVICE ESTABLISHMENTS AT SPECIAL MINIMUM WAGES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulation on employment of full-time students (29 CFR Part 519), and Administrative Order No. 561 (27 F.R. 4001), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, type of establishment and total number of employees of the establishment are as indicated below. Pursuant to § 519.6(b) of the regulation, the minimum certificate rates are not less than 85 percent of the minimum applicable under section 6 of the Fair Labor Standards Act.

The following certificates were issued pursuant to paragraphs (c) and (g) of § 519.6 of 29 CFR Part 519, providing for an allowance not to exceed the proportion of the total number of hours worked by full-time students at rates below $1.00 an hour to the total number of hours worked by all employees in the establishment during the base period, or 10 percent, whichever is lesser, in occupations of the same general classes in which the establishment employed full-time students at wages below $1.00 an hour in the base period.

REGION II

Neisner Brothers, Inc., No. 149, 1151 Highway No. 35, Middletown Shopping Center, Middletown, N.J.; effective 9–4–63 to 3–31–64 (variety store; 26 employees).

REGION III

Bright Stores, Inc., 28 West Ridge Street, Lansford, Pa.; effective 8–19–63 to 3–31–64 (department store; 111 employees).

Bright Stores, Inc., 109–113 South First Street, Lehighton, Pa.; effective 8–19–63 to 3–31–64 (department store; 59 employees).

REGION IV

Kuhn's 5–10–25¢ Store, 401 West Main Street, Tupelo, Miss.; effective 8–2–63 to 3–31–64 (variety store; 24 employees).

REGION V

Neisner Brothers, Inc., No. 3, 22651 Gratiot Avenue, East Detroit, Mich.; effective 9–18–63 to 3–31–64 (variety store; 9 employees).

REGION VII

S. H. Kress and Co., 540 Main Street, Grand Junction, Colo.; effective 6–10–63 to 3–31–64 (variety store; 30 employees).

S. H. Kress and Co., 15 South Main Street, Fort Scott, Kans.; effective 6–13–63 to 3–31–64 (variety store; 23 employees).

S. H. Kress and Co., 111 North Main Street, Hutchinson, Kans.; effective 6–10–63 to 3–31–64 (variety store; 22 employees).

S. H. Kress and Co., 617 North Broadway, Pittsburg, Kans.; effective 6–10–63 to 3–31–64 (variety store; 41 employees).

S. H. Kress and Co., 224 East Douglas Avenue, Wichita, Kans.; effective 6–10–63 to 3–31–64 (variety store; 63 employees).

S. H. Kress and Co., 215 East High Street, Jefferson City, Mo.; effective 6–10–63 to 3–31–64 (variety store; 16 employees).

S. H. Kress and Co., 103 North Main Street, Nevada, Mo.; effective 6–10–63 to 3–31–64 (variety store; 20 employees).

Neisner Brothers, Inc., No. 48, 1001 16th Street, Denver, Colo.; effective 6–10–63 to 3–31–64 (variety store; 26 employees).

Neisner Brothers, Inc., No. 87, 308 Jefferson Street, Burlington, Iowa; effective 6–10–63 to 3–31–64 (variety store; 13 employees).

Neisner Brothers, Inc., No. 81, 703 Main Street, Dubuque, Iowa; effective 6–10–63 to 3–31–64 (variety store; 27 employees).

Neisner Brothers, Inc., No. 83, 407 Fourth Street, Sioux City, Iowa; effective 6–10–63 to 3–31–64 (variety store; 21 employees).

Neisner Brothers, Inc., No. 59, 2700 Cherokee, St. Louis, Mo.; effective 6–11–63 to 3–31–64 (variety store; 19 employees).

Neisner Brothers, Inc., No. 139, 7450 Forsyth Boulevard, St. Louis, Mo.; effective 6–10–63 to 3–31–64 (variety store; 26 employees).

Neisner Brothers, Inc., No. 70, 308 South 16th Street, Omaha, Nebr.; effective 6–10–63 to 3–31–64 (variety store; 31 employees).

Olson Food Store, Main Street, Erie, Kans.; effective 8–10–63 to 3–31–64 (food store; nine employees).

The following certificates were issued to establishments coming into existence after May 1, 1960, under paragraphs (c), (d), (g), and (h) of § 519.6 of 29 CFR, Part 519. The certificates permit the employment of full-time students at rates of not less than 85 cents an hour in the classes of occupations listed, and provide for limitations on the percentage of full-time student hours of employment at rates below $1.00 an hour to total hours of employment of all employees. The percentage limitations vary from month to month between the minimum and maximum figures indicated.

The J. S. Dillon & Sons Stores Co., Inc., No. 43, 1740 Massachusetts, Lawrence, Kans.; effective 8–28–63 to 3–31–64; cashiers, clerks, carry-out, wrappers, maintenance; 10 percent for each month (food store; 38 employees).

Kohl's Food Stores-Bradley, Inc., 7360 North 43d Street, Post Office Box 4196 Station K, Milwaukee, Wis.; effective 8–27–63 to 3–31–64; bag boys; between 9.7 percent and 10 percent (food store; 65 employees).

Kohl's Food Stores-Hampton, Inc., 2601 West Hampton Avenue, Post Office Box 4196 Station K, Milwaukee, Wis.; effective 8–27–63 to 3–31–64; bag boys; 10 percent for each month (food store; 67 employees).

Kwik Shop, Inc., No. 72, 2232 Amidon, Wichita, Kans.; effective 8–29–63 to 3–31–64;

clerks, cashiers, carry-out, wrappers, maintenance; 10 percent for each month (food store; six employees).

Rusty's North Side IGA, 620 North Second Street, Lawrence, Kans.; effective 8–19–63 to 3–31–64; sacker, carry-out; between 9.6 percent and 10 percent (food store; 25 employees).

Wrights Velda Rose, 5700 East Main, Mesa, Ariz.; effective 8–20–63 to 3–31–64; carry-out boys, bag boys, bottle boys; 10 percent for each month (food store; 22 employees).

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not tend to displace full-time employees. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 519.9.

Signed at Washington, D.C., this 5th day of September 1963.

ROBERT G. GRONEWALD,
*Authorized Representative of the Administrator.*

[F.R. Doc. 63–9833; Filed, Sept. 13, 1963; 8:47 a.m.]

## CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS OR STUDENT-WORKERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), and Administrative Order No. 561 (27 F.R. 4001) the firms listed in this notice have been issued special certificates authorizing the employment of learners or student-workers at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods, for certificates issued under general learner regulations (29 CFR 522.1 to 522.9), and the principal products manufactured by the employer are as indicated below. Conditions provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Angier Garment Co., Angier, N.C.; effective 9–3–63 to 9–2–64 (men's dress and utility shirts).

Anniston Sportswear Corp., 919 West Ninth Street, Anniston, Ala.; effective 9–10–63 to 9–9–64 (men's dress trousers).

Caledonia Manufacturing Co., Inc., Caledonia, Miss.; effective 9–11–63 to 9–10–64 (men's dress and play slacks).

Carolina Underwear Co., Inc., Carole Division, Pajama Division, Thomasville, N.C.; effective 8–31–63 to 8–30–64 (men's and boys' pajamas and ladies' pajamas).

Glamorise Foundations, Inc., 228 Pine Street, Williamsport, Pa.; effective 8–30–63 to 8–29–64 (ladies' brassieres, girdles, and corselets).

Green Bay Clothing Manufacturing, Inc., 507 Cedar Street, Green Bay, Wis.; effective 9–3–63 to 9–2–64 (men's and boys' outerwear coats and jackets).

Honey Togs, Inc., 605 West Upshur, Gladewater, Tex.; effective 8–29–63 to 8–28–64 (girls' jamaicas, pants, and blouses).

Kenchester Manufacturing Co., Inc., Buchanan, Va.; effective 8–29–63 to 8–28–64 (women's dresses).

Lackawanna Pants Manufacturing Co., Corner Brook Street and Cedar Avenue, Scranton, Pa.; effective 9–8–63 to 9–7–64 (men's trousers).

Meyersdale Manufacturing Co., Inc., Meyersdale, Pa.; effective 9–4–63 to 9–3–64 (men's shirts).

Morehead City Garment Co., Inc., Morehead City, N.C.; effective 9–10–63 to 9–9–64 (men's sport shirts).

Scamper Sportswear, Inc., 315 West 20th Street, Hazleton, Pa.; effective 9–4–63 to 9–3–64 (ladies' and children's outerwear jackets).

Superior Surgical Manufacturing Co., Inc., 63 New York Avenue, Huntington, N.Y.; effective 9–5–63 to 9–4–64 (men's and women's washable service apparel).

Sussex Sportswear, Inc., 419 West Third Street, Lewes, Del.; effective 9–3–63 to 9–2–64 (ladies' blouses and dresses).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Allied Manufacturing Co., 400 South Kansas Street, El Paso, Tex.; effective 9–3–63 to 9–2–64; 10 learners (children's cotton trousers).

Alma Dress Co., Inc., 207–211 South Main Street, Shenandoah, Pa.; effective 8–29–63 to 8–28–64; 10 learners (women's dresses).

Blue Ridge Manufacturers, Inc., Market Street, Laurel, Del.; effective 8–26–63 to 8–25–64; 10 learners (men's lined work and semi-dress jackets).

Covington Manufacturing Co., 1019 Washington Street, Covington, Ind.; effective 8–30–63 to 8–29–64; 10 learners (men's and boys' carcoats and outerwear jackets and girls' outerwear jackets).

Jacobs Bros., Inc., Hancock, Md.; effective 8–29–63 to 8–28–64; 10 learners (nurses', maids', waitresses', and beauticians' uniforms, aprons, and washable service garments).

Newport Dress Factory, 28 South Third Street, Newport, Pa.; effective 8–29–63 to 8–28–64; 10 learners (women's dresses).

Tabor Products Manufacturing Co., Inc., Wall Street, Tabor City, N.C.; effective 8–30–63 to 8–29–64; 10 learners (women's negligees).

Wendell Garment Co., Inc., 91 North Pine Street, Wendell, N.C.; effective 9–5–63 to 9–4–64; 10 learners (men's sport shirts).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Fairchild Tailored Slacks, Inc., Main Alley, Tifton, Ga.; effective 9–3–63 to 3–2–64; 30 learners (men's and boys' trousers).

LGAM Manufacturing Co., Inc., Wooderfield, Ohio; effective 8–26–63 to 2–25–64; 50 learners (ladies' blouses).

Mary Konzman Dress Shop, 814 North Main Street, Forest City, Pa.; effective 9–4–63 to 3–3–64; 10 learners (women's dresses).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.60 to 522.65, as amended).

Conover Glove Manufacturing Co., Inc., Conover, N.C.; effective 8–29–63 to 8–28–64; 10 learners for normal labor turnover purposes (work gloves).

Northern Glove & Mitten Co., 1514 Morrow Street, Green Bay, Wis.; effective 9–3–63 to 9–2–64; five learners for normal labor turnover purposes (leather gloves and mittens).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.40 to 522.43, as amended).

Betterwear Hosiery Mill, Inc., Central Avenue and East Third Street, Catawba, N.C.; effective 9–3–63 to 9–2–64; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Grover Furr Hosiery Co., Marion, Va.; effective 9–3–63 to 9–2–64; 5 percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned hosiery).

Portage Hosiery Co., Portage, Wis.; effective 9–5–63 to 9–4–64; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's, women's, and children's seamless hosiery).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.30 to 522.35, as amended).

Carolina Underwear Co., Inc., Forsyth Division, Rayon Division, Thomasville, N.C.; effective 8–31–63 to 8–30–64; 5 percent of the total number of factory production workers engaged in the production of ladies' and children's panties for normal labor turnover purposes (ladies' and children's panties).

Circle Manufacturing Co., Thomasville, N.C.; effective 8–28–63 to 8–27–64; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' panties and men's shorts).

Junior Form Lingerie Corp., Route 601, Jerome, Pa.; effective 8–29–63 to 8–28–64; five learners for normal labor turnover purposes (women's sleepwear).

Malone Knitting Co., Inc., River Street, Wolfeboro, N.H.; effective 9–4–63 to 9–3–64; five learners for normal labor turnover purposes (infants' and children's knitted underwear).

Merrimaid Manufacturing Co., Inc., Saranac Street, Littleton, N.H.; effective 8–23–63 to 8–22–64; five learners for normal labor turnover purposes (ladies' and men's nylon tricot knit pajamas and travel sets and ladies' panties).

Walter W. Moyer Co., Inc., 400 West Main Street, Ephrata, Pa.; effective 9–3–63 to 9–2–64; 5 percent of the total number of factory production workers for normal labor turnover purposes (infants', children's, misses', and men's knit underwear).

Penn-Morr Manufacturing Corp., 1501 Rural Road, Tempe, Ariz.; effective 9–3–63 to 9–2–64; 5 percent of the total number of factory production workers for normal labor turnover purposes (infants', children's, misses', and men's knit underwear).

Snowdon, Inc., Osceola, Iowa; effective 8–26–63 to 8–25–64; 5 percent of the total number of factory production workers for

normal labor turnover purposes (women's lingerie).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.9, as amended).

The Graham Co., 200 Industrial Drive, Waco, Tex.; effective 9–3–63 to 3–2–64; six learners for normal labor turnover purposes, in the occupation of embroidery machine operator for a learning period of 320 hours at the rate of not less than $1.10 an hour (embroidery of chenille sport letters and emblems and monograms, pennants, and banners).

L. C. Langston & Sons, Post Office Box 268, Arden, N.C.; effective 9–3–63 to 3–2–64; four learners for normal labor turnover purposes, in the occupation of machine operators, tenders, fixers and jobs immediately incidental thereto, each for a learning period of 240 hours at the rate of not less than $1.15 an hour (mop yarns).

Roundtree Ceramic Studio, 107 East Market Street, Highland, Tex.; effective 9–3–63 to 3–2–64; two learners for normal labor turnover purposes, in the occupation of caster for a learning period of 480 hours at the rates of at least $1.10 an hour for the first 320 hours and not less than $1.15 an hour for the remaining 160 hours (plaster molds for hobbiests).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR Part 528.

The following student-worker certificates were issued pursuant to the regulations applicable to the employment of student-workers (29 CFR 527.1 to 527.9). The effective and expiration dates, occupations, wage rates, number of student-workers, and learning periods for the certificates issued under Part 527 are as indicated below.

Adelphian Academy, 820 Academy Road, Holly, Mich.; effective 9–1–63 to 8–31–64; authorizing the employment of 60 student-workers in the woodworking (manufacturing trellises, picnic tables, bird houses, etc.) industry in the occupations of woodworking machine operator, assembler and related skilled and semiskilled occupations including incidental clerical work in the shop, for a learning period of 240 hours at the rates of $1.10 an hour for the first 120 hours and $1.15 an hour for the remaining 120 hours.

Andrews University, Berrien Springs, Mich.; effective 9–1–63 to 8–31–64; authorizing the employment of: (1) 90 student-workers in the bookbinding industry in the occupations of bookbinder, bindery worker and related skilled and semiskilled occupations, for a learning period of 600 hours at the rates of $1.10 an hour for the first 300 hours and $1.15 an hour for the remaining 300 hours; (2) 20 student-workers in the printing industry in the occupations of compositor, pressman and related skilled and semiskilled occupations, for a learning period of 1000 hours at the rates of $1.10 an hour for the first 500 hours and $1.15 an hour for the remaining 500 hours; (3) 100 student-workers in the furniture manufacturing industry in the occupations of woodworking machine operator, assembler, finisher and related skilled and semiskilled occupations, for a learning period of 600 hours at the rates of $1.10 an hour for the first 300 hours and $1.15 an hour for the remaining 300 hours; (4) 10 student-workers in the clerical industry in the occupations of bookkeeper, stenographer and related skilled and semiskilled occupations, for a learning period of 480 hours at the rates of $1.10 an hour for the first 240 hours and $1.15 an hour for the remaining 240 hours.

Atlantic Union College, Main Street, South Lancaster, Mass.; effective 9–1–63 to 8–31–64; authorizing the employment of: (1) 15 student-workers in the printing industry in the occupations of compositor, pressman, and related skilled and semiskilled occupations, for a learning period of 1000 hours at the rates of $1.10 an hour for the first 500 hours and $1.15 an hour for the remaining 500 hours; (2) 35 student-workers in the bookbinding industry in the occupations of bookbinder, bindery worker, and related skilled and semiskilled occupations, for a learning period of 600 hours at the rates of $1.10 an hour for the first 300 hours and $1.15 an hour for the remaining 300 hours; (3) 40 student-workers in the broom manufacturing industry in the occupations of broommaker, stitcher, sorter, winder, and related skilled and semiskilled occupations, for a learning period of 360 hours at the rates of $1.10 an hour for the first 180 hours and $1.15 an hour for the remaining 180 hours.

Auburn Academy, Auburn, Wash.; effective 9–1–63 to 8–31–64; authorizing the employment of 95 student-workers in the furniture manufacturing industry in the occupations of woodworking machine operator, assembler, furniture finisher and related skilled and semiskilled occupations, for a learning period of 600 hours at the rates of $1.10 an hour for the first 300 hours and $1.15 an hour for the remaining 300 hours.

Campbellsville College, Campbellsville, Ky.; effective 9–1–63 to 8–31–64; authorizing the employment of: (1) 25 student-workers in the furniture and novelty manufacturing industry in the occupations of woodworking machine operator, veneer machine operator including glue reel worker, assembler, furniture finisher and related skilled and semiskilled occupations, for a learning period of 600 hours at the rates of $1.10 an hour for the first 300 hours and $1.15 an hour for the remaining 300 hours; (2) 15 student-workers in the metal fabricating industry in the occupations of machine tools operator, lathe operator, milling machine operator, drill press operator and related skilled and semiskilled occupations, for a learning period of 850 hours at the rates of $1.10 an hour for the first 425 hours and $1.15 an hour for the remaining 425 hours.

Campion Academy, Southwest 42d and Academy Drive, Loveland, Colo.; effective 9–1–63 to 8–31–64; authorizing the employment of 40 student-workers in the broom manufacturing industry in the occupations of broom maker, stitcher, sorter, winder and related skilled and semiskilled occupations, for a learning period of 360 hours at the rates of $1.10 an hour for the first 180 hours and $1.15 an hour for the remaining 180 hours.

Cedar Lake Academy, Cedar Lake, Mich.; effective 9–1–63 to 8–31–64; authorizing the employment of 25 student-workers in the furniture manufacturing (redwood-outdoor) industry in the occupations of woodworking machine operator, assembler, and related skilled and semiskilled occupations including incidental clerical work in the shop, for a learning period of 600 hours at the rates of $1.10 an hour for the first 300 hours and $1.15 an hour for the remaining 300 hours.

Clear Creek Baptist School, Pineville, Ky.; effective 9–1–63 to 8–31–64; authorizing the employment of 30 student-workers in the church furniture manufacturing industry in the occupations of woodworking machine operator, assembler, furniture finisher and related skilled and semiskilled occupations including incidental clerical work in the shop, for a learning period of 600 hours at the rates of $1.10 an hour for the first 300 hours and $1.15 an hour for the remaining 300 hours.

Enterprise Academy, Enterprise, Kans.; effective 9–1–63 to 8–31–64; authorizing the employment of eight student-workers in the printing industry for the occupations of compositor, pressman, linotype operator, bindery worker and related skilled and semiskilled occupations, for a learning period of 1000 hours at the rates of $1.10 an hour for the first 500 hours and $1.15 an hour for the remaining 500 hours.

Forest Lake Academy, Post Office Box 157, Maitland, Fla.; effective 9–1–63 to 8–31–64; authorizing the employment of: (1) 10 student-workers in the printing industry in the occupations of compositor, pressman, and related skilled and semiskilled occupations including incidental clerical work in the shop, for a learning period of 1000 hours at the rates of $1.10 an hour for the first 500 hours and $1.15 an hour for the remaining 500 hours; (2) 20 student-workers in the bookbindery industry in the occupations of bookbinder, bindery worker, sewer, caser and related skilled and semiskilled occupations including incidental clerical work in the shop, for a learning period of 600 hours at the rates of $1.10 an hour for the first 300 hours and $1.15 an hour for the remaining 300 hours.

Hawaiian Mission Academy, 1438 Pensacola Street, Honolulu, Hawaii; effective 9–1–63 to 8–31–64; authorizing five student-workers in the printing industry in the occupations of compositor, pressman, bindery worker and related skilled and semiskilled occupations, for a learning period of 1000 hours at the rates of $1.10 an hour for the first 500 hours and $1.15 an hour for the remaining 500 hours; (2) one student-worker in the clerical industry in the occupations of typist, bookkeeper and related skilled and semiskilled occupations, for a learning period of 480 hours at the rates of $1.10 an hour for the first 240 hours and $1.15 an hour for the remaining 240 hours.

Laurelwood Academy, Route 2, Gaston, Oreg.; effective 9–1–63 to 8–31–64; authorizing the employment of 30 student-workers in the furniture manufacturing industry in the occupations of woodworking machine operator, assembler, finisher and related skilled and semiskilled occupations, for a learning period of 600 hours at the rates of $1.10 an hour for the first 300 hours and $1.15 an hour for the remaining 300 hours.

Madison College, Madison, Tenn.; effective 9–1–63 to 8–31–64; authorizing the employment of three student-workers in the steam plant for school industries in the learner occupations of boilerman, fireman and related skilled and semiskilled occupations, for a learning period of 300 hours at the rates of $1.10 an hour for the first 150 hours and $1.15 an hour for the remaining 150 hours.

Newbury Park Academy, 180 Academy Drive, Newbury Park, Calif.; effective 9–1–63 to 8–31–64; authorizing the employment of 25 student-workers in the broom manufacturing industry in the occupations of broom maker, sorter, seeder, winder, stitcher dyer, and related skilled and semiskilled occupations, for a learning period of 360 hours at the rates of $1.10 an hour for the first 180 hours and $1.15 an hour for the remaining 180 hours.

Oak Park Academy, Nevada, Iowa; effective 9–1–63 to 8–31–64; authorizing the em-

ployment of: (1) six student-workers in the printing industry in the occupations of compositor, pressman, and related skilled and semiskilled occupations including incidental clerical work in the shop, for a learning period of 1000 hours at the rates of $1.10 an hour for the first 500 hours and $1.15 an hour for the remaining 500 hours; (2) 10 student-workers in the broom manufacturing industry in the occupations of broom maker, stitcher and related skilled and semiskilled occupations, for a learning period of 360 hours at the rates of $1.10 an hour for the first 180 hours and $1.15 an hour for the remaining 180 hours.

Ozark Academy, Route 2, Gentry, Ark.; effective 9–1–63 to 8–31–64; authorizing the employment of 12 student-workers in the broom and mop manufacturing industry in the occupations of broom maker, stitcher, sorter, winder, painter and related skilled and semiskilled occupations, for a learning period of 360 hours at the rates of $1.10 an hour for the first 180 and $1.15 an hour for the remaining 180 hours.

Sandia View Academy, Post Office Box 98 and 325 (Corrales Road), Sandoval, New Mexico; effective 9–1–63 to 8–31–64; authorizing the employment of 50 student-workers in the furniture manufacturing (wood) industry in the occupations of woodworking machine operator, assembler, finisher and related skilled and semiskilled occupations, for a learning period of 600 hours at the rates of $1.10 an hour for the first 300 hours and $1.15 an hour for the remaining 300 hours.

Shenandoah Valley Academy, New Market, Va.; effective 9–1–63 to 8–31–64; authorizing the employment of: (1) 25 student-workers in the bookbinding industry in the occupations of bookbinder, bindery worker, sewer, trimmer, backer cutter, casemaker, letterer, and related skilled and semiskilled occupations including incidental clerical work in the shop, for a learning period of 600 hours at the rates of $1.10 an hour for the first 300 hours and $1.15 an hour for the remaining 300 hours; (2) 20 student-workers in the broom and mop manufacturing industry in the occupations of broom maker, stitcher, seeder, sorter, winder, dyer, and related skilled and semiskilled occupations, for a learning period of 360 hours at the rates of $1.10 an hour for the first 180 hours and $1.15 an hour for the remaining 180 hours.

Southern Missionary College, Collegedale, Tenn.; effective 9–1–63 to 8–31–64; authorizing the employment of: (1) 70 student-workers in the bookbinding industry in the occupations of bookbinder, sewer, casemaker and related skilled and semiskilled occupations, for a learning period of 600 hours at the rates of $1.10 an hour for the first 300 hours and $1.15 an hour for the remaining 300 hours; (2) 60 student-workers in the broom manufacturing industry in the occupations of winder, sorter, stitcher and related skilled and semiskilled occupations, for a learning period of 360 hours at the rates of $1.10 an hour for the first 180 hours and $1.15 an hour for the remaining 180 hours; (3) 12 student-workers in the clerical industry in the occupations of typist, filer, stenographer and related skilled and semiskilled occupations, for a learning period of 480 hours at the rates of $1.10 an hour for the first 240 hours and $1.15 an hour for the remaining 240 hours; (4) 35 student-workers in the printing industry in the occupations of compositor, pressman, and related skilled and semiskilled occupations, for a learning period of 1,000 hours at the rates of $1.10 an hour for the first 500 hours and $1.15 an hour for the remaining 500 hours.

Southwestern Union College, Keene, Tex.; effective 9–1–63 to 8–31–64; authorizing the employment of: (1) six student-workers in the printing industry in the occupations of compositor, pressman, bindery worker, camera and plate room technician and related skilled and semiskilled occupations, for a learning period of 1,000 hours at the rates of $1.10 an hour for the first 500 hours and $1.15 an hour for the remaining 500 hours; (2) two student-workers in the clerical industry in the occupations of typist, file clerk, bookkeeper, stenographer, timekeeper and related skilled and semiskilled occupations, for a learning period of 480 hours at the rates of $1.10 an hour for the first 240 hours and $1.15 an hour for the remaining 240 hours.

Thunderbird Academy, 13401 North Scottsdale Road, Scottsdale, Ariz.; effective 9–1–63 to 8–31–64; authorizing the employment of 90 student-workers in the woodworking (manufacturing furniture) industry in the occupations of woodworking machine operator, assembler, furniture finisher, and related skilled and semiskilled occupations including incidental clerical work in the shop, for a learning period of 600 hours at the rates of $1.10 an hour for the first 300 hours and $1.15 an hour for the remaining 300 hours.

Union College, 3800 South 48th Street, Lincoln, Nebr.; effective 9–1–63 to 8–31–64; authorizing the employment of: (1) 8 student-workers in the printing industry in the occupations of compositor, pressman, and related skilled and semiskilled occupations, for a learning period of 1,000 hours at the rates of $1.10 an hour for the first 500 hours and $1.15 an hour for the remaining 500 hours; (2) 15 student-workers in the bookbinding industry in the occupations of bookbinder, bindery worker, and related skilled and semiskilled occupations, for a learning period of 600 hours at the rates of $1.10 an hour for the first 300 hours and $1.15 an hour for the remaining 300 hours; (3) 30 student-workers in the furniture manufacturing industry in the occupations of woodworking machine operator, assembler, finisher, and related skilled and semiskilled occupations, for a learning period of 600 hours at the rates of $1.10 an hour for the first 300 hours and $1.15 an hour for the remaining 300 hours; (4) 8 student-workers in the clerical industry in the occupations of bookkeeper, business machine operator, and related skilled and semiskilled occupations, for a learning period of 480 hours at the rates of $1.10 an hour for the first 240 hours and $1.15 an hour for the remaining 240 hours; (5) 10 student-workers in the broom manufacturing industry in the occupations of broom maker, stitcher, and related skilled and semiskilled occupations, for a learning period of 360 hours at the rates of $1.10 an hour for the first 180 hours and $1.15 an hour for the remaining 180 hours.

Union Springs Academy, Union Springs, N.Y.; effective 9–1–63 to 8–31–64; authorizing the employment of 25 student-workers in the broom manufacturing industry in the occupations of sorter, winder, stitcher and related skilled and semiskilled occupations, for a learning period of 360 hours at the rates of $1.10 an hour for the first 180 hours and $1.15 an hour for the remaining 170 hours.

Upper Columbia Academy, Spangle, Wash.; effective 9–1–63 to 8–31–64; authorizing the employment of 54 student-workers in the furniture manufacturing industry in the occupations of woodworking machine operator, springer, sewer, trimmer, cutter, assembler, upholsterer, furniture finisher and related skilled and semiskilled occupations, for a learning period of 600 hours at the rates of $1.10 an hour for the first 300 hours and $1.15 an hour for the remaining 300 hours.

Walla Walla College, Drawer 1, College Place, Wash.; effective 9–1–63 to 8–31–64; authorizing the employment of: (1) 8 student-workers in the printing industry in the occupations of compositor, pressman, and related skilled and semiskilled occupations, for a learning period of 1,000 hours at the rates of $1.10 an hour for the first 500 hours and $1.15 an hour for the remaining 500 hours; (2) 30 student-workers in the bookbinding industry in the occupations of bookbinding, bindery worker and related skilled and semiskilled occupations, for a learning period of 600 hours at the rates of $1.10 an hour for the first 300 hours and $1.15 an hour for the remaining 300 hours.

The student-worker certificate was issued upon the applicant's representations and supporting material fulfilling the statutory requirements for the issuance of such certificates, as interpreted and applied by Part 527.

Signed at Washington, D.C., this 9th day of September 1963.

ROBERT G. GRONEWALD,
*Authorized Representative of the Administrator.*

[F.R. Doc. 63–9834; Filed, Sept. 13, 1963; 8:47 a.m.]

# INTERSTATE COMMERCE COMMISSION

## FOURTH SECTION APPLICATION FOR RELIEF

SEPTEMBER 11, 1963.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 38533: *Cement and related articles from Joppa, Ill.* Filed by O. W. South, Jr., agent (No. A4373), for interested rail carriers. Rates on cement and related articles, in carloads, from Joppa, Ill., to points in Kentucky and Tennessee.

Grounds for relief: Market competition.

Tariff: Supplement 14 to Southern Freight Association, agent, tariff I.C.C. S–351.

By the Commission.

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

[F.R. Doc. 63–9842; Filed, Sept. 13, 1963; 8:47 a.m.]

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[Application No. 23; Amdt. 5]

## MIDDLE ATLANTIC CONFERENCE AGREEMENT

SEPTEMBER 11, 1963.

The Commission is in receipt of an application in the above-entitled and numbered proceeding for approval of amendments to the agreement therein approved under the provisions of section 5a of the Interstate Commerce Act.

Filed August 30, 1963 by: T. B. Alfriend, Executive Vice President and John F. Rose, General Manager, 2111 E Street NW., P.O. Box 686, Washington 4, D.C.

Amendments involved; Change the agreement so as to (1) include provisions governing divisions of interline revenue and procedures with respect thereto, (2) define clearly the geographical scope of the rate making activities, including

Canada, (3) provide clearly that representation on the board of directors and the general rate committee shall be of member carriers within their respective territories, and (4) clarify and correct certain other provisions, including editorial changes required by the above amendments.

The application may be inspected at the office of the Commission in Washington, D.C.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 20 days from the date of this notice. As provided by the general rules of practice of the Commission, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, Division 2.

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

[F.R. Doc. 63-9843; Filed, Sept. 13, 1963; 8:47 a.m.]

## CUMULATIVE CODIFICATION GUIDE—SEPTEMBER

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

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| 3517 | 9859 |
| 3553 | 9859 |
| 3554 | 9861 |
| EXECUTIVE ORDERS: | |
| Oct. 16, 1918 | 9819 |
| 10735 | 9865 |
| 10984 | 9865 |
| 11098 | 9865 |
| 11118 | 9863 |
| 11119 | 9865 |

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| 6 | 9665 |

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| 1—990 | 10022 |
| 6 | 9876, 9914, 9937 |
| 24 | 9805 |
| 29 | 9839 |
| 37 | 9839 |
| 89 | 9839 |
| 201—210 | 9979 |
| 350 | 9980 |
| 401 | 9980 |
| 501 | 9980 |
| 601 | 9980 |
| 1201—1210 | 9979 |
| 1401 | 9980 |
| 1501 | 9980 |
| 1601 | 9980 |

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| 310 | 9937 |

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| 51 | 9685 |
| 401 | 9837 |
| 722 | 9975 |
| 876 | 9975 |
| 905 | 9806, 9876 |
| 908 | 9807, 9977 |
| 910 | 9807, 9977 |
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| 948 | 9978 |
| 981 | 9914 |
| 987 | 9667, 9771 |
| 1070 | 9689 |
| 1126 | 9667 |
| 1131 | 9772 |
| 1421 | 9809, 9979 |
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| 33 | 9944 |
| 362 | 9783 |
| 719 | 9824 |

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| 984 | 9989 |
| 987 | 9843 |
| 989 | 9923 |
| 1040 | 9881 |
| 1044 | 9946 |

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| 56 | 9915 |
| 74 | 9772 |
| 180 | 9840 |
| PROPOSED RULES: | |
| 201 | 9783 |

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| 1 | 9916 |
| 208 | 9840, 9938 |

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| 71 [New] | 9809, 9938, 9939, 9980 |
| 73 [New] | 9668, 9841 |
| 507 | 9809, 9810, 9841, 9939, 9980, 9981 |
| 514 | 9810, 9939 |
| 609 | 9743, 9752, 9867, 9907 |
| 1204 | 9874 |
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| 13 | 9697 |
| 40 | 9674 |
| 41 | 9674 |
| 42 | 9674 |
| 71 [New] | 9698, 9789, 9790, 9825, 9843–9845, 9948–9955, 9993–9995. |
| 73 [New] | 9955, 9956, 9995 |
| 75 [New] | 9790, 9957 |
| 207 | 9824 |
| 208 | 9824 |
| 212 | 9824 |
| 249 | 9824 |
| 288 | 9989 |
| 292 | 9824 |
| 399 | 9989 |
| 507 | 9790, 9791, 9826, 9827, 9846, 9957, 9993 |
| 514 | 9957 |

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|---|---|
| 385 | 9689 |
| 399 | 9773 |

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| 13 | 9874, 9875, 9917, 9981, 9982 |

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| 2 | 9881 |
| 157 | 9881 |

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| 1 | 9841 |
| 6 | 9841 |
| 10 | 9668, 9811 |
| PROPOSED RULES: | |
| 1 | 9696 |

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| 404 | 9668 |

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| 1 | 9837 |
| 3 | 9982 |
| 22 | 9982 |
| 42 | 9940 |
| 45 | 9879 |
| 121 | 9669, 9689, 9742, 9838, 9879 |
| 130 | 9941 |
| 146 | 9838 |
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| 31 | 9988 |

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| 1 | 9762 |
| 197 | 9669 |

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| 5 | 9690 |
| 25 | 9941 |
| 541 | 9782 |
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| 545 | 9947 |
| 681 | 9947 |
| 1307 | 9881 |
| 1500 | 9696 |

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| 1001 | 9690 |
| 1002 | 9690 |
| 1003 | 9691 |
| 1005 | 9691 |
| 1008 | 9691 |
| 1012 | 9692 |
| 1013 | 9692 |
| 1030 | 9693 |
| 1054 | 9693 |
| 1467 | 9673 |
| 1470 | 9673 |
| 1471 | 9673 |
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